



CITY OF SAN BENITO  
REGULAR MEETING  
October 7, 2008

On October 7, 2008, the City Commission met for their Regular Meeting at the San Benito Municipal Building (Cesar Gonzalez Meeting Hall), 401 N. Sam Houston, San Benito, Texas 6:30 PM A quorum was present including the following: JOE H. HERNANDEZ ~ MAYOR as the Presiding officer.

## *CITY COMMISSION*

Joe H. Hernandez ~ Mayor  
Victor Garza ~ Mayor Pro Tem  
Rene Farias ~ Commissioner No. 1  
Jack Garcia ~ Commissioner No. 2  
Celeste Sanchez ~ Commissioner No. 4

## *ADMINISTRATIVE STAFF*

Lupita Passemment ~ City Secretary  
Hector Jalomo ~ Interim City Manager

### ABSENT

Jesus Ramirez ~ City Attorney  
Jose Guerrero ~ Alternate City Attorney

#### ITEM 1. WELCOME.

**Mayor Joe H. Hernandez** welcomed everyone to the Regular City Commission meeting of the City of San Benito those who have business and those who came to listen, welcome.

#### ITEM 2. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG AND TO THE TEXAS FLAG: LED BY MAYOR PRO-TEM VICTOR GARZA.

**Mayor Pro Tem Victor Garza** led the Pledge of Allegiance to the US Flag and to the Texas Flag.

#### ITEM 3. INVOCATION:

**Marina Rodriguez** did the invocation.

#### ITEM 4. PUBLIC COMMENTS.

Rogelio Nunez informed the commission on the rescheduling of Conjunto Festival on October 25 & 26<sup>th</sup>. Speaking against Item 13, the rezoning of Ordinance No. 2425 were Robert Lozano, Larry Frank, and speaking for that item: Jacqueline Salinas, Dolores Miranda, Chris Hamby, Carmen Sandoval, Mauro Sandoval, Bea Weaver, Lupita Gutierrez Garza, and Robert Sandoval. A petition was also presented with signatures on behalf of the rezoning. Speaking for closure of Fannin Street were Daniel Cortez, Ken Boltz and Rene Garza, Speaking on brush pickup was Gavino Sotello, John Guevarra on Municipal Court Collections and Eddie Garza.

#### ITEM 5. CONSIDERATION AND ACTION ON APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF SEPTEMBER 16 AND SPECIAL MEETING OF OCTOBER 2, 2008.

**Mayor Pro Tem Victor Garza** moved to approve the minutes and **Commissioner Rene Farias** seconded the motion. Each commissioner voted AYE. The motion carried to approve **MINUTES FOR THE REGULAR MEETING OF SEPTEMBER 16 AND SPECIAL MEETING OF OCTOBER 2, 2008.**

#### ITEM 6. CONSIDERATION AND ACTION ON APPROVAL OF CAMERON COUNTY EMERGENCY SERVICES DISTRICT NO. 1 FIRE AND EMS CONTRACTS FOR THE FY 2008 ~ 2009.

**Commissioner Celeste Sanchez** moved to approve the contract and **Mayor Pro Tem Victor Garza** seconded the motion. Each commissioner voted AYE. The motion carried to approve **CAMERON COUNTY EMERGENCY SERVICES DISTRICT NO. 1 FIRE AND EMS CONTRACTS FOR THE FY 2008 ~ 2009.**

ITEM 7. CONSIDERATION AND ACTION FOR OUT OF STATE TRAVEL FOR POLICE.

**Orlando Garcia, Director of Public Safety**, briefed the commission on the trip for personnel from the police department (4) to travel to Las Vegas for Forensic Analysis of Cellular Phone Data and investigative Background Research. The purpose of this seminar is to expose the attendee to proficient and effective investigations utilizing available database and cellular usage records. The detectives are the ones attending this seminar which are the narcotics unit. **Mayor Pro Tem Victor Garza** moved to approve and **Commissioner Celeste Sanchez** seconded the motion. Each commissioner voted. The motion carried to approve FOR OUT OF STATE TRAVEL FOR POLICE.

ITEM 8. CONSIDERATION AND ACTION ON AWARDING MUNICIPAL COURT PROPOSALS FOR THE COLLECTION OF MUNICIPAL COURT FEES.

Three proposals were received by the City for the collection of Municipal Court Fees as follows:

- Linebarger, Goggan, Blair & Sampson, LLP with a 30% fee
- Pena, Esparza & Garza, LLP with a 20% fee**
- Flores & Torres, LLP with a 25% fee

After a brief review by the City Commission, **Commissioner Jack Garcia** moved to award the proposal to **Pena, Esparza & Garza, LLP with a 20% fee.** **Commissioner Rene Farias** seconded the motion. Voting for the proposal: **Commissioners Jack Garcia, Rene Farias and Celeste Sanchez.** Against the proposal: **Mayor Pro Tem Victor Garza.** Motion carried to approve AWARDING MUNICIPAL COURT PROPOSALS FOR THE COLLECTION OF MUNICIPAL COURT FEES TO Pena, Esparza & Garza, LLP with a 20% fee.

