



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

On July 7, 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; Carol Lynn Sanchez, Mayor Pro Tem; Antonio Gonzales, Commissioner, Place 1; Rene Villafranco, Commissioner, Place 2; and 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** announced the July 8<sup>th</sup> free produce distribution at the corner of East Batts Street and Reagan Street in San Benito and stressed to the community the importance of social distance, face covering, and to be safe.

### ITEM 5. PRESENTATION OF A PROCLAMATION TO THE LATE BOBBY JOE MORROW, UNITED STATES OLYMPIC ATHLETE.

**Mayor Benjamin Gomez** welcomed Ms. Julie Parker, in attendance to accept the proclamation. Each City Commission member read a section of the proclamation and group pictures were taken.

### ITEM 6. PUBLIC COMMENTS. (*Speakers/Remarks limited to three minutes. Public Comments limited to forty-five minutes*).

**Ruth McGinnis, City Secretary** announced no one was present for public comments.

### ITEM 7: CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE JUNE 16, 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, Commissioner Antonio Gonzales** and **Commissioner Rene Villafranco**. Abstained: **Mayor Pro Tem Carol Lynn Sanchez** due to being absent. Motion carried to **APPROVE THE MINUTES OF THE JUNE 16, 2020 REGULAR CITY COMMISSION MEETING.**

### ITEM 8. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NUMBER 2020-0011, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SAN BENITO, TEXAS, DIRECTING THE CITY'S DIRECTOR OF FINANCIAL SERVICES TO CALCULATE THE VOTER APPROVAL TAX RATE OF THE CITY IN THE MANNER PROVIDED FOR A SPECIAL TAXING UNIT (AT A VOTER-APPROVAL RATE OF 8%) DUE TO THE DECLARATIONS OF DISASTER BY THE GOVERNOR OF TEXAS AND THE PRESIDENT OF THE UNITED STATES; AND PROVIDING AN EFFECTIVE DATE.

**City Manager Manuel De La Rosa** addressed the City Commission advising the intent of this resolution is to leave all options available to the city commission as we move forward with our budget. It is not intended to alarm the community that the city commission is looking to increase the taxes up to eight percent, it is only the option. There are the deadlines, July 17<sup>th</sup>, we start giving notices, moves it to August 4<sup>th</sup>, Senate Bill 2 was passed by the 86<sup>th</sup> Legislative Session, the last legislation that met passed a senate bill that capped it at three and a half percent. The old tax rate was eight percent. When the governor issued the Disaster Declaration naming the COVID-19 pandemic, it triggered this mechanism automatically. Some cities are starting to feel the economic hardships that are being faced. I provided you an article from another city, same thing, this is being looked by different cities and the reason I put that city in there is because it gives a pretty good explanation as to why they are doing it. So, it is for your leisure reading if you want it but it is staff's recommendation that this resolution be passed. It is to make sure that it safeguards all opportunities for the commission at a future date and you are not committing yourselves at this time. **Mayor Benjamin Gomez** requested clarification, stating, it is not a confirmation that they are going to raise it. It is a resolution to be on the safe side, right? **City Manager, Manuel De La Rosa** confirmed, that's all it is sir. **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** and **Commissioner Rene Villafranco**. Voting Nay: **Commissioner Antonio Gonzales**. Motion carried to **APPROVE RESOLUTION NUMBER 2020-0011, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SAN BENITO, TEXAS, DIRECTING THE CITY'S DIRECTOR OF FINANCIAL SERVICES TO CALCULATE THE VOTER APPROVAL TAX RATE OF THE CITY IN THE MANNER PROVIDED FOR A SPECIAL TAXING UNIT (AT A VOTER-APPROVAL RATE OF 8%) DUE TO THE DECLARATIONS OF DISASTER BY THE GOVERNOR OF TEXAS AND THE PRESIDENT OF THE UNITED STATES; AND PROVIDING AN EFFECTIVE DATE.**

**ITEM 9. UPDATE AND DISCUSSION REGARDING THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ON-SITE MONITORING OF THE CITY OF SAN BENITO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FINDINGS.**

