



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

On March 19, 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**

**ABSENT**

**Antonio Gonzales - Commissioner, Place 1  
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 TO 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.**

**Pastor Eliud Gonzalez** led City Commission Members and audience in prayer.

**ITEM 4. ANNOUNCEMENTS: ITEMS OF COMMUNITY INTEREST.**

**Commissioner Ricardo Guerra** announced all items of community interest on behalf of **Mayor Benjamin Gomez** starting with Saturday, March 23, 2019, Youth Soccer League Opening Ceremonies begin at 8am, game following at 9am at Stookey Park, Gate Admission \$2.00, free admission for ages 12 and under. Saturday, March 30, Merienda, "Celebration of our Migrant Farm Workers" from 1pm to 3pm at the San Benito Library, 101 West Rose Street, stories from former migrant workers of our communities. Wednesday April 3, Coffee with the Chamber from 8am to 9am at the San Benito High School Library, 450 South Williams Road. Saturday April 6, Colonel Robertson Bronze Unveiling and Exhibition at 10am at the San Benito Cultural Heritage

Museum, 250 East Heywood. Saturday, April 13, Easter Party from 11am to 2pm at the San Benito Library, 101 West Rose Street, Easter Bunny available for photos, games, face painting, cake walk, egg hunt, snacks and food, free to the public. Saturday, April 27, Trash Bash and Free Tire Recycle from 8am to 12 Noon at San Benito Service Center, 925 West Stenger, proof of residence and business address required, water bill with address or photo I.D., this is a free event for private residents, apartment complexes and all businesses, for more information contact Public Works at 361-3890. Saturday, May 18, 2<sup>nd</sup> Annual Hog Waddle Country Concert and Cook-Off from 4pm to 10pm at San Benito Fairgrounds located at 551 Cesar Gonzalez Parkway. Family day of food and competitive barbecue cook-off, craft vendors, games and family activities, cold beverages and event concert with the best country and Tejano Music in South Texas. For more information, contact Luis Contreras at 361-3800 x418.

**ITEM 5. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE SPECIAL CITY COMMISSION MEETING OF DECEMBER 27, 2018.**

Mayor Benjamin Gomez requested a motion, Commissioner Rene Villafranco moved to approve. Commissioner Ricardo Guerra seconded the motion. Voting Aye; Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Rene Villafranco and Commissioner Ricardo Guerra. Motion carried to **APPROVE THE MINUTES OF THE SPECIAL CITY COMMISSION MEETING OF DECEMBER 27, 2018.**

**ITEM 6. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN EXHIBIT LOAN AGREEMENT FOR EXHIBITION OF COLONEL SAM ROBERTSON: THE WILD-EYED VISIONARY BEGINNING MARCH 25TH THROUGH MAY 31ST, 2019, AT THE SAN BENITO CULTURAL HERITAGE MUSEUM.**

Luis Contreras, Cultural Arts Director, addressed the City Commission advising the San Benito Cultural Heritage Museum is preparing for its' next exhibit titled, "Colonel Sam Robertson, The Wild-Eyed Visionary," the exhibit will feature artifacts from the San Benito Historical Society collection exclusive to the time period when the City of San Benito was founded to the year Colonel Sam Robertson passed which is 1908 to about 1938, a thirty year time frame. The exhibit will run from April 6 through May 24. A Special Reception will be held on Saturday, April 6<sup>th</sup> starting at 10am. This reception will begin with a dedication to the City and an unveiling presentation of Colonel Sam Robertson Bronze Bust Memorial by former San Benito native Carolyn Hewitt Gentry. This program is open to the public and it is free. Thru this exhibit loan agreement, the San Benito Historical Society, Inc., agrees to the terms and conditions and it will be featured as a short-term exhibition at the San Benito Cultural Heritage Museum. Staff recommends approval of this item. 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 Rene Villafranco and Commissioner Ricardo Guerra. Motion carried to **APPROVE AN EXHIBIT LOAN AGREEMENT FOR EXHIBITION OF COLONEL SAM ROBERTSON: THE WILD-EYED VISIONARY BEGINNING MARCH 25TH THROUGH MAY 31ST, 2019, AT THE SAN BENITO CULTURAL HERITAGE MUSEUM.**

**ITEM 7. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AMENDMENT NUMBER THREE TO SUB-AWARD AGREEMENT NUMBER 07-S170714 BETWEEN TEXAS A&M AGRILIFE EXTENSION SERVICE AND THE CITY OF SAN BENITO, UNDER THE TEXAS GENERAL LAND OFFICE CONTRACT NUMBER 17-192-000-9829. PROJECT- SAN BENITO WETLANDS PROJECT- PHASE III.**