ITEM 9. CONSIDERATION AND ACTION ON QUARTERLY INVESTMENT POLICY.

**Mayor Pro Tem Victor Garza** moved to approve and **Commissioner Rene Farias** seconded the motion. Each commissioner voted AYE. The motion carried to approve the CITY OF SAN BENITO INVESTMENT POLICY FOR THE YEAR.

ITEM 10. CONSIDERATION AND ACTION ON PROPOSAL FOR TEXAS INDEPENDENCE DAY CELEBRATION ON FEBRUARY 28, 2009.

**Jack Ayoub** spoke the on the proposed Texas Independence Day Celebration on February 28, 2008 and presented some of the ladies in the traditional Independence Day Celebration dress attires and briefed the commission on the celebration that they wanted to do and what it entailed. **Commissioner Jack Garcia** moved to approve and **Commissioner Rene Farias** seconded the motion. Each commissioner voted AYE. The motion carried to approve PROPOSAL FOR TEXAS INDEPENDENCE DAY CELEBRATION ON FEBRUARY 28, 2009.

ITEM 11. CONSIDERATION AND ACTION ON APPOINTMENT OF MEMBERS TO THE MUSEUM DEVELOPMENT STEERING COMMITTEE.

**Martha McClain** presented the following names to be appointed to the Museum Development Steering Committee. **Commissioner Celeste Sanchez** moved to approve and **Commissioner Rene Farias** seconded the motion. Each commissioner voted AYE. The motion carried to approve APPOINTMENT OF MEMBERS TO THE MUSEUM DEVELOPMENT STEERING COMMITTEE.

Name	Appointed
Tottie Madden	October 2, 2008
Rey Avila	October 2, 2008
Rogelio Nunez	October 2, 2008
Ron Rogers	October 2, 2008

ITEM 12. CONSIDERATION AND ACTION ON APPROVING RESOLUTION 2008-8: A RESOLUTION TO BE A CO-SPONSOR OF THE TEXAS CONJUNTO MUSIC HALL OF FAME INDUCTION AWARDS.

**Commissioner Celeste Sanchez** moved to approve and **Commissioner Jack Garcia** seconded the motion. Each commissioner voted AYE. The motion carried to approve RESOLUTION 2008-8: A RESOLUTION TO BE A CO-SPONSOR OF THE TEXAS CONJUNTO MUSIC HALL OF FAME INDUCTION AWARDS.

**ITEM 13. CONSIDERATION AND ACTION ON SECOND AND FINAL READING OF ORDINANCE NO. 2425: AN ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF SAN BENITO TO REZONE 11.682 ACRES OUT OF BLOCK 154 SAN BENITO LAND AND WATER COMPANY SUBDIVISION FROM (A-O) AGRICULTURE OPEN SPACE TO (C-2) COMMERCIAL GENERAL RETAIL.**

**Hector Jalomo, Interim City Manager**, briefed the commission that Mr. Curtis Hill, (is out of town) Planning and Development Director was working on the Land Use study and at this time the recommendation was to deny this re-zoning until the land use study has been completed. The Planning and Zoning Commission recommend denial of this re-zoning. **Mayor Pro Tem Victor Garza** moved to deny. **Commissioner Rene Farias** seconded the motion. Each commissioner voted AYE. The motion carried to deny **READING OF ORDINANCE NO. 2425: AN ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF SAN BENITO TO REZONE 11.682 ACRES OUT OF BLOCK 154 SAN BENITO LAND AND WATER COMPANY SUBDIVISION FROM (A-O) AGRICULTURE OPEN SPACE TO (C-2) COMMERCIAL GENERAL RETAIL.**

**ITEM 14. CONSIDERATION AND ACTION SECOND AND FINAL READING OF ORDINANCE NO. 2426: AN ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF SAN BENITO TO REZONE LOT 3-7 OUT OF VILLA VILLANCIA SECTION II SUBDIVISION FROM (SF-1, SINGLE FAMILY RESIDENTIAL) TO (MF, MULTIFAMILY).**

**Hector Jalomo, Interim City Manager**, this is another item that the Planning and Zoning recommend denial. **Mayor Pro Tem Victor Garza** moved to deny. **Commissioner Rene Farias** seconded the motion. Each commissioner voted AYE. The motion carried to deny **READING OF ORDINANCE NO. 2426: AN ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF SAN BENITO TO REZONE LOT 3-7 OUT OF VILLA VILLANCIA SECTION II SUBDIVISION FROM (SF-1, SINGLE FAMILY RESIDENTIAL) TO (MF, MULTIFAMILY).**

**ITEM 15. CONSIDERATION AND ACTION ON SECOND AND FINAL READING OF ORDINANCE NO. 2409B: AN ORDINANCE AMENDING ORDINANCE NO. 2409A AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH AND SETTING RATES FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES.**

**Hector Jalomo, Interim City Manager**, briefed explained to the commission the CPI index which causes the rates to go up for the garbage collection. **Mayor Pro Tem Victor Garza** moved to approve and **Commissioner Rene Farias** seconded the motion. Each commissioner voted AYE. The motion carried to approve **SECOND AND FINAL READING OF ORDINANCE NO. 2409B: AN ORDINANCE AMENDING ORDINANCE NO. 2409A AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH AND SETTING RATES FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES.**

**A. RESIDENTIAL RATE: AUTOMATED**

(Prior \$15.25) (New \$15.55) /mo/Residential Unit twice a week.

