



MINUTES

OF THE MARCH 24, 2020 CITY OF SAN BENITO SPECIAL CITY COMMISSION MEETING

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.

City Commission Members Present: Benjamin Gomez, Mayor ; Carol Lynn Sanchez, Mayor Pro Tem ; Antonio Gonzales, Commissioner, Place 1 ; Rene Villafranco, Commissioner, Place 2 ; Vacant, Commissioner, Place 3 ; Mark Sossi, City Attorney.

City Administration Members 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. PUBLIC COMMENTS. (Speakers/Remarks limited to three minutes. Public Comments limited to forty-five minutes).

Ruth McGinnis, City Secretary announced no public comments.

ITEM 3. DISCUSSION AND BRIEFING ON UPDATE ON THE COVID-19 (CORONAVIRUS) BY MR. FRED BELL, EMERGENCY MANAGEMENT COORDINATOR.

Assistant City Manager and Emergency Management Coordinator Fred Bell addressed the City Commission providing update from the Emergency Management Team relating to the Coronavirus. The team consists of Mayor Benjamin Gomez, City Manager Manuel De La Rosa, and Fred Bell along with select members of the Police Department including Assistant Police Chief Mario Perea, Fire Chief Danny Watkins, Court Administrator Christina Sanchez, and Public Relations Director Martha McClain whom have been in constant communication with representatives of other cities, Cameron County and the Governor's Office. We participate in conference calls every day and are scheduled for daily conference calls including weekends until further notice. The conference calls have resulted in this unified approach the county has taken an issue into these executive orders. This aggressive approach may appear extreme to some, but it is necessary and in the best interest for all of us. Every day more cities and counties in the country are taking similar actions several in Texas alone to date. He thanked everyone present and everyone watching live stream, and those who have cooperated with the Executive Orders. Your volunteer compliance proves that most are able to put personal interest and agendas aside for the greater good of our community. While the restrictions may be challenging to our lifestyles, they are essential in order for us to overcome this as soon as possible. It is the goal that this approach will save lives. There have been many questions regarding what people can do and which businesses can stay open during this time. The information is listed in the county order. People can go to the store, they can go to their doctor and work if their workplace is open. Businesses like pharmacies and medical providers, grocery stores, restaurants that offer only drive-thru or pick-up services, bakeries, auto parts store and mechanic shops can be open until 10pm. People can be outdoors; however, they must adhere to the social distancing requirement of six feet when they are outside off of their property. City parks including playground areas are closed during the shelter-in-place order time frame. At

this point in time, it is scheduled to end at 11:59pm on April 8th; however, it may be extended as needed. If you drive during this time, you are subjected to being stop by law enforcement. If you are stopped by law enforcement, you will be expected to provide an explanation as to why you are on the roadway. I recommend everyone request something in writing from your employer noting that you are reporting to or from work. Something that can verify that you have a reason to be on the road. Again, we are stressing; voluntary compliance. Compliance to these orders is your choice. For those businesses or residents who choose to refuse to comply, I strongly urge each of you to begin compliance immediately. Choosing to refuse to comply and follow these orders will result in consequences. Consequences can be a fine up to \$1,000.00 and you can be placed in jail for up to 180 days. Additionally, if you are a business and you refuse to comply, you are subject to revocation of your business license issued by the city and you will have to close your doors. This is not an action we wish to take or do we want to take. We are, again, asking you to choose to comply. The city's web page and departments Facebook are updated as soon as we receive information. We encourage everyone to follow us either thru the city, or PD or one of our department's Facebook pages to get this information. It is critical that you educate yourselves by reading these documents. The information is posted as soon as we get it. Calling the city's office or calling the police department with questions pertaining to these orders ties up the phone lines which can result in delay responses to real emergencies. Cameron County has set up an information line; that number is 956-247-3650. Calls are accepted Monday thru Friday 8am to 5pm and 8am to 8pm on Saturday and Sunday. On behalf of the Emergency Management Team and as the Chief of Police and Assistant City Manager and Emergency Management Coordinator, we thank you for your continued unity and compliance and support of these orders. This is a challenging time for our entire world but together we will prevail. Little update as far as to what we have in numbers as of 8:00 a.m. we still have six confirmed, they appear to be travel related. There are nineteen pending results. Nineteen tests that we still have to get the results from. We do have zero deaths in Cameron County. This aggressive approach is critical which is why we want to provide the updates. As a matter of fact, we are still waiting for a finalized and reviewed fact sheet from Cameron County. Ms. McClain and I have been waiting for them to respond and get it to us. They are reviewing it and once they approve it, they'll send it to us and we will post it on our city's website and all of our media social pages. [Mayor Pro Tem, Carol Lynn Sanchez](#) requested clarification, if order allows for traveling to, if you have to care for someone that is elderly in another household or just basic supermarket. Obviously, you just mentioned our restaurants are able to be open thru the drive-thru, curbside whatever they choose, how are we able to travel then. I know you mentioned employer, but, do we just show our food. [Assistant City Manager Fred Bell](#) advised, again, what we have found so far and I believe it has been attested in many of our conference calls, the majority of the public are complying. If you have to go get your groceries, go get groceries. We are encouraging people, if you have the ability to cook at home, cook at home. I understand that not everybody can, so, that is why they made the exception that they have drive-thru that are open until 10:00. We understand, if you get stopped, the only thing that we expect is just compliance. If you are reasonable and you have a reasonable explanation, the officers are not here to make it any more difficult. But, we just want to ensure that we don't have people just driving around. [Commissioner Rene Villafranco](#) questioned in regards to parks, we have the trail that everybody uses in a daily basis, the county judge allows you to exercise, jog, walk, is that off-limits and requested for Mr. Bell to be more specific. [Assistant City Manager Fred Bell](#) advised all parks are closed. [Mayor Pro Tem Carol Lynn Sanchez](#) questioned if city or county. [Mayor Benjamin Gomez](#) advised county. [Assistant City Manager Fred Bell](#) confirmed and advised the reality is, we understand that people are going to, we don't want cabin fever, we want people to be able to get out. You can get out of your