**Fred Bell, Assistant City Manager** addressed the City Commission by identifying himself advising, in April of last year, the City was notified by HUD that the CDBG Program was listed as one of the cities that would undergo a monitoring by HUD. Monitoring is another term for an audit. In June of last year, HUD sent representatives from the San Antonio Office to conduct an audit of the CDBG program. In September of last year, the City received the results of the audit and HUD issued six findings pertaining to the overall management and implementation of the CDBG Program. Additionally, two findings focused on improvements to the Resaca Trail and the Street Improvement Project that was part of the 2004 Certificate of Obligation Bonds Series. In December, 2019, HUD reviewed documents prepared and submitted by staff and advised that four of those flip findings were satisfactorily closed. In effect, staff resolved some of the older issues that were mostly clerical in updating policies. However, HUD advised that the City used CDBG funds to make payments as part of that 2004 Certificate of Obligation towards repairs that were determined to be ineligible which totaled the amount of approximately \$1.4 million. However, City was advised that after assessing census track information, the remaining balance of \$738,060.80 an ineligible cost was due by the city. The city was given the option of returning these funds to HUD for reallocation or also by conducting an income survey to get current and updated numbers. City staff conducted a more in depth audit of the 2004 Certificate of Obligation and submitted response to HUD. In April of this year, HUD responded and advised that based on the City's audit and assessment, the balance of ineligible cost was down to \$228,633.80. Staff continued to review documents dating back to the 2004 Certificate of Obligation and reviewed all available papers since then and submitted an additional response with additional documentation. On June 18<sup>th</sup>, 2020 the city received a response from HUD indicated that based on the documentation provided by City staff, all outstanding findings regarding ineligible cost associated with the 2004 Certificate of Obligation on Street improvements had been resolved. The city would not be required to conduct an income survey or return any outstanding funds. A copy of that letter is in your packet. Staff does wish to thank everyone who assisted with this nearly yearlong assessment and audit. Staff would like to especially thank our congressional representatives and legislative consultants for their support, guidance and advice. I just wanted to update the commission on how we got from the beginning to the end. **Mayor Benjamin Gomez** commended all involved for a great job done. **Mayor Pro Tem Carol Lynn Sanchez** thanked Fred, Manny, inaudible, Belen and all involved. I know you guys worked very hard, you are usually under fire a lot in the media and you are hardly never recognized for all the good things you do. Thank you so much for helping us in this. **Commissioner Rene Villafranco** stated, staff appreciates it, thank you. No motion **PRESENTATION ONLY.**

**ITEM 10. DISCUSSION AND POSSIBLE ACTION TO CANCEL THE 2020 NATIONAL NIGHT OUT SCHEDULED FOR OCTOBER 6, 2020, DUE TO PUBLIC HEALTH AS A RESULT OF THE COVID-19 PANDEMIC.**

**Assistant Police Chief, Mario Perea** addressed the city commission identifying himself advising due to COVID pandemic, cities and counties have made tough decisions to cancel or postpone annual events in order to reduce the spread of COVID-19. Due to the increasing numbers and positive tests in our city and county and following the commission's decision to cancel city events for the remainder of 2020, PD administration recommends cancelling this year's National Night Out event scheduled for October 6<sup>th</sup>. The San Benito Police Department is deeply sadden to present this request specially now when a positive partnership with the community and law enforcement is desperately needed. The San Benito Police Department greatly appreciates the overwhelming support received from our community. Our police officers continue to proudly serve our community and look forward to planning an unprecedented return to National Night Out in 2021. **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 **CANCEL THE 2020 NATIONAL NIGHT OUT SCHEDULED FOR OCTOBER 6, 2020, DUE TO PUBLIC HEALTH AS A RESULT OF THE COVID-19 PANDEMIC.**

**ITEM 11. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT WITH AXON FOR THE PURCHASE OF TASER X26P FOR UTILIZATION BY THE POLICE DEPARTMENT IN THE AMOUNT OF \$69,240.00 TO BE PAID IN FIVE ANNUAL PAYMENTS FROM THE ASSET FORFEITURE FUNDS.**

