



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

On April 20, 2021 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.

City Commission Members Present: Ricardo Guerra, Mayor ; Carol Lynn Sanchez, Mayor Pro Tem ; Rene Garcia, Commissioner, Place 1 ; Rene Villafranco, Commissioner, Place 2 ; Pedro A. Galvan, Commissioner, Place 3 ; Mark Sossi, City Attorney.

City Administration Personnel Present: Manuel De La Rosa, City Manager ; Fred Bell, Assistant City Manager ; Ruth McGinnis, City Secretary.

ITEM 1. WELCOME.

Mayor Ricardo Guerra 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.

Mayor Ricardo Guerra recited the pledge of allegiance to the U.S. Flag and to the Texas Flag.

ITEM 3: INVOCATION.

Mr. David Favila, Public Relations Director recited in prayer.

ITEM 4. ANNOUNCEMENTS: ITEMS OF COMMUNITY INTEREST.

Commissioner Rene Villafranco announced the Food Court Festival at W.H. Heavin Park on April 24th and 25th. **Mayor Ricardo Guerra** announced Early Voting information is on the City website at cityofsanbenito.com and information on times and locations and a sample ballot.

ITEM 5. PUBLIC COMMENTS. (Speakers/Remarks limited to three minutes).

Ruth McGinnis, City Secretary, announced no public comments.

ITEM 6. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE APRIL 6, 2021 REGULAR CITY COMMISSION MEETING.

Mayor Ricardo Guerra requested a motion. **Commissioner Rene Garcia** moved to approve. **Commissioner Rene Villafranco** seconded the motion. Voting Aye: **Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco and Commissioner Pedro A. Galvan.** Motion carried to **APPROVE THE MINUTES OF THE APRIL 6, 2021 REGULAR CITY COMMISSION MEETING.**

ITEM 7. PRESENTATION AND ACCEPTANCE OF THE CASCOS & ASSOCIATES, P.C. FISCAL YEAR 2019-2020 COMPREHENSIVE ANNUAL FINANCIAL REPORTS PERTAINING TO THE CITY OF SAN BENITO, THE SAN BENITO ECONOMIC DEVELOPMENT CORPORATION, INC., AND THE FIREMEN RELIEF AND RETIREMENT.

Mr. Carlos Cascos, Principal, Cascos & Associates, P.C., addressed the City Commission congratulating the City, Administration and Finance Department in earning unmodified opinions being the best opinion any private or public entity can receive from an independent accounting firm meaning Financial Statements are fairly stated in all aspects. I want to thank Mr. De La Rosa and of course, Belen Pena and her staff for their cooperation. You have a great Finance Department but of course it comes from the leadership the way it goes up City Manager and City Council, I think you have a great team working right now and I trust that we will continue seeing those positive efforts in the future. I'd like to open it up to any questions anyone might have, that concludes my presentation. **Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Villafranco** moved to approve. **Commissioner Rene Garcia** seconded the motion. Voting Aye: **Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco and Commissioner Pedro A. Galvan.** Motion carried to **APPROVE THE CASCOS & ASSOCIATES, P.C.**

FISCAL YEAR 2019-2020 COMPREHENSIVE ANNUAL FINANCIAL REPORTS PERTAINING TO THE CITY OF SAN BENITO, THE SAN BENITO ECONOMIC DEVELOPMENT CORPORATION, INC., AND THE FIREMEN RELIEF AND RETIREMENT.