homes. If you want to walk in your neighborhood, you can walk in your neighborhood. But, once you leave your property, you are expected under this executive order, to utilize the social distancing requirements. Mayor Benjamin Gomez read a small statement he prepared commending our City Manager and Mr. Bell, Assistant Police Chief Perea, Fire Chief and everyone that sits on those phone conferences. I know that you guys had like four or five on one day. I sat in about three per day and we usually sit there every day and we are here all day long. They are very hard decisions to make. I wrote a little something here. It says, in the best interest of our public safety, the city of San Benito issued closure of public buildings such as public library, museum, community building and no gatherings are permitted at the discretion of federal, state and local authorities. While we maintain social distancing, all candidates for general elections should respect the recommendations made by Governor Abbott to postpone the elections until the uniform election on November 3, 2020. As a public servant, the decision made, directly affects our community and our primary concern is health and safety for our citizens. COVID-19 is a serious global epidemic and no vote is worth more than a life. Cameron County officials have shared their concerns for the well-being of volunteers, election clerks, election judges and including the public at large. It is strongly encouraged not to jeopardize the lives of any members within these groups. I hope and pray that after this event has passed that we can get back to our daily business and for some of us back to running for office and service for our community. Together we can get thru this, so, let's all do our part. And, I think that by what we are asking and recommending, let's do our part and the social distancing and in-shelter that is in place and I'll be out in the community because we need to contain this virus. To me, the community's life and health and well-being is more important than my running for a position or a vote. I think that we need to do our part and do what our higher elected officials are recommending and abide by uniformity and following their recommendations. I think that we all need to play it safe, we need to do our part and keep our distances. I sit on these conference calls every day for we've been here for like two weeks and I am here almost every day. It is very stressful, it's hard. I mean, the decisions we have to make are very hard to make. But, we have to take into consideration what is going on all over the world, it's global. And, other cities have it worse than we do, other states have it worse than we do but we need to do our part and try to contain this virus. So, with that said, I hope everybody does their part and let's keep each other safe and God bless everyone.

ITEM 4. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDER NUMBER 2020-04, EXTENSION OF DECLARATION OF DISASTER FOR THE CITY OF SAN BENITO AS A RESULT OF THE COVID-19 (CORONAVIRUS).