**Assistant City Manager, Fred Bell** addressed the city commission identifying himself advising in order to better prepare the San Benito police officers from high stress calls and situations that may result in deadly force, one piece of less than lethal equipment the officers do not have is the Taser. Tasers are an additional tool officers have to avoid having to resort using a firearm. Over the past several years several San Benito police officers have been injured on duty which resulted in those officers being out of commission for extended periods of time. As a result, there were shifts with fewer officers or other officers were paid overtime in order to cover extreme shifts of staffing shortages. While the use of force is an unfortunate risk for everyone, department should be proactive in providing the officer's training, tools and equipment necessary to minimize the level of force used. Tasers provide an additional tool for the officers to use in order to reduce the risk of the officer and subject being seriously injured or worst. Over the past couple of weeks, I met with the majority of the department during several shift changes and asked the officers their opinion on being issued Tasers. The overwhelming response was, yes, they would like to be issued this equipment as an additional tool in order to avoid having to use deadly force. Assistant Police Chief Perea has communicated with the U.S. Department of Justice staff regarding the use of asset forfeiture fund to make lease payments for law enforcement equipment. And, according to the DOJ, these funds can be used to purchase this equipment on a lease basis. A copy of that e-mail communication is in your packet. The Asset Forfeiture Funds can be used to purchase this equipment and the purchase will not deplete the available funds that we have in the asset forfeiture account. Staff is recommending approval and I am available to answer questions. **Mayor Benjamin Gomez** stated this is great because we have had officers go down and don't have means of them defending themselves because people are just attacking, there is no respect for law enforcement nowadays. I know we used to have them and there was abuse. It's a good tool but we can't go all crazy tasing people either. **Assistant City Manager, Fred Bell** stated, absolutely. **City Manager Manuel De La Rosa** stated, if you approve this purchase, it'll still get that we need a Taser policy and legal review by City Attorney or Civil Service Attorney which you can look at before we implement it. **Mayor Benjamin Gomez** asked if everybody is getting certified. **Assistant City Manager Fred Bell**, confirmed, yes, of course, we have one office already certified as a Taser Instructor and the intent is, we will have a second one trained to be a certified instructor. Those instructors will have the task of doing the in-house training. There will be policy, Assistant Chief Perea has been reviewing a policy and our goals. We want to mirror all of this together instead of waiting for the policy and then come back before you. We want to go ahead and start moving forward. We are reviewing the policy that has been put out by the Texas Police Chiefs Association, it is a well reputable policy throughout the state and we are actually reviewing that and we are going to consider that to bring before this commission as an entire policy and it does include a Taser section. **Commissioner Antonio Gonzales**, asked, you want to use this for certain individuals? **Assistant City Manager Fred Bell**, advised, no, the intent is to issue every officer a taser. **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 **AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT WITH AXON FOR THE PURCHASE OF TASER X26P FOR UTILIZATION BY THE POLICE DEPARTMENT IN THE AMOUNT OF \$69,240.00 TO BE PAID IN FIVE ANNUAL PAYMENTS FROM THE ASSET FORFEITURE FUNDS.**

**ITEM 12. DISCUSSION AND POSSIBLE ACTION TO SUSPEND THE LA VILLITA MARKET DAYS SERVICE AGREEMENT FOR THE CLOSURE OF ROBERTSON STREET THROUGH THE END OF CALENDAR YEAR 2020, DUE TO PUBLIC HEALTH AS A RESULT OF THE COVID-19 PANDEMIC.**

**Bernard Rodriguez, Planning and Development Director** addressed the city commission requesting approval Staff is recommending suspending the La Villita Market Days street closure due to the public health and welfare of our citizens due to COVID-19 virus. In the event that the health orders are lifted, we will discuss a date of reinstatement. **Commissioner Rene Villafranco**, asked, have the property people been notified? **Bernard Rodriguez, Planning and Development Director**, advised, we've discussed the possibility, they've called on the past about wanting to open and we haven't done that. **City Manager, Manuel De La Rosa**, stated, that wouldn't keep them from operating their business in accordance with the governor's order. You know, the closing of the streets is something you that you approved, we are certainly not advocating to putting our personnel out there and or getting the public out there. That is why we are asking to suspend it, we are not revoking it, just suspend it because we don't know when this is going to get lifted and it only goes thru this calendar year anyway. **Commissioner Rene Villafranco**, asked, I think that they are doing the same thing with flea markets, right? **City Manager, Manuel De La Rosa**, stated, yes, sir. **Mayor Pro Tem Carol Lynn Sanchez**, advised, the flea markets already stopped. **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 **SUSPEND THE LA VILLITA MARKET DAYS SERVICE AGREEMENT FOR THE CLOSURE OF ROBERTSON STREET THROUGH THE END OF CALENDAR YEAR 2020, DUE TO PUBLIC HEALTH AS A RESULT OF THE COVID-19 PANDEMIC.**

**ITEM 13. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SERVICE AGREEMENT WITH THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES COMMUNICATIONS TECHNOLOGY SERVICES DIVISION.**

