



MINUTES OF THE CITY OF SAN BENITO SPECIAL CITY COMMISSION MEETING

On October 3, 2019 the City Commission met for a Special Meeting at the San Benito Municipal Building, Cesar Gonzalez Meeting Hall, 401 North Sam Houston Boulevard, San Benito, Texas at 5:30 p.m. A quorum was present including the following:

HONORABLE BENJAMIN GOMEZ, MAYOR, WAS THE PRESIDING OFFICER

CITY COMMISSION MEMBERS

Benjamin Gomez - Mayor
Carol Lynn Sanchez - Mayor Pro Tem
Antonio Gonzales - Commissioner, Place 1
Rene Villafranco - Commissioner, Place 2
Ricardo Guerra - Commissioner, Place 3
Mark Sossi - City Attorney

ADMINISTRATIVE STAFF

Manuel De La Rosa - City Manager
Fred Bell - Assistant City Manager
Ruth McGinnis - City Secretary

ABSENT

Mayor Pro Tem Carol Lynn Sanchez

ITEM 1. WELCOME.

Mayor Benjamin Gomez called the meeting to order. "The City Commission and I welcome you to this Special City Commission Meeting. The time is 5:30 p.m. and we have a quorum."

Mark Sossi, City Attorney, requested agenda item number four be withdrawn from the agenda. **Mayor Benjamin Gomez** announced City Attorney has requested agenda item number four to be withdrawn and withdrawing agenda item number four.

ITEM 2. PUBLIC COMMENTS. (Speakers/Remarks limited to three minutes. Public Comments limited to forty-five minutes).

Mayor Benjamin Gomez asked **Ruth McGinnis, City Secretary**, if anyone was present for Public Comments. **Ruth McGinnis, City Secretary**, announced **Mr. Ben Cortez, Citizen**, who addressed the City Commission stating he wants to discuss corruption in the City of San Benito. Corruption is a form of dishonesty or criminal activity undertaken by a person or organization entrusted with a position of authority that abuses entrusted power for private gain. There is political corruption and there is police corruption. Police corruption is misconduct designed to obtain financial benefit, personal gain and career advancements for a police officer, often in exchange for not pushing or selectively pursuing an investigation or arrest and forcing members to lie to protect other members'

accountability. First of all, Mayor, I am very disappointed in you, sir, because, when I supported you when you were going to run, you mentioned complete transparency. I really believed in you, that you were going to take care of the City of San Benito. Unfortunately, tonight, I feel that you let not only myself and people that supported you down but also the community. Mr. De La Rosa invited Mr. Mills to do the internal investigation. Mr. Mills used to be Mr. De La Rosa's Police Chief in Jonestown. By Mr. Mills' actions or what happened in Jonestown according to this article, it forced the resignation of Mr. De La Rosa. But not only this one but also after Mr. De La Rosa left, Mr. Mills, in this news article by the Statement in Austin, also identified illegal doings that he was doing. So, Mr. De La Rosa and you, Mr. Mills' illegalities when he hired him to do our IA investigation. We haven't seen the IA investigation. I requested a public information on the cost of the IA investigation. It appears that Mr. De La Rosa operates under the auspices of preference. He is not going to hire anyone who is good for San Benito. He is going to hire someone that is good for him. He hired Mr. Mills, he worked with Mr. Mills. I don't know about Mr. Mills. At least Mr. Mills was honest enough when I was on the planning and zoning to say that he didn't know anything about planning and zoning. He applied for the position at finance. A good city manager hires people to the position that is going to benefit the city, not benefit you, sir. I think that you are an underachiever and that is the reason that you hire people that you know, hire people who are going to lie for you, people that are going to back you up and not for the. [Mark Sossi, City Attorney](#) addressed the Mayor and City Commission stating this a personal attack category. Mr. De La Rosa is an employee of the City. Personal matters are something that are handle in Executive Session. If he wants to make a complaint of that nature, there is a proper ground for that, a proper form for that and he is kind of crossing the line here. [Mr. Ben Cortez, Citizen](#) said, thank you. [Mayor Benjamin Gomez](#) stated, thank you Mr. Cortez, and to clear off, you never supported me. First of all, you don't even live in San Benito, you can't even vote. You came in and you want transparency. I can give you only what I know. If I don't know, what do you want me to give you. If I don't know, you know more than I do. So, I don't know where you get your information from and if we are having police officers leaking out information to Mr. Cortez. [Mayor Benjamin Gomez](#) addressed [Fred Bell, Assistant City Manager/Interim Police Chief](#) stating, we need to find out who is leaking it out because I sure don't know what is going on. [Mr. Ben Cortez, Citizen](#) stated, the IA investigation, IA reports should be made public. [Mayor Benjamin Gomez](#) affirmed, exactly and I know what IA is. [Mr. Ben Cortez, Citizen](#), stated, why are you keeping it away from the public. [Mayor Benjamin Gomez](#), stated, I tried to open an IA investigation before I was mayor and nothing happened and these are your friends. I don't know where you get your information from. [Mr. Ben Cortez, Citizen](#), advised, it's Incident Reports, Mayor, it's incident reports are reports that the police officers do and when they go investigate something and the police tells them to stand down because of who they are, they are still recorded. [Mayor Benjamin Gomez](#), stated, I know, but. [Mr. Ben Cortez, Citizen](#), stated, so you are hiding it from the public. [Mark Sossi, City Attorney](#), stated, Mayor, this matter is not in the agenda. [Mayor Benjamin Gomez](#), stated, yes, I know. [Mark Sossi, City Attorney](#), stated, and if he wants to make a complaint in internal affairs and complain, he can file it with the Chief of Police or the Texas Rangers. I certainly haven't heard one legitimate criticism about Mr. Mills' report. It was just a bunch of innuendo from a union poster but that is fine. If he has a complaint he can take it to the proper place. [Mayor Benjamin Gomez](#), stated, ok, sir, thank you. [Mr. Ben Cortez, Citizen](#), stated, thank you. [Ruth McGinnis, City Secretary](#), announced end for Public Comments.

