



MINUTES

OF THE MARCH 17, 2020 CITY OF SAN BENITO REGULAR CITY COMMISSION MEETING

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

City Commission Members Present: Benjamin Gomez, Mayor ; Antonio Gonzales, Commissioner, Place 1 ; Rene Villafranco, Commissioner, Place 2 ; Mark Sossi, City Attorney

City Commission Member Absent: Carol Lynn Sanchez, Mayor Pro Tem ; Vacant, Commissioner, Place 3

City Administration Members Present: Manuel De La Rosa, City Manager ; Fred Bell, Assistant City Manager ; Ruth McGinnis, City Secretary

ITEM 1. WELCOME.

Mayor Benjamin Gomez called the meeting to order at 5:30 p.m. confirming a quorum.

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

Commission Antonio Gonzales recited the Pledge of Allegiance to the United States Flag and to the Texas Flag.

ITEM 3. INVOCATION.

Mr. Juan Sierra, Thomae Funeral Home, led the City Commission and audience in prayer.

ITEM 4. ANNOUNCEMENTS: ITEMS OF COMMUNITY INTEREST.

Mayor Benjamin Gomez announced all City events have been cancelled and read a Press Release from the City providing contact information relating to the COVID-19 pandemic.

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: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE MARCH 3, 2020 REGULAR CITY COMMISSION MEETING.

Mayor Benjamin Gomez requested a motion. **Commissioner Antonio Gonzales** moved to approved. **Commissioner Rene Villafranco** seconded the motion. Voting Aye; **Mayor Benjamin Gomez, Commissioner Antonio Gonzales** and **Commissioner Rene Villafranco**. Motion carried to **APPROVE THE MINUTES OF THE MARCH 3, 2020 REGULAR CITY COMMISSION MEETING.**

ITEM 7. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NUMBER 2020-0005, A RESOLUTION SUPPORTING PROPOSED RULE CHANGES TO TITLE 34, SECTION 3.334 OF THE TEXAS ADMINISTRATIVE CODE THAT WILL PROVIDE CLARITY FOR CITIES AND LOCAL GOVERNMENT ENTITIES OF ALL SIZES TO RECEIVE THE LOCAL TAX REVENUE FROM ONLINE PURCHASES TO WHICH THEY ARE ENTITLED.

City Manager Manuel De La Rosa addressed the City Commission stating Section 3.334 of the Texas Administrative Code regulates the online purchases, it is important for San Benito if there are any purchases being made from vendors from City as the City receives credit for the sales tax. The Rio Grande Valley Development Council is driving this initiative, getting all the cities in the jurisdiction of our COG, the Council of Government, to support this initiative. There is a letter from Senator Hinojosa, which we wish to forward to the Council of Government so that it can be forwarded to our state officials and hopefully we can get that administrative rule changed. **Mayor Benjamin Gomez** requested a motion. **Commissioner Rene Villafranco** moved to approved. **Commissioner Antonio Gonzales** seconded the motion. Voting Aye; **Mayor Benjamin Gomez, Commissioner Antonio Gonzales, and Commissioner Rene Villafranco.** Motion carried to APPROVE RESOLUTION NUMBER 2020-0005, A RESOLUTION SUPPORTING PROPOSED RULE CHANGES TO TITLE 34, SECTION 3.334 OF THE TEXAS ADMINISTRATIVE CODE THAT WILL PROVIDE CLARITY FOR CITIES AND LOCAL GOVERNMENT ENTITIES OF ALL SIZES TO RECEIVE THE LOCAL TAX REVENUE FROM ONLINE PURCHASES TO WHICH THEY ARE ENTITLED.

ITEM 8. DISCUSSION AND POSSIBLE ACTION ON THE 2020 CONSUMER PRICE INDEX (CPI) ADJUSTMENT TO MUNICIPAL TELECOMMUNICATIONS RIGHT-OF-WAY ACCESS LINE RATES.

City Manager Manuel De La Rosa addressed the City Commission stating this is a yearly and anybody that has any type of communication structure within these right-of-ways, the City receives a certain revenue. The increase from the 2019 amount is less than one percent, it's 0.7267 percent from the 2019 rates and recommended the city approve rate structure. **Mayor Benjamin Gomez** requested a motion. **Commissioner Rene Villafranco** moved to approved. **Commissioner Antonio Gonzales** seconded the motion. Voting Aye; **Mayor Benjamin Gomez, Commissioner Antonio Gonzales, and Commissioner Rene Villafranco.** Motion carried to APPROVE THE 2020 CONSUMER PRICE INDEX (CPI) ADJUSTMENT TO MUNICIPAL TELECOMMUNICATIONS RIGHT-OF-WAY ACCESS LINE RATES.