**City Manager, Manuel De La Rosa** addressed the City Commission stating, the City currently has internet service for the most part with Spectrum. We may have one or two places with AT&T. There is a state contract through the Department of Information Resources, which allows the City to get on a state contract to get Spectrum's billing over to them at a reduced cost. We will receive government pricing, that will also help us as we look to run fiber optic to Water Plant 2 which will be online in the City within two months, certainly by November 1<sup>st</sup>, 2020, if not slightly before. Part of the requirements is the scada systems. Scada Systems do not work off of wireless internet, they need a reliable internet service. We are going to need to have that in, so, we started looking at Spectrum with our I.T. Department. We said, why don't consider looking and I put the communication from our IT consultant on there, getting away from Spectrum directly and going to the state contract. The service will still come from Spectrum it's just that we would be a member. We will get an account and better pricing. The recommendation Mayor, is for you to be authorized to enter into an agreement for the City to obtain an account with the state and transfer our accounts over to receive some cost savings. **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 **APPROVE A SERVICE AGREEMENT WITH THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES COMMUNICATIONS TECHNOLOGY SERVICES DIVISION.**

**ITEM 14. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MASTER AGREEMENT FOR ENGINEERING SERVICES WITH GARVER, L.L.C.**

**City Manager, Manuel De La Rosa** addressed the City Commission by stating, Mayor and Commissioners about two years ago we went out for the request for statements for professional engineering services. We had three firms apply; two of them were selected by the city council off of infrastructure; LOC out of La Feria and Garver out of Harlingen. We have entered into an agreement with Garver based because we could not reach an agreement. Alpha Infrastructure was issued task order one to do an assessment of the lift stations that is nearly its completion. You authorized that task order in mid-February of this year, they have one-hundred and twenty days so they are wrapping it up. We are getting ready to go to the next phase and rather than only have discussions with one engineer since we have two engineers that we can negotiate with, this affords us the ability to go to one or the other engineer based on that assessment and see who we want to deal with when we move on to the next phase which is the actual construction drawings of the lift stations or rehabilitation of these lift stations. Again, it's better to have more than one engineer on contract. We can decide who can deliver the materials faster to us. **Mayor Benjamin Gomez**, asked, anyone have any questions? **Commissioner Antonio Gonzales**, stated, I do. This Garver is the same engineer we had before in Water Plant 2? **City Manager, Manuel De La Rosa**, advised Garver has a contract for water plant two but we didn't use them right at that time, we only used them for one task order and then we hired

Raul Morales. Raul Morales left us about six weeks ago, he was an engineer so didn't use Garver, we had Morales. We've been advertising for an engineer, we don't have a, we haven't been able to fill that position; therefore, we are looking, it's better to have another engineer. So, we have two firms since now we don't have an on-staff engineer. But, we don't necessarily need him for water plant two. Water plant two is completed or substantially completed, it's going to be for additional work and that is why we are looking to have two engineers. **Mayor Benjamin Gomez** asked, they don't get paid unless they do work for? **City Manager Manuel De La Rosa** confirmed advising they have to be given a requisition or if it's a task order over \$10,000.00 it comes to this. **Mayor Benjamin Gomez** asked if City had a bad experience with Garver? **City Manager Manuel De La Rosa** advised, for engineering services, no sir. **Mayor Benjamin Gomez** requested a motion. **Commissioner Antonio Gonzales** 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 THE MASTER AGREEMENT FOR ENGINEERING SERVICES WITH GARVER, L.L.C.**

**ITEM 15. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN ELECTRIC UTILITY EASEMENT TO AEP TEXAS, INC. TO BE ON A PORTION OF PROPERTY WITHIN A TRACT BEARING THE LEGAL DESCRIPTION, "ALL THAT CERTAIN TRACT OF LAND CONTAINING 6.077 ACRES, MORE OR LESS, BEING A PORTION OF BLOCK 25, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, CAMERON COUNTY, TEXAS, DESCRIBED AS FOLLOWS:"**

- a. "that certain 4.977 acres as described in deed dated August 1, 1986, from Abel Toscano Jr., Executor to Crecenciano de Leon etux, in Volume 79, Page 587, Official Records of Cameron County, Texas; and"
- b. "that certain 1.10 acres as described in deed dated August 1, 1986, from Abel Toscano, Jr., Executor to Crecenciano de Leon etux in Volume 79, Page 589, Official Records of Cameron County, Texas; Said tract of land conveyed to Grantor on Sherriff's deed recorded in Document Number 2015-2570, Official Public Records of Cameron County, Texas".

