



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

On May 5, 2020 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: Benjamin Gomez, Mayor; Antonio Gonzales, Commissioner, Place 1; Rene Villafranco, Commissioner, Place 2; Mark Sossi, City Attorney.

City Commission Member Absent: Carol Lynn Sanchez, Mayor Pro Tem ; 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 City Commission Members and audience in prayer.

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

[Mayor Benjamin Gomez](#) announced no announcements due to the ongoing pandemic and recommended for everyone to be safe and use face covers.

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

[Ruth McGinnis, City Secretary](#) announced [Mr. Ricardo Guerra, Citizen](#), who addressed the City Commission requesting financial status of the City. He also mentioned businesses are not doing well financially, some have closed, others are barely staying afloat, and asked if City or EDC could assist them with revenue.

[Ruth McGinnis, City Secretary](#) announced no more public comments.

### ITEM 6: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE APRIL 21, 2020 REGULAR CITY COMMISSION MEETING.

[Mayor Benjamin Gomez](#) requested a motion. [Commissioner Rene Villafranco](#) moved to approved. [Commissioner Antonio Gonzales](#) seconded the motion. Voting Aye; [Mayor Benjamin Gomez](#), [Commissioner Antonio Gonzales](#), and [Commissioner Rene Villafranco](#). Motion carried to **APPROVE THE MINUTES OF THE APRIL 21, 2020 REGULAR CITY COMMISSION MEETING.**

### ITEM 7. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE SECOND SUPPLEMENTAL TO ORDER 2020-04.

[City Manager, Manuel De La Rosa](#) addressed the City Commission advising Supplemental Order 2 will rescind Supplemental Order 1. In summary, on the third page, roman numeral nine, all "Whereas" follows the county's order, following the President of the United States orders, and Supplemental

Number One to shut all parks. On section nine under Parks, we are recommending Parks continue to be closed with the exception of the pedestrians walking trails. On section ten, is the Memorial Park Cemetery, there is no limit, previously limiting to ten, now we are limiting for you to maintain social distancing. Mayor Benjamin Gomez stated he was concerned as the City's walking trail gets overwhelmed with people. We have two walking trails in San Benito, one at the Heavin Park and the one at Falligant Park, where people start gathering in groups and be really close to each other because, we do have a lot of people that come to our trail and walk creating social gatherings, regardless of if it's a party or just people talking to each other. I suggest we should keep the Parks close longer. Commissioner Rene Villafranco confirmed he is in favor of opening the walking trail as people need to exercise physically and mentally in a safe place, being the trail is safer than walking on the streets and sidewalks. He questioned if masks would be required on the trails. City Manager Manuel De La Rosa confirmed, we are recommending it. Commissioner Rene Villafranco stated, it's not mandated. City Manager, Manuel De La Rosa advised, you can only recommend it, you cannot issue citation. It's going to be almost; it doesn't make sense to require it when you can't issue citation so you are about to confront people when the governor says my authority supersedes all of you. Mayor Benjamin Gomez requested a motion. Commissioner Rene Villafranco moved approve. Mayor Benjamin Gomez announced motion not seconded; motion failed. Voting Nay; Mayor Benjamin Gomez, and Commissioner Antonio Gonzales. Motion carried to **DENY THE SECOND SUPPLEMENTAL TO ORDER 2020-04.**

City Manager Manuel De La Rosa requested clarification being this is Supplemental 2, we are not going to do anything with it. Supplemental 1 is still in force. Mayor Benjamin Gomez confirmed.

**ITEM 8. CONSIDER FIRST READING OF ORDINANCE NUMBER 2573, AN ORDINANCE OF THE CITY OF SAN BENITO, TEXAS AMENDING ORDINANCE 2348 D-2, PROVIDING A COMPREHENSIVE SCHEDULE OF FEES AND RELATED POLICIES AND PROCEDURE FOR BUILDING PERMITS, DEVELOPMENT, HEALTH INSPECTIONS, VENDORS, ANIMAL CONTROL, FIRE AND POLICE REPORTS, VITAL STATISTICS, PERMITS AND DOCUMENTS, LIBRARY FEES, FAXES, PHOTOCOPIES, MUNICIPAL COURT FINES, FACILITIES AND GROUNDS FEES, AND OTHER FEES AND POLICIES AS STIPULATED.** City Manager, Manuel De La Rosa addressed the City Commission requesting to amend Ordinance 2348 D-2 fee structure referring to backup documentation presented with this agenda item. In relation to the City Cemetery, he mentioned that Commissioner Antonio Gonzales and Commissioner Rene Villafranco would remember back on October 2015, the City stopped having burials at the City Cemetery at that time and news media were notified. He came on board with City on January 2016, and on February of 2016, we discussed limited basis of burials at the San Benito City Cemetery, which we all know as El Nopal. We've had a few burials we don't dig very deep and we come across human remains. It is very difficult to dig a burial at the Nopal City Cemetery because we come across remains. We've had that discussion a number of times. It was held before I came on board. It was held thirty days after I came on board and four years later we are still having issues. We are not allowing any more burials in it. We had that conversation with our previous city attorney and we've had it with this city attorney. It's a problem area when we come across remains. It needs to come out of this ordinance, one, because we are just not doing it any longer and it only covers this residential and non-residential, it doesn't even have a size. It doesn't say four by nine, baby lawn, urns or anything. The second part, the San Benito Memorial Park fee structure is in this ordinance and it's in the next ordinance we are about to talk to when we on February 25<sup>th</sup> of this year, we talked about the rate structure for the Memorial Park Cemetery. Why would we have rate structures on two different ordinances is, I couldn't think why that was. This was updated on 2015, again, before I came. The other ordinance was in 2011, so, San Benito Memorial Park Cemetery had a fee structure in two different places. If you look at what's in here, it's for the plots not about the opening/closing or other requirements. This is redundant, it's in two places. It will be in one place and it is going to be the next topic in the agenda

item. But, again, those are the reasons, that is why we are recommending this is the first reading. No motion carried **FIRST READING.**

