



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

On March 3, 2020 at 5:30 p.m. the City Commission convened at 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 ; Carol Lynn Sanchez, Mayor Pro Tem ; Antonio Gonzales, Commissioner, Place 1 ; Rene Villafranco, Commissioner, Place 2 ; Mark Sossi, City Attorney. City Commission Members Absent: Vacant, Commissioner, Place 3.

City Administration 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** 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 the items of community interest.

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

**Mayor Benjamin Gomez** asked if anyone present for Public Comments. **Ruth McGinnis, City Secretary** announced **Mr. Ben Cortez**. **Mr. Ben Cortez, Citizen** identified himself as Ben Cortez with residence at 905 Loop 499, Apartment 1211, Harlingen, Texas. He proceeded to address the City Charter related to elections and ordinance related to burials.

**Ruth McGinnis, City Secretary**, announced end for Public Comments.

### ITEM 6: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE FEBRUARY 18, 2020 REGULAR CITY COMMISSION MEETING AND THE FEBRUARY 25, 2020 SPECIAL CITY COMMISSION MEETING.

**Mayor Benjamin Gomez** requested a motion to approve the minutes. **Commissioner Antonio Gonzales** moved to approved. **Commissioner Rene Villafranco** seconded the motion. Voting Aye; **Mayor Benjamin Gomez, Commissioner Antonio Gonzales** and **Commissioner Rene Villafranco**. Abstained: **Mayor Pro Tem Carol Lynn Sanchez**. Motion carried to **APPROVE THE MINUTES OF THE FEBRUARY 18, 2020 REGULAR CITY COMMISSION MEETING AND THE FEBRUARY 25, 2020 SPECIAL CITY COMMISSION MEETING.**

### ITEM 7. CONSIDERATION AND POSSIBLE ACTION ON THE USE OF TYPE B FUNDS FOR THE SMALL BUSINESS INVESTMENT PROGRAM.

**Rebeca Castillo, San Benito EDC Executive Director** addressed the City Commission explaining the San Benito Economic Development Corporation underwent a sixty-day comment period for the Small Business Investment Program which rebranded in February 2018. Previously was two grants, the Rent

