



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

On January 15, 2019 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 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**

ADMINISTRATIVE STAFF

**Mark Sossi - City Attorney
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. "The City Commission and I welcome you to this Regular City Commission Meeting. The time is 5:30 p.m. and we have a quorum."

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

Commissioner Ricardo Guerra led the City Commission and audience in reciting the Pledges of Allegiance to the United States flag and to the Texas flag.

ITEM 3. INVOCATION.

Mr. Lionel Betancourt led City Commission Members and audience in prayer.

Mayor Pro Tem Carol Lynn Sanchez arrived at 5:43 p.m.

ITEM 4. ANNOUNCEMENTS: ITEMS OF COMMUNITY INTEREST.

Mayor Benjamin Gomez announced Free Exercise Classes at the Community Building at 201 East Heywood on Wednesday and Friday from 8am to 9am. Zumba Classes on Monday and Wednesday from 5:30pm to 6:30pm and Yoga is on Mondays from 8:30am to 9:30am and Fridays from 9am to 10am. For more information contact Letty Gomez at 956-357-4564. Free GED Practice Assistance at the San Benito Library every Monday and Wednesday of the month, classes are from 6pm to 8pm. The Writers' Forum meets every first Tuesday of the month at the San Benito Library at 101 West Rose at 7pm. On January 21, 2019 is Martin Luther King Jr. Day and City will be closed, will resume regular hours on Tuesday, January 22nd, 2019. The Third Annual Resaca City Bike Tour will be on Saturday,

February 9th at 8am at the Heavin Resaca Trail Park located at 705 North Bowie Street. To register visit San Benito Chamber of Commerce at 223 South Sam Houston or go online at www.chamberofsanbenito.com. Mayor Benjamin Gomez announced he received a call complimenting and thanked Adan Gonzalez, Public Works Director and his crews for cleaning street curbs on neighborhoods and residents were very appreciative.

ITEM 5. PUBLIC COMMENTS - (SPEAKER/REMARKS LIMITED TO THREE MINUTES. PUBLIC COMMENTS LIMITED TO THIRTY MINUTES.)

Ruth McGinnis, City Secretary announced Ms. Lynne Pare, citizen of San Benito, who addressed City Commission expressing she appreciates being given partial rules to public comments but will caution everybody to listen on what she is about to say regarding public comments. One thing people should remember is about transparent, allowing light to pass through so objects behind can be distinctively seen, also clear and crystal. Opaque, not able to be seen through, not transparent, blurred, smeared, dirt. Empathy, the ability to understand show the feelings of another. Compassion, concern, decency, love. Thank you for the new updates on the website and look forward to more. Proposing with all disruptions, regarding City Commission Meetings, EDC Meetings, and other Meetings that we have the ability to livestream them all. Resolution 2018-027, passed last month, needs to be rescinded and looked at again, it's in direct violation of Ordinance Article 1.02 City Commission Division Meetings Order and Decorum, has already been put on the books, voted on and the other issue with same resolution mentions city commission, the employees, what they should be doing, but people who speak and public at large are the only ones who have direct consequences, warnings and arrest. Do not clap, do not stamp your feet or you may be arrested tonight.

Ruth McGinnis, City Secretary, announced Mr. Alfonso Benavides who addressed City Commission on behalf of the community about transparency not conveyed. Questioning certain things occurring at the Police Department, and asking who is in charge of the Police Department. Galvan on his way home, he was heard on the radio giving out orders via radio. Lack of transparency. Question if internal affairs investigation is being initiated and if it has who is conducting it. As of yesterday, there is no IA, if there is someone conducting it, come forward and let the community know. On item 24 you have Ricardo Trevino as possible threat of lawsuit, a lawsuit has not even been filed, we do not know if it's gone to the District Attorney. This looks like it's being anticipated. Community is saying you are creating more suspicion because of your lack of transparency. Threatened Lawsuit in Executive Session, do these people know something that we do not know because no lawsuit has been filed yet. The community of San Benito deserves a bit more respect, on your sign United and Proud we fail to see the unity.