ITEM 8. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION 2021-0420-008(R) A RESOLUTION OF THE CITY OF SAN BENITO, TEXAS FINDING THAT AEP TEXAS INC.'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTORS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH THE CITIES SERVED BY AEP TEXAS; AUTHORIZING HIRING OF LEGAL COUNSEL; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

City Manager Manuel De La Rosa addressed the City Commission advising AEP Texas filed a rate increase for the distribution cost recovery. Recommending motion be approved denying rate increase. Mayor Ricardo Guerra requested a motion. Commissioner Rene Garcia moved to approve. Commissioner Pedro A. Galvan seconded the motion. Voting Aye: Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco and Commissioner Pedro A. Galvan. Motion carried to **APPROVE RESOLUTION 2020-0420-008(R) A RESOLUTION OF THE CITY OF SAN BENITO, TEXAS FINDING THAT AEP TEXAS INC.'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTORS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH THE CITIES SERVED BY AEP TEXAS; AUTHORIZING HIRING OF LEGAL COUNSEL; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

ITEM 9. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE SECOND AND FINAL READING OF ORDINANCE 2585-03-2021(Z) AN ORDINANCE AMENDING ZONING ORDINANCE NUMBER 2252 AND AMENDING THE ZONING MAP OF THE CITY OF SAN BENITO TO CHANGE THE ZONING OF A PROPERTY ON 730 SOUTH MCCULLOUGH ALSO BEARING A LEGAL DESCRIPTION OF LOT 1, EAST WILLIAMS SUBDIVISION, AS RECORDED IN CABINET 1, PAGE 3530, OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS FROM MF "MULTI-FAMILY" TO C-2 "COMMERCIAL GENERAL RETAIL BUSINESS". APPLICANT: MR. JESUS GONZALEZ, JR.

City Manager Manuel De La Rosa addressed the City Commission advising there are concerns on said property zoned as Multi-Family and the request to rezone to Commercial General Retail Business to be used as a used car lot. There is no recommendation, if the city commission is not in favor and thinks it is better suited for Multi-Family or other land use, you do not have to approve the rezoning ordinance. In the City's interest that is a determination you need to make. Mayor Ricardo Guerra requested a motion. Commissioner Rene Garcia moved to approve. Commissioner Rene Villafranco seconded the motion. Voting Nay: Mayor Ricardo Guerra and Commissioner Pedro A. Galvan. Voting Aye: Commissioner Rene Garcia and Commissioner Rene Villafranco. No motion carried, **MOTION DIES DUE TO TIE VOTE.**

ITEM 10. DISCUSSION ON POSSIBLE IMPROVEMENTS TO THE SAN BENITO COMMUNITY BUILDING LOCATED AT 210 EAST HEYWOOD.

Ms. Aleida Garcia, Cultural Arts Director, addressed the City Commission providing history of the Community Building and proposing a phase project plan. Phase One would be improvements and updates on the exterior, a new store front entry, repair leaks at the office door entry, much needed brick and mortar repair throughout the façade, and a window repair and a tile accent. This rendering was created by Megamorphosis a local architectural firm. Also proposing a decorative steel papel picado accent similar to the one found at the Cultural Heritage Museum to provide design element ties the two buildings together, this continuity in design helps to develop an identity of San Benito as a cultural destination. Megamorphosis provided an estimate worksheet for the Phase One improvements, which does not include general contractor, plans, engineering or other certifications, it shows an approximation of the

improvements costs. [City Manager Manuel De La Rosa](#) addressed Commissioner Rene Garcia pertaining to his request to look into this facility. The Community Center should be more inviting and utilized by the general public. Met with John Percy, Megamorphosis, his partner then was Meg Jorn, who worked on the original Cultural Heritage Museum site, we asked how to incorporate these sites, we are about to apply for another Federal EDA Grant. We looked at the structure in full, the roof and internal, the Community Building side with the stage is old and the kitchen needs updating. By the offices area we have some leaks, we have some structural issues to address. The \$30,000.00, as Ms. Garcia indicated, is with no contractors, no engineers, like we did the work ourselves. Provided to you was the 2007 bonds and the proposed Number One Plaza San Benito Museum Community Building improvements. This was well before the Cultural Heritage Museum, there were to be improvements along with eleven other items here. \$200,000.00 from the bond we did not use for the street lights, without using the unassigned funds, we still have this money in allocation by ordinance. If we want to utilize it under that item but that means if you want to do anything to any of the other items you have to issue new debt. We were hoping the next grant would be for an expansion because the original application to the EDA was to make the Cultural Heritage Museum larger and the existing Community Center expand it, even try to connect the two buildings with a court yard. It was scaled back because of the award of the federal grant and the participation by the EDC. No motion carried **DISCUSSION ONLY.**

ITEM 11. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE SIXTH SUPPLEMENTAL TO ORDER 2020-04.

