



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

On April 21, 2020 the City Commission met for a Regular Meeting at the San Benito Municipal Building, Cesar Gonzalez Meeting Hall, 401 North Sam Houston Boulevard, in 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 Member Absent: Vacant, Commissioner, Place 3

City Administration Personnel 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.

**Commissioner Antonio Gonzales** led the City Commission and audience in reciting the pledge of allegiance to the U.S. Flag and to the Texas Flag.

### ITEM 3. INVOCATION.

**Martha McClain, Public Relations Director**, led the City Commission and audience in prayer.

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

**Mayor Benjamin Gomez** advised no announcements due to the COVID-19 and expressed the importance to follow CDC guidelines on social distancing, no gatherings, and shelter in place. **Commissioner Antonio Gonzales** announced he agreed with **Mayor Benjamin Gomez** statement.

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

**Ruth McGinnis, City Secretary**, announced no public comments.

### ITEM 6: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE APRIL 7, 2020 REGULAR CITY COMMISSION MEETING.

**Mayor Benjamin Gomez** requested a motion. **Commissioner Rene Villafranco** 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 THE MINUTES OF THE APRIL 7, 2020 REGULAR CITY COMMISSION MEETING.**

### ITEM 7. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NUMBER 2020-0008, A RESOLUTION OF THE CITY OF SAN BENITO FINDING THAT AEP TEXAS INC.'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVER 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 City staff recommends this resolution be approved denying proposed AEP rate increase per their filed application to amend the Distribution Cost Recover Factors. AEP received settlement in a rate case increase in the last six months. This is a new increase, will increase everyone's residential costumer bill by \$1.83 a month, totaling about \$39,870,000.00 to AEP. 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 RESOLUTION NUMBER 2020-0008, A RESOLUTION OF THE CITY OF SAN BENITO FINDING THAT AEP TEXAS INC.'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVER 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 8. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE ANNUAL MEMBERSHIP PAYMENT TO THE SAN BENITO CHAMBER OF COMMERCE.

Mayor Benjamin Gomez asked the City Commission members who wished to make a motion other than \$5,000.00. Commissioner Antonio Gonzales motioned for \$10,000.00. 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 THE ANNUAL MEMBERSHIP PAYMENT IN THE AMOUNT OF \$10,000.00 TO THE SAN BENITO CHAMBER OF COMMERCE.

ITEM 9. CONSIDERATION AND POSSIBLE ACTION ON APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH MR. MARIO A. AND MRS. SAN JUANITA B. MAYA, DBA MJ SCREEN PRINTING, PERTAINING TO LOT 1A OF FINAL PLAT OF LORENZO MAYA SUBDIVISION.

City Manager Manuel De La Rosa addressed the City Commission advising this matter was tabled at the last City Commission meeting and he met with Mr. Jeremy Maya about five days ago to review the agreement relating to the plat that consists of two lots which was considered by the City Commission on February of 2019. At that time, the property was under one owner, Mario Maya and San Juanita Maya. Since then, they have sold one of the lots to Jeremy Maya, so the agreement is now with two different parties. We went over the discussions we had a year ago in the presence of Mayor Benjamin Gomez, and Assistant City Manager Fred Bell. Last Thursday, we had another meeting, it consisted of Commissioner Villafranco, Assistant City Manager Fred Bell, and I where we discussed, the agreement that we reached verbally on January 2019, that included that the plat would be non-compliant when it was going to be approved by the City Commission, it had some non-conforming issues. We had a lengthy conversation on February 2019, the plat was filed on March of 2019. It has since moved forward and some of the reason for the filing was because they needed financing for the construction of the home. The City has met its' obligation, we had that discussion last Thursday, there were a couple of items that were never discussed on January 2019 that are not completed now and I went ahead and added them in to help the Mayas, one of the Mayas. We went through every one of the ordinances as to what the requirement is and satisfied the questions they had and Commissioner Villafranco can attest to whether I answered them all, every question that he had and the agreement that we reached back then. It was for a three-year period. The three-year period really started a year ago but even if we started now, April of 2020, it goes thru the end of April 2022 and there are still two six-months extensions, so technically there are still three years in. I think that was the one item of concern. This agreement gives two years automatically and then two six-months extensions that you would have to approve or the commission at that time. Commissioner Rene Villafranco confirmed his attendance at the meeting advising nothing changed, the only thing that we are doing today is obviously that this agreement is in writing. They are moving forward and are ok with what they are doing and the City is doing the agreement. Mayor Benjamin Gomez questioned Lot 1A and Lot 2A requesting clarification if the sidewalk is addressed on