Ruth McGinnis, City Secretary, announced Mr. Jesse J. Robles who represents Railroad Avenue, he is third generation trying to get this road to par, it's in worst condition ever. It is a busy road. What it's been like since 1986 from Pacific Union, says they do own the road but they do give permission to maintain the drainage ditch and the road itself. We have to take our own trash cans, there are thirteen families living at this street. The drainage ditch is no condition.

ITEM 6. PRESENTATION OF PROCLAMATION TO SAN BENITO CONSOLIDATED INDEPENDENT SCHOOL DISTRICT RECOGNIZING JANUARY 20TH THRU 26TH, 2019 AS SCHOOL CHOICE WEEK IN SAN BENITO.

Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco, Commissioner Ricardo Guerra each read paragraphs from the proclamation. Mayor Benjamin Gomez stated due to no presence from the San Benito Consolidated Independent School District, the City will deliver the proclamation to their Administration Office.

ITEM 7. PRESENTATION OF A CERTIFICATE OF APPRECIATION TO THE HARLINGEN HOME DEPOT STORE FOR A \$6,500.00 GRANT TO THE CITY WHICH FUNDED THE CHRISTMAS MIRACLE PROJECT.

Martha McClain, Public Relations Director, addressed City Commission advising Home Depot representatives were not in attendance. Mayor Benjamin Gomez requested a motion to table. Commissioner Rene Villafranco moved to table. Mayor Pro Tem Carol Lynn Sanchez seconded the motion. Voting Aye: Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco and Commissioner Ricardo Guerra. Motion carried to **TABLE THE PRESENTATION OF A CERTIFICATE OF APPRECIATION TO THE HARLINGEN HOME DEPOT STORE FOR A \$6,500.00 GRANT TO THE CITY WHICH FUNDED THE CHRISTMAS MIRACLE PROJECT.**

ITEM 8. PRESENTATION BY MR. LIONEL BETANCOURT ON THE SAN BENITO ROTARY CLUB.

Mayor Benjamin Gomez announced Mr. Lionel Betancourt who addressed City Commission referring to the welcome sign on property entering the City. Second picture is same but on the south side of the City. He presented a steel Rotary Club logo hoping to place at the City welcoming signs at the entrances of the City. They were instrumental with Dolly Vincent Hospital, trees on the boulevard, they cleaned the right of way for TXDOT on south side of San Benito, awarded scholarships, they have been involved in community and outreach, is requesting for City to issue a proclamation recognizing fulfillment of 100 years of service to our community. Also for City to give permission to work with City staff to place the Rotary Sign Logo at the brick wall entering San Benito. TXDOT has approved this as far as they are concerned, this is your wall, not theirs, and you can do anything that you would like to do with it. What we cannot do is place this sign on TXDOT property as they no longer allow, you cannot find street signs due to clutter and grandfathered right of way. We did obtain permission from them to hang the signs. The first Rotary meeting was on October 13, 1919 year the names you can see Frank Roberts, Fred Booth, Ed Downs, these members of the rotary club had a great impact. You are welcomed to become members of the Rotary Club.

ITEM 9. CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF THE MINUTES OF THE SPECIAL CITY COMMISSION MEETING OF OCTOBER 23, 2018.

Mayor Benjamin Gomez requested a motion to approve the minutes. Mayor Pro Tem Carol Lynn Sanchez moved to approve. Commissioner Ricardo Guerra seconded the motion. Commissioner Rene Villafranco abstained due to absence. Voting Aye; Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Antonio Gonzales, and Commissioner Ricardo Guerra. Motion carried to **APPROVE THE MINUTES OF THE SPECIAL CITY COMMISSION MEETING OF OCTOBER 23, 2018.**

Mayor Benjamin Gomez announced going into Executive Session on Agenda Item Number 24. City Attorney Mark Sossi asked Mayor Benjamin Gomez to include Agenda Item Number 22 in Executive Session for Attorney Consultation. Mayor Benjamin Gomez announced Agenda Item Number 22 will be added to Executive Session for Attorney Consultation.

THE CITY COMMISSION CONVENED INTO EXECUTIVE SESSION AT 5:56 P.M. AND ADJOURNED AT 7:25 P.M.

ITEM 10. PUBLIC HEARING: TO SOLICIT INPUT FROM CITIZEN PARTICIPATION ON PROPOSED SUBSTANTIAL AMENDMENT TO FISCAL YEAR 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN.