Mr. Bernard Rodriguez, Planning and Development Director, addressed the City Commission advising amendment three will extend the current agreement until the end of this month, which will allow Texas A&M AgriLife stats to close out of the project. The contract Phase III Project will end with this action. Staff recommends approval. I am just closing out the books. Mayor, Commissioners, as you might recall, we are a sub-recipient of an application, there is a time delay, as you might recall, we discuss the piers, we have landscaping, all of these projects because of timing and it was the wrong time of season to be planning and everyone agreed to moving the date and it was more of housekeeping on the other party's side so we had to agree with ours and all paperwork will meet the same deadlines; we are sub-recipient on this application, this is a General Land Office Agreement through Texas A&M AgriLife. They are the main applicants of that, we are just the recipients of the award. Mayor Benjamin Gomez requested a motion. Commissioner Rene Villafranco moved to approve. Commissioner Ricardo Guerra seconded the motion. Voting Aye; Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Rene Villafranco and Commissioner Ricardo Guerra. Motion carried to APPROVE AMENDMENT NUMBER THREE TO SUB-AWARD AGREEMENT NUMBER 07-S170714 BETWEEN TEXAS A&M AGRILIFE EXTENSION SERVICE AND THE CITY OF SAN BENITO, UNDER THE TEXAS GENERAL LAND OFFICE CONTRACT NUMBER 17-192-000-9829. PROJECT- SAN BENITO WETLANDS PROJECT-PHASE III.

ITEM 8. CONSIDER FIRST READING OF ORDINANCE NUMBER 2555, AN ORDINANCE OF THE CITY OF SAN BENITO REPEALING RESOLUTION NUMBER 2009-1 WHICH ADOPTED AN ECONOMIC DEVELOPMENT PROGRAM AND AMENDING THE CITY OF SAN BENITO CODE OF ORDINANCES TO PROVIDE FOR AN EXPANDED ECONOMIC DEVELOPMENT PROGRAM PURSUANT CHAPTER 380, TEXAS LOCAL GOVERNMENT CODE.

City Manager Manuel De La Rosa addressed the City Commission advising of previous conversation with City Attorney Mark Sossi relating to the AEP Service Center, the City had a 380 Resolution on how we can do some certain actions when it comes to the Chapter 380 Agreements. That resolution was adopted about 2009, almost ten years ago. We started visiting again whether we needed to update it. You will see this evening we have a lot of perspective business developments, so we re-visited Chapter 380, wrote a more comprehensive and rather than recommend to be adopted through resolution, it be adopted through an ordinance that can be quantified, it is much easier to track, it has more teeth in it but we are going from a four page document to about an nine page document. Again, this is your First Reading, if you want to see the other one, I can send that out, you have another opportunity, and I would like you to read it. Mr. Sossi put this together, we have been dealing with a lot of 380 Agreements, so it is important that we give ourselves as much latitude and cover every perspective opportunity we may have. Mayor Benjamin Gomez requested to read it, asked if it should be tabled, City Manager Manuel De La Rosa advised that it was only a first reading and would send it out. No Motion carried FIRST READING OF ORDINANCE NUMBER 2555, AN ORDINANCE OF THE CITY OF SAN BENITO REPEALING RESOLUTION NUMBER 2009-1 WHICH ADOPTED AN ECONOMIC DEVELOPMENT PROGRAM AND AMENDING THE CITY OF SAN BENITO CODE OF ORDINANCES TO PROVIDE FOR AN EXPANDED ECONOMIC DEVELOPMENT PROGRAM PURSUANT CHAPTER 380, TEXAS LOCAL GOVERNMENT CODE.

ITEM 9. EXECUTIVE SESSION

THE CITY COMMISSION CONVENED INTO EXECUTIVE SESSION AT 5:44 P.M. AND ADJOURNED AT 7:59 P.M.

- A) CONSULTATION WITH CITY ATTORNEY PURSUANT TO TEXAS GOVERNMENT CODE §551.071(2) REGARDING THE HOTEL OCCUPANCY TAX (HOT) LEGISLATIVE ISSUES.
- B) DISCUSSION PURSUANT TO TEXAS GOVERNMENT CODE §551.087(2), TO DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT 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. BUSINESS PROSPECT 2019-001.
- C) DISCUSSION PURSUANT TO TEXAS GOVERNMENT CODE §551.087(2), TO DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT 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. BUSINESS PROSPECT 2019-002.
- D) DISCUSSION PURSUANT TO TEXAS GOVERNMENT CODE §551.087(2), TO DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT 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. BUSINESS PROSPECT 2019-003.
- E) DISCUSSION PURSUANT TO TEXAS GOVERNMENT CODE §551.087(2), TO DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT 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. BUSINESS PROSPECT 2019-004.
- F) DISCUSSION PURSUANT TO TEXAS GOVERNMENT CODE §551.087(2), TO DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT 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. BUSINESS PROSPECT 2019-005.