[City Manager Manuel De La Rosa](#) addressed the City Commission advising the Fifth Supplemental expires today and the Sixth Supplemental continues being due to the ongoing pandemic. Section number seven orders all City of San Benito Public Parks open to the public until further notice. It does require in section nine that all members of the public doing business in the City buildings and facilities wear face masks. The governor says you cannot arrest people for not wearing a mask, but we have public coming in and may not want to wear masks, we will ask them to wear a mask or leave. If they do not leave, then we notify the Police Department for not following our rules and this order. We want to protect our employees. We have the Annex Building opened to the public as of yesterday. Business continues, we never worked from home, we always had operations, and meeting with the public. This sixth supplemental meets intent for 120 days. [City Manager Manuel De La Rosa](#) requested direction how to handle the parks bathrooms. For example, we do have the Food Court this weekend and those bathrooms are available because it is a City event. [Commissioner Rene Garcia](#) requested the restrooms to be open. [Mr. Fred Bell, Assistant City Manager](#), advised Commissioner every City employee had the opportunity to get vaccinated on more than one occasion. We are still hosting vaccination clinics if an employee goes to their department head and says I want to be vaccinated now that department head will coordinate with Ms. Sanchez and I, and we will fit them in to the next available clinic. We are at about sixty-two to sixty-six percent employees that did elect to get vaccinated. We intend to have continuous clinics until the state says we are not going to facilitate them anymore. We are going to push everyone who wants to get vaccinated, we want to make that available employees or the community. [City Manager Manuel De La Rosa](#) confirmed and stated the municipal building is generally by appointment only so there is no reason to open up to the public since most of the time Mr. Bell and I are gone and you have to make an appointment to see us anyway. [Mayor Ricardo Guerra](#) requested a motion. [Commissioner Rene Garcia](#) moved to approve. [Commissioner Rene Villafranco](#) seconded the motion. Voting Aye: [Mayor Ricardo Guerra](#), [Commissioner Rene Garcia](#), [Commissioner Rene Villafranco](#) and [Commissioner Pedro A. Galvan](#). Motion carried to **APPROVE THE SIXTH SUPPLEMENTAL TO ORDER 2020-04.**

ITEM 12. PUBLIC HEARING: TO SOLICIT INPUT FROM CITIZEN PARTICIPATION ON PROPOSED SUBSTANTIAL AMENDMENT TO AMEND THE CITIZEN PARTICIPATION PLAN TO INCLUDE THE REINSTATEMENT OF THE COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE (CDCAC).

- a) Open Public Hearing
- b) Close Public Hearing

Ms. Elvira Cavazos, CDBG Coordinator addressed the City Commission advising this is the second Public Hearing to solicit input or accept any comments on the substantial amendment to update the Citizen Participation Plan to include the reinstatement of the Community Development Citizens Advisory Committee.

Mayor Ricardo Guerra opened the floor at 6:58 p.m. to the public to receive input from citizen participation. No public input received.

Mayor Ricardo Guerra closed the floor at 6:59 p.m.

ITEM 13. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE SUBSTANTIAL AMENDMENT TO THE CITY OF SAN BENITO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CITIZEN PARTICIPATION PLAN.

Ms. Elvira Cavazos, CDBG Coordinator addressed the City Commission stating as previously requested by the City Commission, staff has moved forward with reinstatement of the Community Development Citizens Advisory Committee. The Citizen Participation Plan must be amended and requires publication in the San Benito News which occurred on April 9th, and two public hearings which were held on April 14th and previously on this evening's agenda. It also requires a five day comment period which previously ended, no comments were received. Staff recommends the approval. Mayor Ricardo Guerra requested a motion. Commissioner Rene Villafranco moved to approve. Commissioner Rene Garcia seconded the motion. Voting Aye: Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco and Commissioner Pedro A. Galvan. Motion carried to APPROVE THE SUBSTANTIAL AMENDMENT TO THE CITY OF SAN BENITO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CITIZEN PARTICIPATION PLAN.