(a) OPEN PUBLIC HEARING

(b) CLOSE PUBLIC HEARING

Mayor Benjamin Gomez announced the time is 7:30 p.m. and the floor is now opened for public comments. Fred Bell, Assistant City Manager is available to answer questions. Mr. Joe Medrano, Public Relations & Volunteer Recruitment Coordinator with CASA, addressed City Commission reminding the work that CASA does, it is an individual voice for children, in 2017-2018 there were 39 children involved in 14 cases in San Benito. In 2018-2019 there were 26 children, their goal is to assist 40 children with an increasing number of volunteers in San Benito. Each child case takes up to one year. The San Benito CDBG funds CASA and we thank you on behalf of the children for your support. Mayor Benjamin Gomez announced the floor is closed at 7:33 p.m. No Motion carried, **PUBLIC HEARING ONLY.**

ITEM 11. PUBLIC HEARING: TO SOLICIT INPUT FROM CITIZEN PARTICIPATION ON PROPOSED SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2017-2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN.

(A) OPEN PUBLIC HEARING

(B) CLOSE PUBLIC HEARING

Mayor Benjamin Gomez announced Fred Bell, Assistant City Manager is presenting this item and available to answer any questions. Fred Bell, Assistant City Manager stated this is the second public hearing and won't have any input until the next two items. Mayor Benjamin Gomez announced it is 7:32p.m. and the floor is open for public comments. Mayor Benjamin Gomez announced it is 7:34 p.m. and the floor is now closed. No Motion carried **PUBLIC HEARING ONLY.**

ITEM 12. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SUBSTANTIAL AGREEMENT FOR FISCAL YEAR 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN.

Fred Bell, Assistant City Manager, presented this item to the City Commission advising of allocation of funds and requested approval of the substantial agreement. Commissioner Antonio Gonzales moved to approve. Commissioner Ricardo Guerra seconded the motion. Voting Aye; Mayor Benjamin Gomez, Commissioner Antonio Gonzales, Commissioner

Rene Villafranco and Commissioner Ricardo Guerra. Motion carried to APPROVE A SUBSTANTIAL AGREEMENT FOR FISCAL YEAR 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN.

ITEM 13. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SUBSTANTIAL AGREEMENT FOR FISCAL YEAR 2017-2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN.

Fred Bell, Assistant City Manager, addressed City Commission requesting approval of substantial agreement for fiscal year 2017-2018 CDBG annual action plan allocation of monies as announced. Commissioner Rene Villafranco moved to approve. Commissioner Ricardo Guerra seconded the motion. Voting Aye; Mayor Benjamin Gomez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco and Commissioner Ricardo Guerra. Motion carried to A SUBSTANTIAL AGREEMENT FOR FISCAL YEAR 2017-2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN.

ITEM 14. 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 FAIRGROUNDS FOR THE ANNUAL TEXAS INDEPENDENCE CELEBRATION AND BBQ COOK-OFF IN MARCH 2019.

Fred Bell, Assistant City Manager, addressed City Commission advising City of San Benito and THICA enter into agreement to use Fairgrounds for their annual event. Commissioner Rene Villafranco moved to approve. Commissioner Ricardo Guerra seconded the motion. Voting Aye; Mayor Benjamin Gomez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco and Commissioner Ricardo Guerra. Motion carried to APPROVE THE SERVICE AGREEMENT BETWEEN THE CITY OF SAN BENITO AND THE TEXAS HERITAGE INDEPENDENCE CELEBRATION ASSOCIATION (THICA) FOR USE OF THE FAIRGROUNDS FOR THE ANNUAL TEXAS INDEPENDENCE CELEBRATION AND BBQ COOK-OFF IN MARCH 2019.

ITEM 15. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FACILITY USAGE AGREEMENT WITH SAN BENITO YOUTH SPORTS FOR FISCAL YEAR 2018-2019.

Art Garza, Parks & Recreation Director, addressed City Commission advising this will be their third year running this program and legal has reviewed and approved. SB Youth Sports will be putting another field and scoreboards, to be placed at Stookey Park. Commissioner Rene Villafranco moved to approve. Commissioner Ricardo Guerra seconded the motion. Voting Aye; Mayor Benjamin Gomez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco and Commissioner Ricardo Guerra. Motion carried to APPROVE THE FACILITY USAGE AGREEMENT WITH SAN BENITO YOUTH SPORTS FOR FISCAL YEAR 2018-2019.