both agreement. **City Manager Manuel De La Rosa** advised, it's the same agreement, reason being we don't know what if the sidewalk was required as part of the plat. The plat is coming upon both. How they worked out their non-compliant issues, but to get from, it's up to them. That is why it is on both, they would have to agree, it's the same family. If not, we would have to pull them and find out exactly how do you want to resolve it because of non-conforming issues. To get to Lot 2, the Fire Apparatus driveway that you need goes across Lot 1A and it can terminate in Lot 2. It does not benefit 1A, it's 2A, so again, we don't know what they worked out. I left the terms exactly the same for either one, for them to determine what it is. They never came back and said no, put this sidewalk over here and I'll do this. I never got that kind of a response. **Mayor Benjamin Gomez** stated Lot 1A is the business. **City Manager, Manuel De La Rosa** confirmed, it's the business. **Mayor Benjamin Gomez** stated the other one is a home and questioned how long ago has the business been going. **City Manager, Manuel De La Rosa** advised since 2012. **Mayor Benjamin Gomez** questioned if the Fire Codes and Fire Hydrants weren't in place back then. **City Manager Manuel De La Rosa** stated, it was since 2006 and I had a conversation with a former mayor and said that those conversations came up and advised Mr. Mario Maya at the meeting. I said, I went back to former mayor at the time, so, I was told that those discussions weren't held. They were supposed to have been done then in 2012. The codes that were in place were from 2006 building codes and now, we are here in 2019 and here we are thirteen-fourteen months later. **Mayor Benjamin Gomez** requested a motion. **Commissioner Rene Villafranco** 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 A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH MR. MARIO A. AND MRS. SAN JUANITA B. MAYA, DBA MJ SCREEN PRINTING, PERTAINING TO LOT 1A OF FINAL PLAT OF LORENZO MAYA SUBDIVISION.**

**ITEM 10. CONSIDERATION AND POSSIBLE ACTION ON APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH MR. JEREMY MAYA PERTAINING TO LOT 2A OF FINAL PLAT OF LORENZO MAYA SUBDIVISION.**

**City Manager Manuel De La Rosa** addressed the City Commission advising this agenda item also pertains to agenda item nine, it is the same plat, it's the lot on the back side, not the street side but on the back side. **Mayor Benjamin Gomez** requested a motion. **Commissioner Rene Villafranco** moved to approve. **Commissioner Antonio Gonzales** seconded motion. Voting Aye; **Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Antonio Gonzales and Commissioner Rene Villafranco.** Motion carried **TO APPROVE A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH MR. JEREMY MAYA PERTAINING TO LOT 2A OF FINAL PLAT OF LORENZO MAYA SUBDIVISION.**

**ITEM 11. EXECUTIVESESSION:**

- a) Consultation with City Attorney pursuant to Texas Government Code §551.071(2), regarding Business Prospect 2020-001.
- b) Consultation with City Attorney pursuant to Texas Government Code §551.071(2), regarding the U.S. Department of Housing and Urban Development Block Grant (CDBG) Program findings.
- c) To deliberate pursuant to Texas Government Code §551.074(a)(1), the evaluation of the City Manager.

**THE CITY COMMISSION CONVENED INTO EXECUTIVE SESSION AT 5:45 P.M. AND ADJOURNED AT 6:25 P.M.**

GENERAL SESSION:

ITEM 12. CONSIDERATION AND POSSIBLE ACTION ON AGENDA ITEM 11 (A).

[Mayor Benjamin Gomez](#) announced no action on Agenda Item 11 (A).

ITEM 13. CONSIDERATION AND POSSIBLE ACTION ON AGENDA ITEM 11 (B).

[Mayor Benjamin Gomez](#) announced no action on Agenda Item 11 (B).

ITEM 14. CONSIDERATION AND POSSIBLE ACTION ON AGENDA ITEM 11 (C).

[Mayor Benjamin Gomez](#) announced no action on Agenda Item 11 (C).

ITEM 15. ADJOURNMENT.

[Mayor Benjamin Gomez](#) requested a motion to adjourn. [Commissioner Rene Villafranco](#) moved to adjourn. [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 6:26 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