



**A SPECIAL MEETING  
OF THE WESLACO CITY COMMISSION  
FRIDAY, OCTOBER 9, 2015**

On this 9<sup>th</sup> day of October at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in a Special Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor Pro-Tem	Olga Noriega
Commissioner	David R. Fox
Commissioner	Greg Kerr
Commissioner	Gerardo “Jerry” Tafolla
Commissioner	Lupe Rivera
Commissioner	Fidel L. Pena, III
City Manager	Mike R. Perez
City Secretary	Elizabeth Walker

Also present include Jose Pena, IT Director; Mardoqueo Hinojosa, Planning and Code Enforcement Director; Maria Barrera, Finance Director, Veronica Ramirez, HR Director; David Arce, Parks Director; Pete Garcia, Public Facilities; Lt. De la Cerda, Police Department, and other staff members.

**I. CALL TO ORDER**

A. Certification of Public Notice.

Mayor Pro-Tem Noriega called the meeting to order and certified the public notice of the meeting as properly posted Tuesday, October 6, 2015.

B. Pledge of Allegiance.

Mayor Pro-Tem Noriega led the Pledge of Allegiance.

C. Roll Call.

Elizabeth Walker, City Secretary, called the roll, noting the absence of Mayor Suarez.

**II. PUBLIC COMMENTS**

There were no comments received.

**III. NEW BUSINESS**

A. Discussion and consideration to relieve City Attorney Frank Garza from duties effective immediately. Possible action. (Requested by Commissioners Kerr and Fox.)

Commissioner Kerr, seconded by Commissioner Rivera, moved to relieve Frank Garza from duties as City Attorney, that no new matters be assigned and he be removed as counsel for all matters in litigation with the exception of matters involving Jones, Galligan, Key and Lozano.

Mayor Pro-Tem called for discussion. Commissioner Kerr explained he limited his

motion to those matters not involving his own law firm because he didn't want the perception of any conflict of interest. Mayor Pro-Tem Noriega stated Mr. Garza inherited seventeen lawsuits and settled twelve, including one federal lawsuit. She commented though \$305,000.00 was paid in his legal fees, much more was not spent in litigation avoided.

Commissioner Kerr, seconded by Commissioner Tafolla, called for the question. The Mayor Pro-Tem stated she would not recognize it.

Commissioner Kerr, seconded by Commissioner Tafolla, appealed the ruling of the Chair. The Mayor Pro-Tem stated she would not recognize it.

Commissioner Kerr, Commissioner Fox, and Commissioner Tafolla announced their abstention from further discussion.

In response to Commissioner Fox, the City Manager stated the retainer fee for October has been paid to the City Attorney and termination notice was sent by registered mail as called for in the contract. Commissioner Pena voiced concern there would be no cost savings if by contractual obligations the City will need to continue to pay Mr. Garza while paying another attorney.

Commissioner Pena and Tafolla each called for the question.

Mayor Pro Tem called for a roll call vote. By roll call vote, the motion carried with the Mayor Pro-Tem and Commissioner Pena opposed (4-2).

- B. Discussion and consideration to authorize the City Manager to appoint an interim City Attorney. Possible action. (Requested by Commissioners Kerr and Fox.)

Commissioner Fox, seconded by Commissioner Tafolla, moved to authorize the City Manager to appoint an Interim City Attorney.

Commissioner Pena expressed his preference that the City Manager appoint an individual "with clean hands," having no prior involvement with the City.

The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting

#### **IV. ADJOURNMENT**

With no other business before the Commission at 5:50 at p.m. Commissioner Fox, seconded by Commissioner Kerr, moved to adjourn the October 9, 2015 special meeting. The motion carried unanimously.

CITY OF WESLACO

ABSENT

MAYOR, David Suarez

ATTEST:

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CITY SECRETARY, Elizabeth Walker

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MAYOR PRO-TEM, Olga Noriega

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COMMISSIONER, David R. Fox

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COMMISSIONER, Greg Kerr

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COMMISSIONER, Gerardo "Jerry" Tafolla

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COMMISSIONER, Lupe Rivera

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COMMISSIONER, Fidel L. Pena, III