ITEM 16. CONSIDERATION AND POSSIBLE ACTION ON AWARDDING BASE BID AND ALTERNATES ONE (1) AND TWO (2) TO RG ENTERPRISES LLC (DBA G&G CONTRACTORS) FOR THE SOUTHSIDE PARK PROJECT.

Art Garza, Parks & Recreation Director addressed City Commission requesting to award base bid and alternates one and two to RG Enterprises LLC (DBA G&G Contractors) for the Southside Park Project. Mayor Benjamin Gomez requested a motion. Commissioner Rene Villafranco moved to approve. Commissioner Ricardo Guerra seconded the motion. Voting Aye; Mayor Benjamin Gomez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco and Commissioner Ricardo Guerra. Motion carried to APPROVE AWARDING BASE BID AND ALTERNATES ONE (1) AND TWO (2) TO RG ENTERPRISES LLC (DBA G&G CONTRACTORS) FOR THE SOUTHSIDE PARK PROJECT.

ITEM 17. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN ARTWORK LOAN AGREEMENT FOR EXHIBITION NATURALEZA/EXPRESIONES BEGINNING FEBRUARY 14, 2019 THROUGH MARCH 30, 2019 AT THE SAN BENITO CULTURAL HERITAGE MUSEUM.

Luis Contreras, Cultural Arts Director addressed the City Commission stating through Artist Primo Vega, the exhibition Naturaleza/Expresiones will be held at the Cultural Arts Museum. Mayor Benjamin Gomez requested a motion. Commissioner Ricardo Guerra moved to approve. Commissioner Rene Villafranco seconded the motion. Voting Aye; Mayor Benjamin Gomez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco and Commissioner Ricardo Guerra. Motion carried to APPROVE AN ARTWORK LOAN AGREEMENT FOR EXHIBITION NATURALEZA/EXPRESIONES BEGINNING FEBRUARY 14, 2019 THROUGH MARCH 30, 2019 AT THE SAN BENITO CULTURAL HERITAGE MUSEUM.

ITEM 18. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF EQUIPMENT FOR THE WASTEWATER TREATMENT PLANT FROM JAH-CON INSTRUMENTATION, L.L.C. IN THE AMOUNT OF \$48,250.00.

Adan R. Gonzalez, Public Works Director, addressed the City Commission asking approval to purchase equipment for Wastewater Plant in the amount of \$48,250.00. City Manager Manuel De La Rosa addressed City Commission advising this is part of the supplemental environmental project for wastewater treatment plant to meet TCEQ improvements requirements. 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 THE PURCHASE OF EQUIPMENT FOR THE WASTEWATER TREATMENT PLANT FROM JAH-CON INSTRUMENTATION, L.L.C. IN THE AMOUNT OF \$48,250.00.

ITEM 19. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF EQUIPMENT FOR THE WASTEWATER TREATMENT PLANT FROM VULCAN INDUSTRIES IN THE AMOUNT OF \$77,251.00.

Adan R. Gonzalez, Public Works Director, addressed the City Commission requesting approval to purchase equipment from Vulcan Industries for the Wastewater Treatment

Plant. **Commissioner Antonio Gonzales** moved to approve. **Commissioner Ricardo Guerra** seconded the motion. Voting Aye; **Mayor Benjamin Gomez**, **Commissioner Antonio Gonzales**, **Commissioner Rene Villafranco** and **Commissioner Ricardo Guerra**. Motion carried to **APPROVE THE PURCHASE OF EQUIPMENT FOR THE WASTEWATER TREATMENT PLANT FROM VULCAN INDUSTRIES IN THE AMOUNT OF \$77,251.00.**

ITEM 20. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A ONE (1) YEAR CONTRACT WITH WORLDPAY FOR THE PROCESSING OF CREDIT CARD PAYMENTS AT THE SAN BENITO PUBLIC LIBRARY.