City Manager Manuel De La Rosa addressed the City Commission recommending approval of said Order relating to the City of San Benito Extension of Declaration of Disaster and informed President Trump issued a Disaster Order, followed by Texas Governor Greg Abbott and Cameron County Judge, along with three supplemental orders since then. Mayor Gomez issued one a week ago valid for seven days expiring today. The City's Order can only be extended with your approval. Mayor Benjamin Gomez requested a motion. 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 ORDER NUMBER 2020-04, EXTENSION OF DECLARATION OF DISASTER FOR THE CITY OF SAN BENITO AS A RESULT OF THE COVID-19 (CORONAVIRUS).**

ITEM 5. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDER NUMBER 2020-05, ORDER OF POSTPONEMENT OF THE MAY 2, 2020 GENERAL ELECTION AND

SPECIAL ELECTION FOR THE CITY OF SAN BENITO TO THE NOVEMBER 3, 2020 UNIFORM ELECTION PURSUANT TO TEXAS GOVERNOR ISSUED PROCLAMATION.

City Manager Manuel De La Rosa addressed the City Commission advising Texas Governor Greg Abbott issued a proclamation allowing cities and political subdivisions the opportunity to postpone the May Elections until the next Uniform Election on November 3, 2020. The Texas Ethics Commission provided guidelines, in the election advisor I sent out to you yesterday which legal counsel reviewed. **Mayor Pro Tem Carol Lynn Sanchez** read confirmation of the candidate filing for the election will remain valid for the election held on the November day and that the filing period will not be reopen for the November election date. Confirmation that all ABBM, Application for Ballot By Mail, for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the postponement election and that ABBM is for voters who submitted an ABBM based on an expected absence from the county will not be valid for the postponed election. The major relevant dates for the November election including voter registration deadline is October 5, 2020. The deadline to submit ABBM is October 23, 2020 and the dates for early voting are October 18, 2020 thru October 30, 2020. **City Manager, Manuel De La Rosa** stated it is staff recommendation that because we don't believe that we are going to be out of this crisis on May 2, 2020, we just don't know what is ahead of us. That this election scheduled for May of this year be postponed to November 2020. **Commissioner Antonio Gonzales** asked for clarification on the candidate finance reports due in April. **City Manager, Manuel De La Rosa** advised they follow the deadlines that are in place as if we were having a May election pending further information from the Texas Ethics Commission and then you will have to follow the new deadlines for the November election. **Mayor Benjamin Gomez** requested a motion. **Mayor Pro Tem Carol Lynn Sanchez** moved to approved. **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 ORDER NUMBER 2020-05, ORDER OF POSTPONEMENT OF THE MAY 2, 2020 GENERAL ELECTION AND SPECIAL ELECTION FOR THE CITY OF SAN BENITO TO THE NOVEMBER 3, 2020 UNIFORM ELECTION PURSUANT TO TEXAS GOVERNOR ISSUED PROCLAMATION.**

ITEM 6. DISCUSSION AND POSSIBLE ACTION TO APPROVE POSTPONEMENT OF THE HOG WADDLE COUNTRY CONCERT & COOK-OFF FESTIVAL; MERGING THE EVENT WITH THE SOUTH TEXAS MUSIC FESTIVAL, TO BE HELD SATURDAY, SEPTEMBER 12, 2020 AT THE SAN BENITO FAIRGROUNDS - 551 CESAR GONZALEZ PARKWAY.

City Manager Manuel De La Rosa addressed the City Commission recommending approval to postpone until the South Texas Music Festival to be merged hoping we will be beyond this crisis and confirmed the entertainers are willing to move the date over. **Mayor Benjamin Gomez** requested a motion. **Mayor Pro Tem Carol Lynn Sanchez** moved to approve. **Commissioner Antonio Gonzales** 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 POSTPONEMENT OF THE HOG WADDLE COUNTRY CONCERT & COOK-OFF FESTIVAL; MERGING THE EVENT WITH THE SOUTH TEXAS MUSIC FESTIVAL, TO BE HELD SATURDAY, SEPTEMBER 12, 2020 AT THE SAN BENITO FAIRGROUNDS - 551 CESAR GONZALEZ PARKWAY.**

ITEM 7. CONSIDERATION AND POSSIBLE ACTION TO EXTEND THE PREVIOUSLY APPROVED EXHIBIT LOAN AGREEMENT FOR EXHIBITION INDIGENOUS WARRIORS & RITUALS OF MESOAMERICA UP TO JUNE 5, 2020 AT THE SAN BENITO CULTURAL HERITAGE MUSEUM.

