



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, DECEMBER 17, 2013**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, December 17, 2013 at 5:30 p.m. for the purpose of discussing the following items:

**NOTE:** If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

**I. CALL TO ORDER**

Pages  
1-2

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Roll Call.

**II. PUBLIC COMMENTS**

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. The Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

**III. CONSENT AGENDA**

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the Minutes of the Regular Meeting on December 3, 2013. 3-14  
(Requested by City Secretary's Office.) Attachment.
- B. Approval of the renewal of the Affiliation and Program Agreement for Clinical 15-21  
Experience between Weslaco Fire/EMS and Texas State Technical College and  
authorize the Mayor to execute any related documents. (Requested by the Fire  
Department.) Attachment.
- C. Approval of Resolution 2013-97 authorizing signatories to the Texas 22-24  
Community Development Block Grant Program and authorize the Mayor to

execute any related documents. (Requested by City Manager's Office.) Attachment.

- D. Approval of Resolution 2013-98 amending Resolution 2012-72 authorizing the Mayor and City Commissioners to exercise certain powers identified with BBVA Compass Bank, including opening accounts, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor and City Commissioners to execute any related documents. (Requested by Finance Department.) Attachment. 25-28
- E. Approval of Resolution 2013-99 amending Resolution 2012-73 authorizing the Mayor and City Commissioners to exercise certain powers identified with Plains Capital Bank, including opening accounts, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor and City Commissioners to execute any related documents. (Requested by Finance Department.) Attachment. 29-32

#### IV. NEW BUSINESS

- A. Discussion and consideration to authorize the purchase of sixty-five (65) Glock 22 Generation 4 pistols and five (5) Glock 27 Generation 4 pistols with night sights from Buy Board State Approved Contract #363-10 (GT Distributors) at a cost not to exceed \$35,000.00 from the Federal Asset Forfeiture Account, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Police Department.) Attachment. 33
- B. Discussion and consideration to authorize the solicitation of a Request for Qualifications of firms or individuals to conduct an investigation into possible inappropriate use of city staff or resources. Possible action. (Requested by Commissioners Noriega and Pena.)
- C. Discussion with the City Commission regarding the proper role of City Commissioners in a council-manager form of government and failure to follow proper chain of command by Commissioner Olga M. Noriega. Possible action. (Requested by City Manager's Office.)
- D. Discussion of possible complaints or charges against Commissioner Olga M. Noriega for threatening City employees. Possible action. (Requested by City Manager's Office.)
- E. Discussion of a possible complaint against Commissioner Fidel L. Pena III for threatening a City employee. Possible action. (Requested by City Manager's Office.)
- F. Discussion and consideration to approve the final municipal equipment list encompassed by the lease/purchase agreement with The Frost National Bank in an amount not to exceed \$2,000,000.00. Possible action. (Agreement authorized December 3, 2013; Requested by the Mayor.)

**V. REPORTS**

- A. Report by Fire Department on EMS Billing Collections.
- B. Report by Public Utilities Department on Self-Performance of Water, Wastewater, and Lift Station systems.
- C. Report by Bret Mann on Overtime and Compensatory time for fiscal year 2013-2014. Attachment. 34
- D. Special Recognition of the City Secretary's Office Vital Statistics Division by the Texas Department of State and Health Services.

**VI. EXECUTIVE SESSION**

*Texas Government Code, Section 551 Open Meetings:*

*§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty*

(a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

*§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability*

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. [Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.]

**NOTE:** Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

- A. Contemplated Litigation – Discussion with the City Attorney regarding contemplated litigation over the City of Weslaco's 2013 Annexation as authorized by §551.071 of the Texas Government Code.
- B. Personnel – Deliberation of the employment, discipline or dismissal of a public employee: City Manager, including, but not limited to the possible placement of the City Manager on suspension/administrative leave pending an investigation into possible inappropriate use of city staff and/or resources as authorized by §551.074 of the Texas Government Code. (Requested by Commissioners Noriega and Pena.)
- C. Personnel – Deliberation regarding temporary assignment of the duties the City Manager to another in the event the City Manager is suspended or placed on

administrative leave as authorized by §551.074 of the Texas Government Code.  
(Requested by Commissioners Noriega and Pena.)

- D. Personnel – Consultation with City Attorney regarding legal issues associated with Closed Session items as authorized by §551.074 of the Texas Government Code. (Requested by Commissioners Noriega and Pena.)

**VII. POSSIBLE ACTION ON WHAT IS DISCUSSED  
IN EXECUTIVE SESSION**

**VIII. ADJOURNMENT**

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 14<sup>th</sup> day of December 2013 at 4:50 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Elizabeth M. Walker, City Secretary

**NOTE:** If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 3100 prior to the meeting date.