- G) DISCUSSION PURSUANT TO TEXAS GOVERNMENT CODE §551.087(2), TO DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT 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. BUSINESS PROSPECT 2019-006.
- H) CONSULTATION WITH CITY ATTORNEY PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1)(2) REGARDING THE HEARING ON APPLICATION FOR TEMPORARY INJUNCTION FROM CAMERON COUNTY DRAINAGE DISTRICT NUMBER 3 AND CAMERON COUNTY IRRIGATION DISTRICT 2.
- I) DISCUSSION PURSUANT TO TEXAS GOVERNMENT CODE §551.074(A)(1), PERSONNEL, REGARDING THE CITY MANAGER CONTRACT.
- J) 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.

GENERAL SESSION:

ITEM 10. DISCUSSION AND POSSIBLE ACTION ON ITEM DELIBERATED UNDER EXECUTIVE SESSION 9(A).

Mayor Benjamin Gomez announced no motion carried due to **NO ACTION.**

ITEM 11. DISCUSSION AND POSSIBLE ACTION ON ITEM DELIBERATED UNDER EXECUTIVE SESSION 9(B).

Mayor Benjamin Gomez announced no motion carried due to **NO ACTION.**

ITEM 12. DISCUSSION AND POSSIBLE ACTION ON ITEM DELIBERATED UNDER EXECUTIVE SESSION 9(C).

Mayor Benjamin Gomez announced no motion carried due to **NO ACTION.**

ITEM 13. DISCUSSION AND POSSIBLE ACTION ON ITEM DELIBERATED UNDER EXECUTIVE SESSION 9(D).

Mayor Benjamin Gomez announced no motion carried due to **NO ACTION.**

ITEM 14. DISCUSSION AND POSSIBLE ACTION ON ITEM DELIBERATED UNDER EXECUTIVE SESSION 9(E).

Mayor Benjamin Gomez announced no motion carried due to **NO ACTION.**

ITEM 15. DISCUSSION AND POSSIBLE ACTION ON ITEM DELIBERATED UNDER EXECUTIVE SESSION 9(F).

Mayor Benjamin Gomez announced no motion carried due to **NO ACTION.**

**ITEM 16. DISCUSSION AND POSSIBLE ACTION ON ITEM DELIBERATED UNDER EXECUTIVE SESSION 9(G).**

Mayor Benjamin Gomez announced no motion carried due to **NO ACTION.**

**ITEM 17. DISCUSSION AND POSSIBLE ACTION ON ITEM DELIBERATED UNDER EXECUTIVE SESSION 9(H).**

Mayor Benjamin Gomez announced no motion carried due to **NO ACTION.**

**ITEM 18. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF CONTRACT OF EMPLOYMENT FOR CITY MANAGER.**

Mayor Benjamin Gomez requested a motion. Mayor Pro Tem Carol Lynn Sanchez moved to approve. Commissioner Rene Villafranco seconded the motion. Commissioner Ricardo Guerra motioned to table. No second motion to table received. Voting Aye; Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Rene Villafranco and Commissioner Ricardo Guerra. Motion carried to **APPROVE CONTRACT OF EMPLOYMENT FOR CITY MANAGER.**

**ITEM 19. DISCUSSION AND POSSIBLE ACTION ON ITEM DELIBERATED UNDER EXECUTIVE SESSION 9(J).**

Mayor Benjamin Gomez announced no motion carried due to **NO ACTION.**

**ITEM 20. PUBLIC COMMENTS - (SPEAKER/REMARKS LIMITED TO THREE MINUTES. PUBLIC COMMENTS LIMITED TO THIRTY MINUTES).**

Martha McClain, Deputy City Secretary, announced Ms. Lynn Pare, citizen of San Benito, who addressed City Commission about community support and transparency and accountability.

Martha McClain, Deputy City Secretary, announced Mr. Alfonso Benavides, Community Activist, addressing City Commission concerning agenda change.

Martha McClain, Deputy City Secretary, announced Ms. April Flores, who addressed City Commission about the late Mr. Ricardo Trevino III.

**ITEM 21. ADJOURNMENT.**

Mayor Benjamin Gomez requested a motion to adjourn. Commissioner Rene Villafranco moved to approve. Mayor Pro Tem Carol Lynn Sanchez seconded the motion. Voting Aye; Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Rene Villafranco and Commissioner Ricardo Guerra. Motion carried to **ADJOURN AT 8:15 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