Gerardo Salazar, Library Director, addressed the City Commission requesting authorization and consideration to enter agreement with World Pay to accept credit cards from the public. It's \$14.95 per month and Worldpay charges \$1.00 for under \$25.00 and anything above \$25.00 will be \$2.00. **City Manager Manuel De La Rosa** addressed City Commission advising Fee Rate Schedule needs to get approved. **Mayor Benjamin Gomez** requested a motion to approve contract and pending Fee Rate Schedule. **Commissioner Antonio Gonzales** moved to approve. **Commissioner Ricardo Guerra** seconded the motion. Voting Aye; **Mayor Benjamin Gomez**, **Commissioner Antonio Gonzales**, **Commissioner Rene Villafranco** and **Commissioner Ricardo Guerra**. Motion carried to **APPROVE A ONE (1) YEAR CONTRACT WITH WORLDPAY FOR THE PROCESSING OF CREDIT CARD PAYMENTS AT THE SAN BENITO PUBLIC LIBRARY.**

ITEM 21. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE PUBLIC LIBRARY AUCTION OF CITY PROPERTY THROUGH LONE STAR AUCTIONEERS ON ITEMS AS APPROVED BY THE CITY COMMISSION.

Gerardo Salazar, Library Director, addressed the City Commission requesting approval of sale by auction on listed library equipment. Monies collected from auction sale will be placed in City General Fund. **Commissioner Antonio Gonzales** moved to approve. **Commissioner Ricardo Guerra** seconded the motion. Voting Aye; **Mayor Benjamin Gomez**, **Mayor Pro Tem Carol Lynn Sanchez**, **Commissioner Antonio Gonzales**, **Commissioner Rene Villafranco** and **Commissioner Ricardo Guerra**. Motion carried to **APPROVE THE PUBLIC LIBRARY AUCTION OF CITY PROPERTY THROUGH LONE STAR AUCTIONEERS ON ITEMS AS APPROVED BY THE CITY COMMISSION.**

ITEM 22. CONSIDERATION AND POSSIBLE ACTION TO APPROVE TO FILL IN POTHoles ON UNION PACIFIC PROPERTY AS AN ACCESS FOR RESIDENTIAL PROPERTIES LOCATED ON RAIL ROAD AVENUE.

Mayor Benjamin Gomez announced authorizing City Manager to open discussion with Union Pacific as discussed in Executive Session. **Commissioner Rene Villafranco** moved to approve. **Commissioner Ricardo Guerra** seconded the motion. Voting Aye; **Mayor Benjamin Gomez**, **Commissioner Antonio Gonzales**, **Commissioner Rene Villafranco**, and **Commissioner Ricardo Guerra**. Motion carried to **AUTHORIZE THE CITY MANAGER TO OPEN DISCUSSION WITH UNION PACIFIC AS DISCUSSED IN EXECUTIVE SESSION.**

ITEM 23. PRESENTATION OF THE CITY OF SAN BENITO FINANCIAL STATEMENTS FOR THE PERIOD ENDED NOVEMBER 30, 2018.

Belen Pena, Finance Director addressed City Commission presenting and answering questions on the City financial statements for period ended November 30, 2018. The Finance Statements are also available on the city website at www.cityofsanbenito.com. No Motion carried to **PRESENTATION ONLY.**

ITEM 24. EXECUTIVE SESSION:

- A) ATTORNEY CONSULTATION PURSUANT TO SECTION 551.071 (1) AND (2) OF THE TEXAS GOVERNMENT CODE TO RECEIVE LEGAL ADVICE FROM COUNSEL IN REGARD TO THREATENED LITIGATION ARISING OUT OF LAW ENFORCEMENT ACTION INVOLVING MR. RICHARD TREVINO.
- B) ATTORNEY CONSULTATION PURSUANT TO SECTION 551.071 (2) OF THE TEXAS GOVERNMENT CODE TO RECEIVE LEGAL ADVICE FROM COUNSEL IN REGARD TO APPROVAL OF THE APPOINTMENT OF AN EDC DIRECTOR.
- C) ATTORNEY CONSULTATION PURSUANT TO SECTION 551.071 (2) OF THE TEXAS GOVERNMENT CODE TO RECEIVE LEGAL ADVICE IN CONNECTION TO ISSUES INVOLVING WITH CITY RIGHTS OF WAY.
- D) ATTORNEY CONSULTATION PURSUANT TO SECTION 551.071 (2) OF THE TEXAS GOVERNMENT CODE TO RECEIVE LEGAL ADVICE RELATING TO THE PROPOSED MERGER BETWEEN THE BROWNSVILLE MPO, THE HARLINGEN-SAN BENITO MPO, AND THE HIDALGO COUNTY MPO.
- E) DISCUSSION PURSUANT TO TEXAS GOVERNMENT CODE §551.072, REGARD THE SALE OF ASSET FORFEITURE PROPERTY SEIZED BY THE SAN BENITO POLICE DEPARTMENT.