**ITEM 9. CONSIDER FIRST READING OF ORDINANCE NUMBER 2464-B, AN ORDINANCE OF THE CITY OF SAN BENITO, TEXAS AMENDING ORDINANCE 2464-A, GOVERNING THE SAN BENITO MEMORIAL PARK CEMETERY PROVIDING A COMPREHENSIVE SCHEDULE OF FEES RELATED POLICIES AND PROCEDURES FACILITIES AND GROUNDS FEES AND OTHER FEES AND POLICIES A STIPULATED AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH.**

**City Manager, Manuel De La Rosa**, addressed the City Commission advising this is first reading of this ordinance and requested the commission to take the extra copy with them to review it for the second reading. He advised, back in February, Mayor Gomez requested City Commission Minutes based on agenda items relating to Phase One; how it was laid out, how certain pricing was done next to Freddy Fender's Memorial location, why it was different from the others. The August 16, 2011 Meeting Minutes, Agenda Item 16 addresses that item and September 6, 2011, Agenda Item 18. All the minutes are in there for those meetings. Also, at the February 25, 2020 meeting you approved the rate structures that we can implement along with the opening and closing of the cemetery plots. We discussed adult and children but we didn't discuss urns and double urns and we included that into the structures. Please go to page two of the ordinance, you will notice the yellow highlighted area. We didn't have any cemetery hours; 8am to 8pm. Again, these are not set on stone, you'll see for pedestrian traffic, we've also worked for something, an item for when should the gates be open for vehicular traffic. You saw the e-mail last week that we had somebody go to the old cemetery, drive out and did some damage to the fence. We've had those kinds of activities that is why we are considering that we need to secure the cemeteries. But, more pointedly, yellow highlights are what staff is recommending. The strikethroughs are what staff is recommending, it means that we are removing something, it's either non-applicable or is no longer applicable to this. The green is what you approved at the February 25<sup>th</sup> meeting. So, strikeouts are new, yellows are new and green is what you approved. No motion carried **FIRST READING.**

**ITEM 10. PRESENTATION OF THE CITY OF SAN BENITO FINANCIAL STATEMENTS FOR THE PERIOD ENDED MARCH 31, 2020.**

**Belen Pena, Finance Director**, addressed the City Commission advising in your package is the March 31, 2020 Financials. The first page is the balance sheet. You will see that as of March we have total assets of \$13,191,257.00. Compared to same period, last year, we had \$11,860,804.00. So, basically, we have \$2,700,000.00 more this year. Liabilities is \$3,017,640.00 and the fund balance is \$10,173,717.00. The second page is the statement of revenues, expenditures and changes in fund balance for the month of March. The revenues were \$841,541.00, expenditures of \$798,733.00 which gives us revenues over expenditures of \$42,808.00. The year-to-date revenues; we have \$8,490,105.00. Expenditures of \$5,625,285 which gives us revenues over expenditures of \$2,664,820.00. And this is for the first six months of the fiscal year. On the right side, the percentage should be fifty percent; revenues we have 64.20% and expenses 43.82%. No motion carried **PRESENTATION ONLY.**

**ITEM 11. PRESENTATION AND APPROVAL OF THE CITY OF SAN BENITO INVESTMENT REPORTS FOR THE SECOND QUARTER ENDED MARCH 31, 2020.**

**Belen Pena, Finance Director**, addressed the City Commission advising on page one to the right, you are going to see that for March, we have \$25,368,000.00 in our bank accounts. The quarterly interest income for March is \$86,277.00. The year-to-date for the first six months is \$204,245.00. Even though the rates went down because of all this situation, we still earned good interest. Compared to last year the same period, we got \$213,475.00. **Mayor Benjamin Gomez** requested a motion. **Commissioner Antonio Gonzales** moved to approved. **Commissioner Rene Villafranco**

seconded the motion. Voting Aye; Mayor Benjamin Gomez, Commissioner Antonio Gonzales and Commissioner Rene Villafranco. Motion carried to APPROVE THE CITY OF SAN BENITO INVESTMENT REPORTS FOR THE SECOND QUARTER ENDED MARCH 31, 2020.

ITEM 12. EXECUTIVESESSION:

- a) To deliberate pursuant to Texas Government Code §551.074(a)(1) the evaluation of the City Manager.

THE CITY COMMISSION CONVENEED INTO EXECUTIVE SESSION AT 6:04 P.M. AND ADJOURNED AT 6:16 P.M.

GENERAL SESSION:

ITEM 13. CONSIDERATION AND POSSIBLE ACTION ON AGENDA ITEM 12 (A).

Mayor Benjamin Gomez announced the City Manager scored above average on all categories and will receive a pay raise per his contract. Mr. De La Rosa put in for a forbearance until August 1<sup>st</sup>. Mayor Benjamin Gomez directed City Secretary Ruth McGinnis handing her the original city manager's evaluation to be placed in his personnel file.

ITEM 14. ADJOURNMENT.

Mayor Benjamin Gomez requested a motion to adjourn. Commissioner Rene Villafranco moved to approved. Mayor Benjamin Gomez announced a second. Voting Nay: Commissioner Antonio Gonzales. Voting Aye; Mayor Benjamin Gomez and Commissioner Rene Villafranco. Motion carried to AJOURN AT 6:19 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