Subsidy Grant and Commercial Façade Improvement Program which are now one program known as the Small Business Investment Program. It's been active during Fiscal Year 2018, Fiscal Year 2019, and now Fiscal Year 2020. Requesting approval to use Type B Funds for the Small Business Investment Program. It has undergone a sixty-day comment period as the SBEDC started on December 30<sup>th</sup> and ended on February 10, 2020. The SBEDC also had a required public hearing January 15<sup>th</sup> at 5:30 p.m. during an SBEDC Board Meeting with no comments. **Commissioner Rene Villafranco** asked for dollar amount budgeted and clarification on the use of certain sections of the City. **Rebeca Castillo** advised \$76,000.00 budgeted for the rent subsidy. The amount of up to \$5,000.00 can cover up to fifty percent of the rent for six months and will be used on 77, Oscar Williams, and Sam Houston being Downtown District, Travis, Reagan, part of Stenger, and Robertson. **Commissioner Rene Villafranco**, asked if people qualify to renovate or bring the area up to date. **Rebeca Castillo** advised the rent subsidy, if they are tenants or for the façade if they are doing improvements, we can assist on the improvements with up to fifty percent to include signage promoting the business, EDC can cover up to \$1,500.00 for the businesses. **Commissioner Rene Villafranco** requested clarification whether it needs to be notated due to three streets here in three areas. **Rebeca Castillo** advised it emphasizes the downtown corridor as designated by ordinance being the whole district close to Robertson. **City Manager Manuel De La Rosa** addressed the City Commission and Ms. Castillo due to a question about Business 77 corridor, the Rent Subsidy Program and the Façade Program were adopted by the EDC and City Commission two years ago. The policy has been presented. This is a Notice of the Public Hearing, it's the action after the Public Hearing, so, that Rent Subsidy and the Façade Program, that historic district; Sam Houston, the San Benito Plaza, all of those, Robertson Street, were all included but Business 77 and North Oscar Williams, I know last year we took action on that little Tea House and La Palma and Oscar Williams and that is what kind of caught me by surprise. I kind of went back to look at it because there were some questions as to when it came up, how did this occur? So, that policy hasn't been presented back to the commission to modify the geographical boundaries within that policy. The ordinance was the district, it was never amended again, brought back to the commission to change it. **Rebeca Castillo** confirmed and advised we are not taking the ordinance as to what is the Downtown District, that still remains in place and that is what our most emphasize is on but at one point the board was discussing the aspect that we are getting interest from other corridors; Business 77 and Oscar Williams. So, at the same time that those are being factored as eligible areas where we can. **City Manager, Manuel De La Rosa**, stated, and that is what I am trying to say; those streets weren't added in that policy and it was updated. The policy was approved and adopted by the City Commission. **Rebeca Castillo** confirmed. **City Manager Manuel De La Rosa** advised, it has not been presented again and that is where we lost some of the Business 77. It is now being added and if you approve this by an action, you're approving this notice and because you are approving this, you are modifying the policy without seeing that policy again. I would recommend that you table this and next meeting present the policy to adopt the policy. They can tweak it and you decide on it once we see that policy again because I recall it being very specific as to location. I just went back thru the year to try and see if we saw it again and I think it happened in April of 2019 at or about. I remember the presentation as an initiative overall but the details need to be caught up to us. **Rebeca Castillo**, advised, we did undergo this past meeting, so this is the sixty-day comment period, the board has discretion to update those guidelines. **City Manager Manuel De La Rosa** stated, with approval from the City Commission. **Rebeca Castillo** stated after discretion and approval by the City Commission, we are undergoing right now the required sixty-day comment period. When going thru the guidelines, they approved it this past meeting on the 26<sup>th</sup> and those guidelines, we need to go thru the sixty-day comment period. We are going to come back to the commission to approve the guidelines which, again, because they can be updated at the discretion of the board and subject to city commission, there is going to be changes as to not all these corridors will no longer be eligible. So, we are going down to the downtown area only. **City Manager Manuel De La Rosa** asked if the comment period is just statutory. **Rebeca Castillo** confirmed. **City Manager Manuel De La Rosa** stated, but the actions aren't really required because until the policies come back. There is no action on this matter tonight. **Rebeca Castillo** agreed. **Mayor Benjamin Gomez** requested clarification to change to discussion. **City Manager Manuel De La Rosa** confirmed, that is my recommendation. **City Attorney Mark Sossi** advised, action is when the commission approves the individual projects, there is no action, only discussion. **Rebeca Castillo**, stated, we'll be coming back

with the guidelines and also the applications that may be considered by the board. But, we'll come back on the next board meeting, next commission meeting. [Mayor Benjamin Gomez](#) announced agenda Item 7 was for discussion purposes only. No Motion carried **DISCUSSION ONLY.**

#### **8. UPDATE ON SOUTH PARK PROJECT.**

[Ramon Rodriguez, Parks and Recreation Director](#), addressed the City Commission updating on the construction of the new city park south of Fire Station 1. No Motion **DISCUSSION ONLY.**

#### **ITEM 9. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE DEMOLITION AND REMOVAL OF A DILAPIDATED STRUCTURE, LOCATED AT THE INTERSECTION OF TRAVIS STREET AND FRANCIS STREET, BEARING AN ADDRESS OF 150 FRANCIS STREET, AND REMOVE FROM CITY INVENTORY.**

[Bernard Rodriguez, Planning and Development Director](#) addressed the City Commission advising the dilapidated structure will have all utilities disconnected by the demolition and City crews will perform demolition and all debris will be removed and disposed of properly by Republic Services due to City under contract. By demolishing this building, it will open the door for future activities for the library. [City Manager Manuel De La Rosa](#) addressed the City Commission stating, we have the community and schools that are Brownsville and Maggie's House look at this building. It is in such horrible shape inside due to not being maintained by the former occupants and then they used a port-a-building, a portable building on-site. The ones on Maggie's House can be removed and brought to our building. It is that bad inside, it has not been maintained, everything is crooked, it is rotting. It's costly to maintain it. So, we are actually thinking of just using that park land and closing the back off and just removing this unsightly building. [City Attorney, Mark Sossi](#), stated, in addition, it has ADA issues as well. [City Manager, Manuel De La Rosa](#), stated, ADA issues for public buildings, no elevators. City will fix it up as we've had events out in the park and plan to expand the library services in the future. These funds were set aside as part of the National Guard to tear down dilapidated structures but the federal government has not allowed the National Guard to come or do any of those programs. We are considering tearing down other structures that are no longer used for those funds. [Mayor Benjamin Gomez](#), requested a motion to approve. [Commissioner Rene Villafranco](#) moved to approved. [Mayor Pro Tem Carol Lynn Sanchez](#) seconded the motion. Voting Aye; [Mayor Benjamin Gomez](#), [Mayor Pro Tem Carol Lynn Sanchez](#), [Commissioner Antonio Gonzales](#), and [Commissioner Rene Villafranco](#). Motion carried to **APPROVE THE DEMOLITION AND REMOVAL OF A DILAPIDATED STRUCTURE, LOCATED AT THE INTERSECTION OF TRAVIS STREET AND FRANCIS STREET, BEARING AN ADDRESS OF 150 FRANCIS STREET, AND REMOVE FROM CITY INVENTORY.**