**City Manager, Manuel De La Rosa**, addressed the City Commission advising Mr. Sossi prepared the Electric Utility Easement for City to potentially convey a strip of land to AEP Texas. AEP has been building a substation on the south end of town off of Yost Road. That substation would not only serve San Benito but also this region. They are not buying the land, there's \$10.00, it's a legal document and Mr. Sossi can explain that part of it. AEP did provide us a document, we read it, we didn't like it. Mr. Sossi and I had this conversation before so, he prepared one and I liked it. It favors the City, the other favored the other party. I've already presented to AEP, so, it may go through their legal process but this more of the template that I'm used to seeing. AEP is not buying the land from us, we are granting an easement you are the grantor, it should favor the City and that is how this document is written. It's my recommendation that we approve this document. If AEP is good with it they will and we will sign off on it. If they don't like it, they can counter it but we presented and we needed to show you what it is and the exhibit, where you are going down Yost Road, this is our access to South Park if you came in off of Yost Road. It's in that general area, for example, one of the things that catches this, if Yost Road ever get widen and the utility post needs to be relocated because it helps the community, we shouldn't pay for it, you didn't buy the land from us. You have to pay to move it. Mr. Sossi can answer any legal questions, but that's where we are today. **City Attorney, Mark Sossi**, stated, I'll add to that, the document that was provided to us by AEP will be called a general easement and it provided a general easement over the entire piece of property. It wasn't specific and it really allowed them to move it whenever they wanted to. And, what we are doing is clearly defining the easement within certain survey points or placing duties on AEP to responsibly handle that and then if we want to do something like widen the street, they have a responsibility to provide that the easement be located to the side. Keeping in mind that this is an easement that is being done for AEP's convenience, they are not paying the city anything for it, we think that we should reserve as many rights that are favorable to the city as possible since the city got this property. **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 AN ELECTRIC UTILITY EASEMENT TO AEP TEXAS, INC. TO BE ON A PORTION OF PROPERTY WITHIN A TRACT BEARING THE LEGAL DESCRIPTION, "ALL THAT CERTAIN TRACT OF LAND CONTAINING 6.077 ACRES, MORE OR LESS, BEING A PORTION OF BLOCK 25, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, CAMERON COUNTY, TEXAS.**

ITEM 16. PRESENTATION OF THE CITY OF SAN BENITO FINANCIAL STATEMENTS FOR THE PERIOD ENDED MAY 31, 2020.

**Belen Pena, Finance Director** addressed the City Commission by identifying herself and referencing the May 2020 Financial Reports. The first page is the General Fund Balance sheet reflecting assets of \$12,429,852.00, liabilities of \$2,799,227.00 which gives us a Fund Balance of \$12,429,852.00. Compared to the previous year of May 2019, we had \$10,862,324.00 in assets. Currently we have \$1.6 million more in assets. The second page is the Statement of Revenues, Expenditures and changes in the fund balance, for the month of May, we had revenues of \$670,848.00, expenditures of \$1,101,460.00 which gives us revenues under expenditures of \$430,612.00. For the year-to-date, we have revenues of \$9,906,034.00 with expenditures of \$7,584,771.00 which gives revenues over expenditures of \$2,321,263.00. The target for this period is 66.67%, in revenues we have 74.90%, and in expenditures 58.62%. No motion carried **PRESENTATION ONLY.**