ITEM 14. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE CITY OF SAN BENITO COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE (CDCAC) BY LAWS.

City Manager Manuel De La Rosa addressed the City Commission in 2016, the City Commission did away with the advisory group because the allocation was less than \$50,000.00. We reviewed and struck through areas setting the terms and how they operate and appointed. For the first time we set good moral character standards need to be met. Mr. Fred Bell, Assistant City Manager, addressed the City Commission advising revisions were made to the 2009 By Laws based on discussions at the City Management level, staff level and based on some of the input and feedback and items some Commissioners wanted us to consider. Some of the highlights and recommendations are creating a five member committee instead of ten as noted on page two, nomination and appointment procedures, we wanted to make sure there was a clear set of criteria that the community understand if they wanted to be considered as well as the Commissioners. We also wanted to make sure we address Commissioners' Nominee Residency Requirements. Last time I provided a map and I talked about the revisions we would do instead of two appointees it would be one appointee, it is the exact same thing, revised the map basically made one appointee, each Commissioner is assigned a specific zone and the Mayor is at-large and gets to select anyone within the City limits. We wanted to set that criteria, there is a lot of the 2009 that we thought was beneficial we just wanted to bring it to the current set of By Laws with some of these small revisions. We also wanted to address, as Mr. De La Rosa said, members and their standing in the community. We feel if an individual is going to be a representative and make recommendations for the future developments, they should be outstanding as possible. So we believe it is fair to say you cannot have charges pending against you for violating City ordinances, Class B Misdemeanors, felonies. We think that is something very important as we try to organize and move this committee forward and those were noted on page three of

the proposed By Laws Revision. We also wanted to list details as far as the criteria for an advisory member's resignation or removal, we want to set the criteria that you all as the Commission you get to control the removal, if a person wants to resign, we want to set that criteria that there is going to be a process that we will have our coordinator that will be a designated liaison and that will be our CDBG Coordinator. So she will be that conduit between the advisory committee and City Management and this Commission. We wanted to address the organization procedures that the advisory committee should have a set of President, Vice-President and Secretary, and we wanted to define those and they are defined on pages four and five. We had discussions and Commissioner Galvan noticed that previously they had subcommittees, part of the concern was getting the committee to meet, having subcommittees on top of advisory committees was pretty challenging as it is. We still have four more years of paying off a high debt with a minimal amount of funds to be available. Maybe down the road if the Commission wants to say we now have a large amount of money that we want to deal with then we can start considering bring back in the subcommittees, that is a discussion I think will be better suited as we wrap up paying off this twenty-year note. As far as the actual making the amendments on page six any changes and amendments that the advisory committee thinks should be made. You all control it because you have the ultimate authority on these By Laws. They can make the recommendation, follow through with the designated liaison who will present it to the City Staff who will present it to the City Commission. It is important that while we establish these criteria, you all as the nominating and appointing members, you will have the relationship with those you decide to nominate. Ultimately one nomination still has to get approval and overall support for the appointment, you get to control that. I would assume the person you are going to nominate is on the same page as far as what it is you would like to see as far as that perspective section of the community. City staff will be the conduit to make sure the presentation complies with the overall rules and regulations. Mayor Ricardo Guerra requested a motion to table. Commissioner Rene Villafranco moved to approve. Commissioner Rene Garcia seconded the motion. Voting Aye: Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco and Commissioner Pedro A. Galvan. Motion carried to TABLE THE APPROVAL OF THE CITY OF SAN BENITO COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE (CDCAC) BY LAWS.