#### **ITEM 10. CONSIDERATION AND POSSIBLE ACTION TO APPROVE LA VILLITA MARKET DAYS REQUEST FROM DOWNTOWN MERCHANTS TO CLOSE ROBERTSON STREET FROM TRAVIS STREET TO BOWIE STREET FROM 7:00 A.M. TO 4:00 P.M. EVERY THIRD (3RD) SATURDAY STARTING MARCH 2020 THROUGH DECEMBER 2020.**

[Bernard Rodriguez, Planning and Development Director](#) addressed the City Commission advising the event has been successful which consists of food, live music and entertainment. Local businesses will be open to the public and feature sale items and services. La Villita Market Day is capitalized in the unique historic amenities of Robertson Street. It's historic importance to the City of San Benito and generate interest in the area to advertising promotional events and market a quality image of downtown area. We do have the shop owner, Iris Garcia who has been running the show there, if you have any questions. [Iris Garcia, Citizen](#) addressed the city commission by stating; good evening Mayor and Commissioners, thank you all so much for supporting Market Day at the Villita on Robertson Street. We hadn't seen any activity on that area for a very, very long time. We are seeing the results now with the support of the city and everybody in the community. Market Day, we started in September and it has been strong, it has been growing. It's proving to be successful, so we would to continue providing this event for the community to come out and enjoy. It is attracting people. This past market day, we had people from San Antonio, San Marcos and Poteet, Texas. They are San Benitants that left out of town but are coming to partake of Market Days. So, it has been very successful and we only ask that we can continue to provide this event for the community. [Mayor Benjamin Gomez](#), stated, great job, you guys

are doing a great job. **Iris Garcia, Citizen**, stated, thank you. **Commissioner Rene Villafranco**, stated, you guys are doing a great job but as I mentioned earlier in that other agenda item, there are monies available thru EDC, so those of you guys that are interested in renovating the façade, there's money. **Iris Garcia, Citizen**, stated, correct, EDC has also been very supportive, they do our fliers, again, with you all's support, with EDC, we are seeing the community coming together in the city and we are working together for the better of San Benito. **Mayor Benjamin Gomez** requested a motion. **Mayor Pro Tem Carol Lynn Sanchez** moved to approve. **Commissioner Rene Villafranco** seconded the motion. Voting Aye; **Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Antonio Gonzales, and Commissioner Rene Villafranco**. Motion carried to **APPROVE LA VILLITA MARKET DAYS REQUEST FROM DOWNTOWN MERCHANTS TO CLOSE ROBERTSON STREET FROM TRAVIS STREET TO BOWIE STREET FROM 7:00 A.M. TO 4:00 P.M. EVERY THIRD (3RD) SATURDAY STARTING MARCH 2020 THROUGH DECEMBER 2020.**

**ITEM 11. CONSIDERATION AND POSSIBLE ACTION TO APPOINT AN ALTERNATE TO THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL (LRGVDC) BOARD OF DIRECTORS.**