ITEM 9. CONSIDERATION AND POSSIBLE ACTION ON REQUEST FROM THE SAN BENITO FOOD PANTRY LOCATED AT 2007 EAST EXPRESSWAY 83 FOR FINANCIAL ASSISTANCE ON THEIR WATER BILL.

City Manager, Manuel De La Rosa addressed the City Commission advising a letter from the San Benito Food Pantry by Ms. Forrest Walker, President of the Food Pantry is in their binders dated February 25, 2020 and requested for Ms. Walker to go over her request to the City Commission. **Ms. Forest Walker, Food Pantry President,** addressed the City Commission sharing history about the San Benito Food Pantry and how they do not receive assistance from nobody, solely depend on donations. She met with Fred Bell who in turn introduced her to Belen Pena, Finance Director, who provided an approximate monthly due to City for water services with changes every month since the Food Pantry has no trash service. Ms. Walker expressed differences on her water invoices, a steady rate for a year, then increased afterwards. She contacted the Utilities Department but never received a return call and later talked with Fernando Garcia, Accountant, and states he never called her back. She contacted Mayor Gomez and had a meeting with City Manager Manuel De La Rosa to reason why invoice was too high as Food Pantry cannot pay it. Ms. Walker proceed to state the many organizations she helps in the City. **City Manager Manuel De La Rosa** advised the City has an ordinance that allows for us to work out payment plans. **City Attorney, Mark Sossi** advised he would recommend that the commission simply refer her to the water department to work out a plan if possible under the existing policies that are in place and they have to pay.

Mayor Benjamin Gomez requested a motion. Commissioner Rene Villafranco motioned to charge the Food Pantry \$65.00 a month for the past five months and start with new garbage and sewer this cycle. Mayor Benjamin Gomez seconded the motion. Commissioner Antonio Gonzales voted Nay. Voting Aye; Mayor Benjamin Gomez and Commissioner Rene Villafranco. Motion carried to **APPROVE FOR THE SAN BENITO FOOD PANTRY TO PAY \$65.00 A MONTH FOR THE PAST FIVE MONTHS AND START WITH NEW GARBAGE AND SEWER THIS CYCLE.**

ITEM 10. EXECUTIVE SESSION:

- a) Consultation with City Attorney pursuant to Texas Government Code §551.071(2) on amending Ordinance 2101 and Code of Ordinances Chapter 12, Article 12.05, Parking, Stopping, and Standing sections.
- b) Discussion regarding real property pursuant to Texas Government Code §551.072 to deliberate the purchase, exchange, lease, or value of real property where the deliberation in an open meeting would have a detrimental effect on the position of the government body in negotiations with a third person.
- c) To deliberate, pursuant to Texas Government Code §551.074(a)(1), a personnel action relating to the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager.

THE CITY COMMISSION CONVENED INTO EXECUTIVE SESSION AT 6:16 P.M. AND ADJOURNED AT 6:50 P.M.

GENERAL SESSION:

ITEM 11. CONSIDERATION AND POSSIBLE ACTION ON AGENDA ITEM 10 (A), FIRST READING OF ORDINANCE 2572, AN ORDINANCE OF THE CITY OF SAN BENITO, TEXAS AMENDING ORDINANCE NUMBER 2101 AND CODE OF ORDINANCES CHAPTER 12, ARTICLE 12.05 "PARKING, STOPPING AND STANDING" SECTIONS, REGULATING THE PARKING OF VEHICLES ON PUBLIC STREET AND PRIVATE AREAS. PROVIDING CUMULATIVE AND SEVERABILITY CLAUSES, PROVIDING PENALTIES AND ESTABLISHING AN EFFECTIVE DATE.

Mayor Benjamin Gomez announced No Motion carried **FIRST READING, NO ACTION.**

ITEM 12. CONSIDERATION AND POSSIBLE ACTION ON AGENDA ITEM 10 (B).

Mayor Benjamin Gomez announced Motion carried to **PROCEED AS ADVISED BY COUNSEL IN EXECUTIVE SESSION.**

ITEM 13. CONSIDERATION AND POSSIBLE ACTION ON AGENDA ITEM 10 (C).

Mayor Benjamin Gomez announced No Motion carried, **NO ACTION TAKEN.**

ITEM 14. ADJOURNMENT.

Mayor Benjamin Gomez requested a motion to adjourn. Commissioner Rene Villafranco moved to adjourn. Commissioner Antonio Gonzales seconded the motion. Voting Aye; Mayor

Benjamin Gomez, Commissioner Antonio Gonzales and Commissioner Rene Villafranco.
Motion carried to **ADJOURN AT 6:50 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

BENJAMIN "BEN" GOMEZ
MAYOR

ATTEST:

RUTH MCGINNIS
CITY SECRETARY