ITEM 15. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE INSTALLATION OF TWO (2) MOTORIZED ROLL UP DOORS AND OTHER RELATED IMPROVEMENTS TO THE NEUMANN BUILDING LOCATED AT THE SAN BENITO FAIRGROUNDS IN ORDER TO INCREASE CAPACITY OF COVID-19 VACCINATION CLINICS AND TESTING IN AN AMOUNT NOT TO EXCEED \$25,000.00.

Mr. Fred Bell, Assistant City Manager, addressed the City Commission advising it was touched upon previously in anticipation of hosting regular COVID-19 Testing Sites and Vaccination Clinics at the Neumann Building at the San Benito fairgrounds staff is recommending the installation of a second set of bay doors to the building. The building currently has one set of roll up bay doors, staff believes by adding an additional set of doors, this location is going to be better suited, provide additional capacity to facilitate more tests and vaccinations which will result in our community receiving tests and vaccinations more timely. Staff has contacted three companies and requested quotes for the installation of two motorized roll up doors and the purchase and installation of two motors in order to motorize the two existing doors. Staff received quotes from Araiza General Construction Consulting Engineers, Juarez Garage Doors, and ROA Brothers Construction. Staff is recommending authorization to begin the requested updates with a budget not to exceed \$25,000.00 in order to account for unexpected incidentals on this project. As you can see on the quotes, Araiza General Construction came in at the lowest at \$21,585.04. Since we did this, we already had additional discussions about doing additional minor upgrades that we would like to include, that is why we are requesting the budget not to exceed \$25,000.00. We think that in this wave of some of these upgrades that we are comfortable, my discussions with Mr. Rodriguez and Mr. De La Rosa that we can make this happen. This is going to be for us to be able to provide this service for not just the City of San Benito residents but also our overall community. Mr. Galvan said it perfectly, there is so many vaccines coming in part of the challenge is people thinking they will go tomorrow. I can tell you at the Emergency Management level there is already discussions about minimizing some of these and reducing the number of these small vaccination clinics because we do not want to waste doses. So there is discussions at the county level how do we have some of the larger clinics, kind of like Los Fresnos, maybe not to that extreme. We want to be a part of that, we are the central part of Cameron County, we want to

be an integral part of this vaccination process. We think that the response from the county and the state along with the assistance of the school district, we have had very successful clinics. The feedback that we have received is great, we know that by adding that additional set of lines we can double the testing stations and double the vaccination stations. Mayor Ricardo Guerra requested a motion. Commissioner Rene Garcia moved to approve. Commissioner Rene Villafranco seconded the motion. Voting Aye: Mayor Ricardo Guerra, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Rene Garcia, Commissioner Rene Villafranco and Commissioner Pedro A. Galvan. Motion carried to APPROVE THE INSTALLATION OF TWO (2) MOTORIZED ROLL UP DOORS AND OTHER RELATED IMPROVEMENTS TO THE NEUMANN BUILDING LOCATED AT THE SAN BENITO FAIRGROUNDS IN ORDER TO INCREASE CAPACITY OF COVID-19 VACCINATION CLINICS AND TESTING IN AN AMOUNT NOT TO EXCEED \$25,000.00.

ITEM 16. PRESENTATION OF THE CITY OF SAN BENITO FINANCIAL STATEMENT ENDING FEBRUARY 28, 2021.

Ms. Belen Pena, Finance Director, addressed the City Commission presenting the City's Financial Statement , answered questions and advised are posted on the City website. No motion, PRESENTATION ONLY.

ITEM 17. ADJOURNMENT.

Mayor Ricardo Guerra requested a motion. Commissioner Rene Garcia moved to approve. Mayor Pro Tem Carol Lynn Sanchez seconded the motion. Voting Aye: Mayor Ricardo Guerra, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Rene Garcia, Commissioner Rene Villafranco and Commissioner Pedro A. Galvan. Motion carried to ADJOURN AT 7:39 P.M.

CITY OF SAN BENITO

HONORABLE RICARDO GUERRA
MAYOR

ATTEST:

RUTH MCGINNIS
CITY SECRETARY