**City Manager Manuel De La Rosa** addressed the City Commission advising former Commissioner Rick Guerra was the alternate on the LRGVDC Board of Directors and currently there is no representation to attend monthly meetings, and recommends to appoint somebody from the City Commission to continue representation for City. **Mayor Benjamin Gomez** requested a motion. **Mayor Pro Tem Carol Lynn Sanchez** moved to nominated **Commissioner Rene Villafranco**. **Commissioner Antonio Gonzales** seconded the motion. Voting Aye; **Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, and Commissioner Antonio Gonzales**. Motion carried to **APPROVE THE APPOINTMENT OF COMMISSIONER RENE VILAFRANCO AS ALTERNATE TO THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL (LRGVDC) BOARD OF DIRECTORS.**

**ITEM 12. CONSIDERATION AND POSSIBLE ACTION TO APPOINT A PROXY TO REPRESENT THE MAYOR ON THE RIO GRANDE VALLEY METROPOLITAN PLANNING ORGANIZATION (RGVMPO).**

**City Manager Manuel De La Rosa** addressed the City Commission advising the Rio Grande Valley MPO meets right after the LRGVDC Board Meetings and recommends for **Commissioner Rene Villafranco** to attend from one meeting to the next as a proxy representing the Mayor. The City Manager continues to be the alternate allowing the elected official to attend unless he is unable then the City Manager will attend the MPO meeting. **Mayor Benjamin Gomez** requested a motion. **Commissioner Antonio Gonzales** moved to approve. **Mayor Pro Tem Carol Lynn Sanchez** seconded the motion. Voting Aye; **Mayor Benjamin Gomez, Commissioner Antonio Gonzales and Mayor Pro Tem Carol Lynn Sanchez**. Motion carried to **APPROVE THE APPOINTMENT OF COMMISSIONER RENE VILAFRANCO AS PROXY TO REPRESENT THE MAYOR ON THE RIO GRANDE VALLEY METROPOLITAN PLANNING ORGANIZATION (RGVMPO).**

**ITEM 13. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A ONE (1) YEAR AGREEMENT BETWEEN THE CITY OF SAN BENITO AND CODERED FOR A LICENSE TO IMPLEMENT A CITYWIDE EMERGENCY MASS NOTIFICATION SYSTEM.**

**Police Captain Mario Perea** addressed the City Commission requesting approval to enter into a one year agreement with CodeRED to provide installation and training on a citywide Emergency Mass Notification System (ENS). The implementation of an ENS can provide instant notification to registered citizens immediately during emergencies or other purposes as deemed appropriate by Emergency Management and City Management. Annual fee of \$5,900.00 budgeted from Emergency Management. The other two vendors, Hyper Reach and Alert Media provided demos with quotes included in your packets. However, based on the demos and the information provided, we recommend CodeRED as we believe this product will best provide the service to the community. **Mayor Benjamin Gomez** requested a motion. **Commissioner Antonio Gonzales** moved to approve. **Commissioner Rene Villafranco** seconded the motion. Voting Aye; **Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Antonio Gonzales and Commissioner Rene Villafranco**. Motion carried to **APPROVE A ONE (1) YEAR AGREEMENT BETWEEN THE CITY OF SAN BENITO AND CODERED FOR A LICENSE TO IMPLEMENT A CITYWIDE EMERGENCY MASS NOTIFICATION SYSTEM.**

**ITEM 14. CONSIDERATION AND POSSIBLE ACTION TO APPROVE INSTALLATION OF STOP AND STOP AHEAD SIGNS AT THE FOLLOWING INTERSECTIONS:**

**ITEM 1: SOUTH MCCULLOUGH STREET AT POWERS STREET**

**ITEM 2: NORTH MCCULLOUGH STREET AT EAST FRANCES STREET**

**Fred Bell, Assistant City Manager/Interim Police Chief** addressed the City Commission advising citizen and elected official complaints and concerns regarding traffic concerns on South and North McCullough resulted in an assessment of the area by San Benito Police Department. Due to the design of the road being considered a connector road between major roadways, speed humps do not meet the criteria for suitable traffic calming measures. Therefore, strategic placement of Stop and Stop Ahead signs will require vehicles to stop midway through the noted areas; which will result in slower vehicular traffic. **Mayor Benjamin Gomez** stated the Traffic Safety Board has not met yet and recommendations to City Commission being made without their input. **Fred Bell** advised meeting scheduled for Monday tentatively and currently three board members have no experience as they were just appointed. **Mr. Jose F. Rodriguez, citizen and candidate to Commissioner, Place 3** addressed the City Commission advising he lives in the area and what is being recommended will cause same thing trying to avoid. Needed to get input from people. **Mayor Benjamin Gomez** requested a motion to table and do research. **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, and Commissioner Rene Villafranco.** Motion carried to **TABLE THE INSTALLATION OF STOP AND STOP AHEAD SIGNS AT THE FOLLOWING INTERSECTIONS: ITEM 1. SOUTH MCCULLOUGH STREET AT POWERS STREET; ITEM 2. NORTH MCCULLOUGH STREET AT EAST FRANCES STREET.**