City Manager Manuel De La Rosa addressed the City Commission advising the cultural arts director informed him it is difficult for some exhibits to come in because of the pandemic reason requesting approval to extend this exhibit until June 5th. It is a scheduling issue that we are just trying to. Mayor Benjamin Gomez requested clarification if museum is closed. City Manager, Manuel De La Rosa confirmed the museum is closed. Mayor Benjamin Gomez requested a motion. 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 Antonio Gonzales, and Commissioner Rene Villafranco. Motion carried to EXTEND THE PREVIOUSLY APPROVED EXHIBIT LOAN AGREEMENT FOR EXHIBITION INDIGENOUS WARRIORS & RITUALS OF MESOAMERICA UP TO JUNE 5, 2020 AT THE SAN BENITO CULTURAL HERITAGE MUSEUM.

ITEM 8. CONSIDERATION AND POSSIBLE ACTION TO APPROVE SECOND AND FINAL READING OF ORDINANCE NUMBER 2572, AN ORDINANCE OF THE CITY OF SAN BENITO, TEXAS AMENDING ORDINANCE NUMBER 2101 AND CODE OF ORDINANCES CHAPTER 12, ARTICLE 12.05 "PARKING, STOPPING AND STANDING" SECTIONS, REGULATING THE PARKING OF VEHICLES ON PUBLIC STREET AND PRIVATE AREAS. PROVIDING CUMULATIVE AND SEVERABILITY CLAUSES, PROVIDING PENALTIES AND ESTABLISHING AN EFFECTIVE DATE 20-0005, A RESOLUTION SUPPORTING PROPOSED RULE CHANGES TO TITLE 34, SECTION 3.334 OF THE TEXAS ADMINISTRATIVE CODE THAT WILL PROVIDE CLARITY FOR CITIES AND LOCAL GOVERNMENT ENTITIES OF ALL SIZES TO RECEIVE THE LOCAL TAX REVENUE FROM ONLINE PURCHASES TO WHICH THEY ARE ENTITLED.

City Manager Manuel De La Rosa addressed the City Commission advising previous Ordinance 2101 was being enforced relating to parking, more specifically with large trucks and vehicles. In reviewing the original ordinance, the definitions of vehicles determined that some of those definitions did not meet the Texas Transportation Code as it reads today. The City is amending that ordinance and not only that; we looked at 12.05 which is the parking, stopping and standing of certain vehicles and the determination was made that improperly parked vehicles, recreational vehicles and trailers in downtown San Benito are detrimental to the health, safety and welfare of the public and it's adopted regulations to protect the public. So, therefore, it is staff recommendation that Ordinance 2101 be amended along with the Article 12.05 with these changes as presented in this second reading of this ordinance. 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, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Antonio Gonzales, and Commissioner Rene Villafranco. Motion carried to APPROVE SECOND AND FINAL READING OF ORDINANCE NUMBER 2572, AN ORDINANCE OF THE CITY OF SAN BENITO, TEXAS AMENDING ORDINANCE NUMBER 2101 AND CODE OF ORDINANCES CHAPTER 12, ARTICLE 12.05 "PARKING, STOPPING AND STANDING" SECTIONS, REGULATING THE PARKING OF VEHICLES ON PUBLIC STREET AND PRIVATE AREAS. PROVIDING CUMULATIVE AND SEVERABILITY CLAUSES, PROVIDING PENALTIES AND ESTABLISHING AN EFFECTIVE DATE 20-0005, A RESOLUTION SUPPORTING PROPOSED RULE CHANGES TO TITLE 34, SECTION 3.334 OF THE TEXAS ADMINISTRATIVE CODE THAT WILL PROVIDE CLARITY FOR CITIES AND LOCAL GOVERNMENT ENTITIES OF ALL SIZES TO RECEIVE THE LOCAL TAX REVENUE FROM ONLINE PURCHASES TO WHICH THEY ARE ENTITLED.

ITEM 9. ADJOURNMENT.

Mayor Benjamin Gomez addressed the community requesting for everyone to stay safe, stay at home and we need to do our part as citizens and protect each other. He mentioned his son is isolated at home with grandmother and sees him when he arrives at home. We need to keep our loved one safe.

Mayor Benjamin Gomez requested a motion to adjourn. Mayor Pro Tem Carol Lynn Sanchez, moved to approved. 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 **ADJOURN AT 5:52 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