



## MINUTES OF THE CITY OF SAN BENITO REGULAR CITY COMMISSION MEETING

On February 4, 2020 at 5:30 p.m., the City Commission met for a Regular Meeting at the San Benito Municipal Building, Cesar Gonzalez Meeting Hall, 401 North Sam Houston Boulevard, San Benito, Texas.

The following City Commission members were present as noted: Benjamin Gomez, Mayor; Carol Lynn Sanchez, Mayor Pro Tem; Antonio Gonzales, Commissioner, Place 1; Rene Villafranco, Commissioner, Place 2; Mark Sossi, City Attorney.

Administrative Personnel present: Manuel De La Rosa, City Manager; Fred Bell, Assistant City Manager; Ruth McGinnis, City Secretary

Absent City Commission Member(s) and City Personnel: Vacant, Commissioner, Place 3;

### ITEM 1. WELCOME.

**Mayor Benjamin Gomez** called the meeting to order at 5:30 p.m. announcing a quorum was present.

### ITEM 2. PLEDGE OF ALLEGIANCE TO THE U. S .FLAG AND TO THE TEXAS FLAG.

**Commissioner Antonio Gonzales** led the City Commission and audience in reciting the Pledge of Allegiance to the United States Flag and to the Texas Flag.

### ITEM 3. INVOCATION.

**Martha McClain, Public Relations Director** led City Commission and audience in prayer.

### ITEM 4. ANNOUNCEMENTS: ITEMS OF COMMUNITY INTEREST.

**Mayor Pro Tem Carol Lynn Sanchez** announced items of community interest.

### ITEM 5. PUBLIC COMMENTS. (*Speakers/Remarks limited to three minutes. Public Comments limited to forty-five minutes*).

**Ruth McGinnis, City Secretary**, announced no Public Comments.

### ITEM 6: PRESENTATION OF QUARTERLY OVERTIME REPORT FOR THE PERIOD OF OCTOBER 1 THROUGH DECEMBER 31, 2019.

**Yolanda Villafranco, Human Resources and Civil Service Director**, addressed the City Commission by identifying herself stating provided is an Overtime Report for the Quarter of October to December 2019 and asked for questions. **City Manager Manuel De La Rosa**, advised in the future with your permission, we are going to submit this to you as a monthly report to allow you time to review and get back to us. If we need to do any research this wouldn't be the venue to be able to do that. **Commissioner Rene Villafranco** advised he had no questions. No Motion carried **PRESENTATION ONLY.**

### ITEM 7. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NUMBER 2020-0002 OF THE CITY OF SAN BENITO, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION WITH THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL IN COOPERATION WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SOLID WASTE GRANT.

**Bernard Rodriguez, Planning and Development Director** addressed the City Commission stating resolution allows City to apply and submit a grant for solid waste which can either be equipment or educational activity. The equipment, a wood chipper would reduce waste going into solid waste at the landfill. There is no matching grant. **Mayor Benjamin Gomez** requested a motion to approve. **Mayor Pro Tem Carol Lynn Sanchez** moved to approved. **Commissioner Rene Villafranco** seconded the

motion. Voting Aye; Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Rene Villafranco and Commissioner Antonio Gonzales. Motion carried to APPROVE RESOLUTION NUMBER 2020-0002 OF THE CITY OF SAN BENITO, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION WITH THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL IN COOPERATION WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SOLID WASTE GRANT.

ITEM 8. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SERVICE AGREEMENT BETWEEN THE CITY OF SAN BENITO AND THE TEXAS HERITAGE INDEPENDENCE CELEBRATION ASSOCIATION (THICA) FOR USE OF THE SAN BENITO FAIRGROUNDS FOR THE TEXAS INDEPENDENCE LIVING HISTORY DAY EVENT ON FEBRUARY 8, 2020.

Bernard Rodriguez, Planning and Development Director, addressed the City Commission stating THICA is presenting an educational event performing the life in a day in the 1800's and promoting a bigger event in May. Mayor Benjamin Gomez requested a motion to approve. Mayor Pro Tem Carol Lynn Sanchez moved to approve. Commissioner Rene Villafranco moved to approve. Voting Aye; Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Rene Villafranco and Commissioner Antonio Gonzales. Motion carried to APPROVE A SERVICE AGREEMENT BETWEEN THE CITY OF SAN BENITO AND THE TEXAS HERITAGE INDEPENDENCE CELEBRATION ASSOCIATION (THICA) FOR USE OF THE SAN BENITO FAIRGROUNDS FOR THE TEXAS INDEPENDENCE LIVING HISTORY DAY EVENT ON FEBRUARY 8, 2020.