**City Manager Manuel De La Rosa** presented Mr. Andrew Cannon, RGVMPD Executive Director, came here because he saw the agenda item and came unsolicited, uninvited, we appreciate that he took the initiative to be here. **Mayor Benjamin Gomez** thanked Mr. Andrews for being in attendance in our meeting.

**ITEM 15. PRESENTATION OF THE CITY OF SAN BENITO FINANCIAL STATEMENTS FOR THE PERIOD ENDED JANUARY 31, 2020.**

**Belen Pena, Finance Director** addressed the City Commission presenting the January 31, 2020 Financial Statements and advising for the General Fund we have assets of \$13,456,744.00. Compared to last year's for the same period is \$12,011,304.00. Also, we have \$1,400,000.00 more in assets for the city. The liabilities are \$3,414,462.00, which gives us a fund balance of \$10,042,283.00. Anyone has any questions in that report? The second page is the statement of revenues, expenditures and changes and fund balance. For the month of January, we had revenues of \$1,073,380.00. Expenditures of \$1,039,947.00 which gives us revenues over expenditures of \$33,432.00. The year-to-date revenues is \$6,605,708, expenditures of \$3,871,535 which gives us revenues over expenditures of \$2,734,172.00. Ms. Pena asked if anyone had any questions. None received. Ms. Pena mentioned that today, the City invested \$3,500,000.00 on some CDs for six months. Today, the rates dropped close to one percent to 1.25 percent because of the coronavirus deal that is going on. But, we were able to lock those CDs at 1.52 percent before the rates went down. Those were CDs that I had invested last year. Last year the rates were 2.46 percent, now, they are down to 1.52 percent and today they went down to one percent. **City Manager Manuel De La Rosa** asked for Ms. Pena to advise what the revenue has been from the interest. **Belen Pena** advised in 2015 the annual revenue for the investments was about \$15,000.00 annual. Right now, this past fiscal year, it's \$100,000.00 every quarter, so that means that it is over \$400,000.00 a year compared to the \$15,000.00 back in 2015. So, we are locking good rates. They went down because of the ongoing coronavirus. We were able to lock a good interest rate for 1.52 percent. **City Manager, Manuel De La Rosa** advised we are finishing up the restart of Plant Water 2. The anticipated deadline is at the end of this year. The pilot study has been completed. By the end of calendar 2020 as you saw by the report that has been approved by TCEQ, financially, the

deadline, they have a nine-month period, so that started the time clock and we are working, our staff is working hand-in-hand with DuPont which is the take-over of EVOCA and Fred leads the charge in making sure that Water Plant 1 and Water Plant 2 comply with the state's technical requirements. No Motion carried **PRESENTATION ONLY.**

**ITEM 16. EXECUTIVE SESSION:**

- a) Consultation with City Attorney pursuant to Texas Government Code §551.071(2) on establishing a policy to assist non-profit organizations with City services.
- b) 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 Police Chief.

**THE CITY COMMISSION CONVENED INTO EXECUTIVE SESSION AT 6:33 P.M. AND ADJOURNED AT 7:23 P.M.**

**GENERAL SESSION:**

**ITEM 17. CONSIDERATION AND POSSIBLE ACTION ON ITEMS DELIBERATED IN EXECUTIVE SESSION.**

No motion carried on items deliberated in Executive Session, **DISCUSSION ONLY.**

**ITEM 18. ADJOURNMENT.**

Mayor Benjamin Gomez requested a motion to adjourn. Commissioner Rene Villafranco moved to approved. Mayor Pro Tem Carol Lynn Sanchez seconded the motion. Voting Aye; Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Antonio Gonzales and Commissioner Rene Villafranco. Motion carried to **ADJOURN AT 7:24 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