ITEM 3. CONSIDERATION FIRST READING OF ORDINANCE NUMBER 2570, AN ORDINANCE PROVIDING FOR CHANGE IN THE BUDGETED AND AUTHORIZED POSITIONS OF LIEUTENANTS AND PATROL OFFICER FOR THE SAN BENITO POLICE DEPARTMENT.

Yolanda Villafranca, Human Resources Director, identified herself and addressed the City Commission stating Ordinance 2570 reflects the recommended budgeted and authorized positions for the San Benito Police Department as outlined in the attachment. **Mayor Benjamin Gomez** announced First Reading. No Motion carried to **FIRST READING, PRESENTATION ONLY.**

ITEM 5. EXECUTIVE SESSION:

- a) Deliberate pursuant to Texas Government Code §551.087(1) and (2) to discuss or deliberate regarding commercial or financial information that the governmental body has received from business prospect(s) that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; and/or to deliberate the offer of a financial or other incentive to a business prospect.

THE CITY COMMISSION CONVENED INTO EXECUTIVE SESSION AT 5:43 P.M. AND ADJOURNED AT 5:55 P.M.

Commissioner Antonio Gonzales questioned what did we do with agenda item number four and what was the reason of the withdrawal. **Mayor Benjamin Gomez** advised, agenda item number four was withdrawn. **Mark Sossi, City Attorney** stated, I think the City Charter requires some time between the First and Second Reading so we are going to bring that back and do it at another meeting. **Commissioner Antonio Gonzales** asked, aren't we supposed to have the First and Second Reading in the same agenda. **Mark Sossi, City Attorney** advised, in this case, we want to have it at different meetings. **Commissioner Antonio Gonzales** mentioned, no, but I'm asking a question, is it alright if we have both First Reading and Second Reading. **Mark Sossi, City Attorney**, advised, not on this item, there are other exceptions but I'm not. **Commissioner Antonio Gonzales** mentioned he would like to know the other exception. **City Manager, Manuel De La Rosa**, stated, Commissioner, I can answer the first one, on the other exceptions, you might recall that recently you issued Certificates of Obligation, Bond Counsel Arnoldo Cantu said that we can have the two readings, this happened in the last two months. He said that we can have the two readings even if you, city charters don't say that it can, state law supersedes that. **Commissioner Antonio Gonzales** questioned if it supersedes it. **City Manager, Manuel De La Rosa** confirmed, yes, sir, Arnold Cantu advised that in this room two months ago. **Commissioner Antonio Gonzales** asked who said that Charters supersede that. **City Manager, Manuel De La Rosa** advised, no, the State Law supersedes the City Charter. **Commissioner Antonio Gonzales**, stated, leave it alone. **City Manager Manuel De La Rosa** advised this one doesn't, unless there is an exception, and I don't believe there is in this one.

GENERAL SESSION:

ITEM 6. POSSIBLE DISCUSSION AND/OR ACTION ON ITEM DISCUSSED PURSUANT TO TEXAS GOVERNMENT CODE §551.087(1) AND (2) IN EXECUTIVE SESSION.

Mayor Benjamin Gomez requested a motion to approve action as discussed in Executive Session. Commissioner Ricardo Guerra moved to approve. Commissioner Antonio Gonzales seconded the motion. Voting Aye: Mayor Benjamin Gomez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco and Commissioner Ricardo Guerra. Motion carried to APPROVE ITEM DISCUSSED PURSUANT TO TEXAS GOVERNMENT CODE §551.0817(1) AND (2) IN EXECUTIVE SESSION.

ITEM 7. ADJOURNMENT.

Mayor Benjamin Gomez requested a motion to adjourn. Commissioner Ricardo Guerra moved to approve. Commissioner Antonio Gonzales seconded the motion. Voting aye: Mayor Benjamin Gomez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco, and Commissioner Ricardo Guerra. Motion carried to ADJOURN AT 5:56 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