ITEM 9. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE TEXAS HERITAGE INDEPENDENCE CELEBRATION ASSOCIATION (THICA) REQUEST TO SUBMIT AN APPLICATION WITH THE TEXAS ALCOHOLIC BEVERAGE COMMISSION (TABC) IN ORDER TO SELL ALCOHOL AT THE SAN BENITO FAIRGROUNDS FOR THE HAPPY BIRTHDAY TEXASFEST EVENT SCHEDULED ON MARCH 13<sup>TH</sup> AND 14<sup>TH</sup>, 2020.

Assistant City Manager, Fred Bell, addressed the City Commission by identifying himself and stating the Texas Heritage Independence Celebration Association (THICA) submitted a request to sell alcoholic beverages at the San Benito Fairgrounds during the Happy Birthday Texas Fest Event scheduled March 13<sup>th</sup> and 14<sup>th</sup>. THICA has an agreement with Travel Bar who would be responsible for controlling the sales and services of the beverages. In order for them to obtain a permit from Texas Alcoholic Beverage Commission or TABC, to sell alcohol, they must submit an application to TABC. with permission from the City as the event is in City property. In your packets is a THICA letter requesting permission to sell beer at the event and the agreement Happy Birthday Texas Fest between them and the Travel Bar. THICA will provide additional uniformed officers to provide presence and security in the secured area where alcohol will be sold and consumed. City Manager Manuel De La Rosa advised, Mr. Bell, the staff recommendation is conditional approval, compliance with TABC and City regulations. Assistant City Manager Fred Bell confirmed. Mayor Benjamin Gomez requested a motion to approve with conditions as City Manager stated. Commissioner Rene Villafranco moved to approve. Mayor Pro Tem Carol Lynn Sanchez seconded the motion. Voting Aye; Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Rene Villafranco, and Commissioner Antonio Gonzales. Motion carried to APPROVE THE TEXAS HERITAGE INDEPENDENCE CELEBRATION ASSOCIATION (THICA) REQUEST TO SUBMIT AN APPLICATION WITH THE TEXAS ALCOHOLIC BEVERAGE COMMISSION (TABC) IN ORDER TO SELL ALCOHOL AT THE SAN BENITO FAIRGROUNDS FOR THE HAPPY BIRTHDAY TEXASFEST EVENT SCHEDULED ON MARCH 13<sup>TH</sup> AND 14<sup>TH</sup>, 2020.

ITEM 10. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FAIR FESTIVAL OFFER FORM IN ORDER TO PROVIDE RED 11 MUSIC AGENCY A FORMAL PROPOSAL FOR THE SUPPORTING AND HEADLINER ACT PERFORMANCES AT THE HOG WADDLE COUNTRY CONCERT AND COOK-OFF.

Luis Contreras, Cultural Arts Director, addressed the City Commission stating we are preparing for Hog Waddle Country Concert and Cook-off, which provides activities for the entire family, food, petting farms, horseback riding, kiddie carnival and actually a new cook-off feature that encourages the public to sign up and compete for bragging rights for best carnitas. It features a Country-Tejano concert event

which two proposed headlining talents are represented Red 11 Music, a boutique talent agency based out of Austin Texas and Nashville, Tennessee. The item before you is a proposal form essential to the agency in order to present the artist with a firm offer. Inside your packet is a Fair Formal Form as well as the Live Performance Agreement outlining what the City will provide. [City Manager Manuel De La Rosa](#) advised an agreement will take action before the commission will take action in some future date once we submit the offer and is accepted and we work out the details. [Luis Contreras Cultural Arts Director](#) confirmed. [Mayor Benjamin Gomez](#), requested a motion to approve. [Mayor Pro Tem Carol Lynn Sanchez](#) moved to approved. [Commissioner Rene Villafranco](#) seconded the motion. Voting Aye; [Mayor Benjamin Gomez](#), [Mayor Pro Tem Carol Lynn Sanchez](#), [Commissioner Rene Villafranco](#) and [Commissioner Antonio Gonzales](#). Motion carried to [APPROVE THE FAIR FESTIVAL OFFER FORM IN ORDER TO PROVIDE RED 11 MUSIC AGENCY A FORMAL PROPOSAL FOR THE SUPPORTING AND HEADLINER ACT PERFORMANCES AT THE HOG WADDLE COUNTRY CONCERT AND COOK-OFF](#)

ITEM 11. CONSIDERATION AND POSSIBLE ACTION TO APPOINT A COMMISSIONER OR THE MAYOR TO FILL A VACANCY ON THE SAN BENITO HOTEL OCCUPANCY TAX ADVISORY BOARD.