**City Manager Manuel De La Rosa** addressed Mayor Gomez asking if he would like to make any public comments on the water main and would like to go back to Public Comments as we had no speakers and make a comment about the water main breakage. **Mayor Benjamin Gomez** stated he is sending an apology to our community. The pressure went down low and some people were without water overnight due to a contractor working out there. It had nothing to do with the City. The private contractor broke one of our water mains and those parts are not in stock due to the size of those parts due to the shelf life of plastics or seals or rubber couplings because they become brittle, they become sticky. They are not good after a certain amount of time. We deal with a whole bunch of old rings and irrigation industry and their shelf life is very short as they become brittle. We don't keep those parts on-hand, so, we had to order some and wish to let the community know, please be patient with us, we will be up and running hoping in another day. **City Manager Manuel De La Rosa** stated, at 5:33 p.m., and I didn't mean to be using my phone, but I received a text from our water distribution supervisor, they were finishing up installing the isolation valve that will allow or stop backflow water into the site that we need to be in and tomorrow the men will be in there. But, that will also allow us the opportunity to raise the water pressure, so, you'll start feeling that water pressure going up this evening and like I said, we are nearing that final stage, at 5:33 p.m. he sent me a photo, it was almost completion being connected. We will hold the contractor responsible for all of the water loss which is over a million gallons, the water that we are losing, the water that we are required to purchase. The contractor will also be held responsible for parts, labor, everything will be added. **Mayor Benjamin Gomez** questioned if City had maps showing us the type of size or piping we have underground or what's in there? **City Manager Manuel De La Rosa** advised, generally the line size that was hit, it was a sixteen inch. The public works director very specifically told the contractor what was in there. There are no locate markings, some of these, there are going to be some legal questions. But, there was no notification to the City, so, there were no locate markings, they were told by the public works director that it was a sixteen inch. Further down where we had to put the isolations, it's a twenty inch, we knew what we had there, we do have drawings. When we told them where the contractor was at; it's exactly, the isolation valve is far enough away that we could do work and not be in the work zone and that is a different size. **Mayor Benjamin Gomez** asked, if the contractor working out there, were they working with permits or without permits? **City Manager, Manuel De La Rosa**, advised, they had a TXDOT permit and a drainage district permit but not a City issued permit. **Mayor Benjamin Gomez**, asked, why did they skip the City? **City Manager Manuel De La Rosa** stated, we don't know. **Mayor Benjamin Gomez**, asked, why do they continue doing things like that? **City Manager, Manuel De La Rosa**, advised, I have been in public works for over three decades and you do not generally start working on a holiday or a Friday in that kind of work. I don't know, these are the discussions we are going to have to have but again, just to inform the public, you cannot give an update very eight hours because it doesn't change that quickly. Parts, the shut-off valve that came for the twenty inch, came in from Laredo. We have other parts that are coming in from San Antonio and we have other parts that are coming in from Houston. These parts, materials, were not in the Rio Grande Valley, so, they are having to be driven in, transported and we had to make the safe, the site safe for the workers because a million gallons of water eroded the work area and created caverns and we cannot get the equipment in there and the men safely. And, just from where you are standing flat to the pipe, it's about eight feet and then it's another six to eight feet down to the bottom of the channel, so, if we roll over one of our tractors, we'll drop it quite a bit. **Mayor Benjamin Gomez**, asked, so, this contractor that is out there working, are they going to continue to work after we fix our pipes without permits or do they need to come and get their permits? **City Manager, Manuel De La Rosa**, stated, let me just say it this way, they were sent away from the site today, and until this is resolved and my position is, until we see payment, nothing moves. It's our citizens that have been inconvenienced and for that, I do apologize, we are moving as quickly as we can. **Mayor Benjamin Gomez**, stated, we do apologize to the community for, but, we weren't notified, we didn't even know. I don't know how we found out but we found out. My hat off to you guys, you guys got on it right away. I know the parts are not here, locally, we have to get them in. I mean, we are trying to fix the situation and I know that we spoke to some people in the community and they

are ok with it. They weren't upset, they just wanted what was going on and we let them know. They were happy we took care of them but things like this should not be happening because contractors do have to locate and there's locators. We have locators available that can locate the lines and they should be doing their work the right way and not without permits. We need to get a little bit stricter with those contractors and they need to get their permits ready and do the right thing. I mean, we can't just have people come in and dig in like crazy and break our pipes. **City Manager Manuel De La Rosa** stated, yes, sir. Again, to answer your question, it is anticipated that by tomorrow evening, we will have the section of pipe cut and replaced and we'll start filling in our tank. It'll be tomorrow or Friday.

**ITEM 17. EXECUTIVE SESSION:**

- a) Consultation with City Attorney pursuant to Texas Government Code §551.071(2), deliberation regarding economic development negotiations pursuant to Texas Government Code §551.087(1) and (2).

**THE CITY COMMISSION CONVENED INTO EXECUTIVE SESSION AT 6:16 P.M. AND ADJOURNED AT 6:36 P.M**

**GENERAL SESSION:**

**ITEM 18. DISCUSSION AND POSSIBLE ACTION ON ITEM DELIBERATED UNDER EXECUTIVE SESSION.**

**Mayor Benjamin Gomez**, requested a motion to move as advised by legal counsel in Executive Session. **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 **APPROVE ITEM DELIBERATED UNDER EXECUTIVE SESSION.**

**ITEM 19. ADJOURNMENT.**

**Mayor Benjamin Gomez** requested a motion to adjourn. **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 **ADJOURN AT 6:37 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:

\_\_\_\_\_  
**RUTH MCGINNIS**  
**CITY SECRETARY**