1. All residential units shall subscribe to solid waste collection and disposal services as provided by the City of San Benito or its Contractor.
2. All garbage to be picked up must be placed inside container provided by contractor.
3. Pick up frequency shall be twice per week.
4. A single family residence may request one additional container at \$6.00 per month.

5. Multi-unit customers may subscribe to residential service at (Prior 15.25)(New\$15.55) per container.

**B. COMMERCIAL - AUTOMATED**

\$30.00/mo/Commercial Unit twice a week

1. All commercial units shall subscribe to solid waste collection and disposal services as provided by the City of San Benito or its Contractor.
2. All garbage to be picked up must be placed inside container provided by contractor.
3. Pick up frequency shall be twice per week.

**C. COMMERCIAL - BINS**

Commercial bin service for solid waste as necessitated by volume of waste produced or by request of the subscriber shall comply with the following rate schedule:

This cost is passed on because of the CPI Index and due to gas prices going up.

NEW					
Commercial Bin Size	Pick Up Frequency/Week				
	1X	2X	3X	4X	5X
2 YARD	\$ 40.00	\$ 77.00	\$ 115.00	\$ 153.00	\$ 222.36
3 YARD	\$ 58.00	\$ 115.00	\$ 172.00	\$ 230.00	\$ 290.00
4 YARD	\$ 77.00	\$ 154.00	\$ 231.00	\$ 307.00	\$ 383.00
6 YARD	\$ 116.00	\$ 231.00	\$ 345.00	\$ 460.00	\$ 575.00
8 YARD	\$ 154.00	\$ 307.00	\$ 460.00	\$ 612.00	\$ 765.00

C. COMMERCIAL - BINS (continued)

PRIOR					
Commercial Bin Size	Pick Up Frequency/Week				
	1X	2X	3X	4X	5X
2 YARD	\$ 39.56	\$ 76.12	\$ 109.96	\$ 149.23	\$ 222.36
3 YARD	\$ 57.83	\$ 112.68	\$ 167.52	\$ 222.36	\$ 277.14
4 YARD	\$ 76.12	\$ 149.23	\$ 222.36	\$ 295.46	\$ 368.57
6 YARD	\$ 112.68	\$ 222.36	\$ 332.15	\$ 441.70	\$ 551.38
8 YARD	\$ 149.23	\$ 295.46	\$ 441.70	\$ 587.93	\$ 734.18

**ITEM 16. CONSIDER FIRST READING OF ORDINANCE NO. 2427: AN ORDINANCE ON LOADING AND UNLOADING.**

No action taken on first reading of Ordinance No. 2427.

**ITEM 17. CONSIDERATION AND ACTION ON AWARDED DEMOLITION BID FOR DEMOLITION OF AMIGOS DEL VALLE BUILDING IN SAN BENITO.**

The City went out for bids on the demolition of the Cesar Gonzalez building known as the Amigos Del Valle. There were two bids received as follows:

Vendor	Amount
AGIII Contractors	\$ 12,500.00
C&A Builders	\$ 19,450.00

Mayor Pro Tem Victor Garza moved to approve and Commissioner Celeste Sanchez seconded the motion. Each commissioner voted AYE. The motion carried to approve **AWARDING DEMOLITION BID FOR DEMOLITION OF AMIGOS DEL VALLE BUILDING IN SAN BENITO TO AGIII CONTRACTORS IN THE AMOUNT OF \$12,500.00.**

**ITEM 18. ADMINISTRATIVE REPORT.**

Hector Jalomo, Interim City Manager briefed the commission on the stock show grounds and that a structural engineer had been hired and his recommendation was that those buildings are beyond repair and they should not be used at all until they are completely demolished at the airport property. Commissioner Jack Garcia was concerned on the scholarship fund that is done and maybe the school district would be able to help out. The City Cemetery was in discussion for expansion but there would be a cost if expanded.

**ITEM 19. ADJOURNMENT.**

Mayor Pro Tem Victor Garza moved to adjourn and Commissioner Rene Farias seconded the motion. Each Commissioner voted AYE. The motion carried to adjourn. Meeting adjourned at 8:18 p.m.

CITY OF SAN BENITO

ATTEST:

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JOE HERNANDEZ, MAYOR

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LUPITA PASSEMENT, CITY SECRETARY