THE CITY COMMISSION CONVENED INTO EXECUTIVE SESSION AT 5:56 P.M. AND ADJOURNED AT 7:25 P.M.

Mayor Pro Tem Carol Lynn Sanchez excused herself at 6:57 p.m. from Executive Session and City Commission Meeting.

GENERAL SESSION:

ITEM 25. DISCUSSION AND POSSIBLE ACTION REGARDING ITEM 24 (A).

Mayor Benjamin Gomez announced NO ACTION ON AGENDA ITEM 24(A) AS DISCUSSED IN EXECUTIVE SESSION.

ITEM 26. DISCUSSION AND POSSIBLE ACTION REGARDING ITEM 25 (B)

Mayor Benjamin Gomez requested a motion. Commissioner Rene Villafranco 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 AGENDA ITEM 24 (B) AS DISCUSSED IN EXECUTIVE SESSION.

ITEM 27. DISCUSSION AND POSSIBLE ACTION REGARDING ITEM 24 (C).

Mayor Benjamin Gomez requested a motion to deny. Commissioner Antonio Gonzales moved to deny. Commissioner Rene Villafranco seconded the motion. Voting Aye; Mayor Benjamin Gomez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco, and Commissioner Ricardo Guerra. Motion carried TO DENY AGENDA ITEM 24(C) AS DISCUSSED IN EXECUTIVE SESSION.

City Attorney Mark Sossi, stated there was a Supreme Court decision called Reed vs the Town of Gilbert, Arizona, in that case the Supreme Court made clear, once City allows private signage in its' right of way, it cannot discriminate in terms of content in any way. If City was to allow a charitable group, like the Rotary Club, to have a sign in the City's right of way, it would have to allow o provide signs and could not discriminate based on the content of speech. Therefore better practice just to deny any kind of private sign rather than discriminate based on content of speech.

ITEM 28. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION 2019-0001, A RESOLUTION SUPPORTING A METROPOLITAN PLANNING ORGANIZATION MERGER BETWEEN THE BROWNSVILLE MPO, THE HARLINGEN-SAN BENITO MPO, AND THE HIDALGO COUNTY MPO.

Mayor Benjamin Gomez requested a motion to approve Resolution 2019-0001 with changes specified by City Attorney Mark Sossi in the last paragraph. Commissioner Rene Villafranco moved to approve with changes. Commissioner Ricardo Guerra seconded the motion. Voting Aye; Mayor Benjamin Gomez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco, and Commissioner Ricardo Guerra. Motion carried TO APPROVE RESOLUTION 2019-0001, A RESOLUTION SUPPORTING A METROPOLITAN PLANNING ORGANIZATION MERGER BETWEEN THE BROWNSVILLE MPO, THE HARLINGEN-SAN BENITO MPO, AND THE HIDALGO COUNTY MPO WITH CHANGES SPECIFIED BY CITY ATTORNEY ON LAST PARAGRAPH AS DISCUSSED IN EXECUTIVE SESSION.

ITEM 29. DISCUSSION AND POSSIBLE ACTION REGARDING ITEM 24(E).

Mayor Benjamin Gomez requested a motion. Commissioner Rene Villafranco 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 AGENDA ITEM 24(E) SALE IN THE AMOUNT OF \$110,000.00 AS DISCUSSED IN EXECUTIVE SESSION.**

ITEM 30. ADJOURNMENT.

Mayor Benjamin Gomez moved to adjourn. Commissioner Rene Villafranco 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 7:55 P.M.**

CITY OF SAN BENITO

BENJAMIN "BEN" GOMEZ
MAYOR

ATTEST:

RUTH MCGINNIS
CITY SECRETARY