[Martha McClain, Public Relations Director](#), addressed the City Commission stating this item is to fill a vacancy for the Hotel Occupancy Tax Committee Advisory Board. The ordinance requires that the seat be filled by a city commissioner or the mayor. The Hotel Occupancy Committee Board is off to a good start. We've had three meetings since it was organized on December 19<sup>th</sup>. The board has approved guidelines and application for groups to request funding as well as a post event report of the events. [Mayor Benjamin Gomez](#) requested a motion. [Mayor Pro Tem Carol Lynn Sanchez](#) moved to appoint [Commissioner Rene Villafranco](#). [Mayor Benjamin Gomez](#) seconded the motion. Voting Aye; [Mayor Benjamin Gomez](#), [Mayor Pro Tem Carol Lynn Sanchez](#), [Commissioner Rene Villafranco](#) and [Commissioner Antonio Gonzales](#). Motion carried to [APPOINT COMMISSIONER RENE VILLAFRANCO TO FILL A VACANCY ON THE SAN BENITO HOTEL OCCUPANCY TAX ADVISORY BOARD.](#)

ITEM 12. CONSIDERATION AND POSSIBLE ACTION ON APPROVING THE FACILITY USAGE AGREEMENT WITH SAN BENITO YOUTH SPORTS FOR YEAR 2020.

[Ramon Rodriguez, Parks and Recreation Director](#), addressed the City Commission advising the San Benito Youth Baseball and Soccer League is the requesting the approval of the Facilities Agreement for the year 2020. It is my understanding that the league has made significant improvement at Stookey Park by building a new baseball field, installing canopies and other work that they've have done there. For this year, they are proposing to use some of the funds from last year's revenues to install more canopies and lighting at the site. Those plans have to be presented in writing for approval. Staff recommends that we approve the agreement. [Mayor Benjamin Gomez](#), requested a motion to approve. [Commissioner Antonio Gonzales](#) moved to approved. [Mayor Pro Tem Carol Lynn Sanchez](#) seconded the motion. Voting Aye; [Mayor Benjamin Gomez](#), [Commissioner Antonio Gonzales](#), [Mayor Pro Tem Carol Lynn Sanchez](#) and [Commissioner Rene Villafranco](#). Motion carried to [APPROVE THE FACILITY USAGE AGREEMENT WITH SAN BENITO YOUTH SPORTS FOR YEAR 2020.](#)

ITEM 13. DISCUSSION ON AMENDING THE SAN BENITO MEMORIAL PARK CEMETERY BURIAL PLOT FEE PER SPACE FOR AN INFANT OR CHILD.

[City Manager Manuel De La Rosa](#), addressed the City Commission advising in Phase Two of the Memorial Park Cemetery, we have a site to bury children or infants in a plot size measuring forty by twenty-four inches which there are three hundred and twelve plots available. Phase One did not have a very specific area for this type of burials. An amendment to the ordinance will be provided to include it to include a price established for Phase One which is what we are doing for Phase Two which is three hundred and seventy-five dollars per plot. No motion carried [DISCUSSION ONLY.](#)

ITEM 14. EXECUTIVE SESSION:

(a) Consultation with City Attorney pursuant to Texas Government Code §551.071 (1) and (2) to receive legal advice from counsel in regard to threatened litigation arising out of the death of Mr. Ernesto Gonzalez.

**THE CITY COMMISSION CONVENED IN EXECUTIVE SESSION AT 5:54 P.M. AND ADJOURNED AT 6:13 P.M.**

GENERAL SESSION:

ITEM 15. POSSIBLE DISCUSSION AND/OR ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION.

Mayor Benjamin Gomez announced no action taken during Executive Session.

ITEM 16. ADJOURNMENT.

Mayor Benjamin Gomez requested a motion to adjourn. Pro Tem Carol Lynn Sanchez moved to approve. Commissioner Rene Villafranco seconded the motion. Voting Aye; Mayor Benjamin Gomez, Pro Tem Carol Lynn Sanchez, Commissioner Antonio Gonzales and Commissioner Rene Villafranco. Motion carried **TO ADJOURN AT 6:13 P.M.**

Note: The City of San Benito does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the City Secretary at (956) 361-3800, Extension 103, by Monday, no later than 5:00 P.M., to make proper arrangements.

CITY OF SAN BENITO

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BENJAMIN "BEN" GOMEZ  
MAYOR

ATTEST:

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RUTH MCGINNIS  
CITY SECRETARY