



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

On January 19, 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.

Commissioner Pedro A. Galvan 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.

Mr. David Favila, Public Relations Director led the City Commission and audience in a moment of silence for the late Fire Chief Danny Watkins, at Mayor Guerra's request, then proceeded with the prayer.

ITEM 4. ANNOUNCEMENTS: ITEMS OF COMMUNITY INTEREST.

Mayor Ricardo Guerra asked if any of the City Commissioners had any announcements of community interest. **Commissioner Pedro A. Galvan** advised that Cameron County Judge Eddie Treviño posted on the Cameron County website COVID-19 Vaccination Clinic information coming up and vouchers available at several locations. The City of San Benito posted a memo of it. **Mayor Ricardo Guerra** stated no other announcements due to ongoing pandemic.

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 JANUARY 5, 2021 REGULAR CITY COMMISSION MEETING.

Mayor Ricardo Guerra requested a motion. **Mayor Pro Tem Carol Lynn Sanchez** 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 MINUTES OF THE JANUARY 5, 2021 REGULAR CITY COMMISSION MEETING.**

ITEM 7. CONSIDERATION AND POSSIBLE ACTION TO RATIFY PAYMENT TO FRONTERA MATERIALS INC., FOR MATERIALS NEEDED AT LASBY PARK ROAD ON THE ASPHALT OVERLAY IN THE AMOUNT OF \$57,400.00.

Mr. Adan Gonzalez, Public Works Director addressed the City Commission requesting approval to ratify payment to Frontera Materials Inc., for materials needed for Lasby Park Road asphalt overlay in the amount of \$57,400.00. He advised City received two quotes in September. We advertised in the bid in the newspaper for construction materials and also placed the bid on City website. No response was received. We called the vendors and only received bids from Frontera and Vulcan. Requesting approval

to ratify payment to Frontera at this time. **Commissioner Rene Villafranco** questioned if the item is budgeted for. **Mr. Adan Gonzalez** confirmed, yes it is. **City Manager Manuel De La Rosa** addressed the City Commission advising that a week ago Mayor Guerra met with City staff onsite. If the Commission decides we should do that area, while we are on location, avoiding to mobilize to another site. There are a lot of duplexes and small apartment units, it may be a good area, but again it's going to be a City Commission decision, however, we do need to get those prices. I thank Mayor Guerra for meeting with the Public Works Crew and City Management on-site, as it was a very cold morning. The \$57,400.00 is from Stookey Road to Ponciana Street, that entire length and then there are four roads that intersect, so we will be looking at that area while being at that location. There is a lot of flooding on both sides of Lasby Park into those subdivisions that intersect that road. It is hard because it crosses the drainage channel. When we make this improvement, we are trying to improve some of the open ditch the swells that is currently there. It's an open contained storm water system, so it's challenging for us. **Mayor Pro Tem Carol Lynn Sanchez** questioned the price stating that during the budget discussions it was cheaper. **City Manager Manuel De La Rosa** clarified the pricing is higher because of a much larger overlay to expand life expectancy. The price is also higher in anticipation of some fixing that needs to be done, including sub base work. The sub surface of water and sewer lines are going to be a costly rehabilitation process, so if the lines are not underneath the road, they will be leaving them alone. **Commissioner Rene Garcia** questioned if it's anticipated that the bid would be higher if contacted again. **City Manager Manuel De La Rosa** clarified that the bid could be higher, however it's being locked in. **Commissioner Pedro A. Galvan** commented is it going to be picked up or delivered. **Mr. Adan Gonzalez** confirmed delivered. **Commissioner Pedro A. Galvan** questioned if we had any means of picking it up on our own or is it too costly or we don't have the trucks. **Mr. Adan Gonzalez** advised that we do not have the equipment. **Commissioner Pedro A. Galvan** commented if we do go ahead and do the overlay, it looks like a nice idea, there's also a construction company there I believe, is it Cameron County that owns. **City Manager Manuel De La Rosa** interjected TXDOT. **Commissioner Pedro A. Galvan** commented TXDOT, do they drive a lot of their big vehicles through that road. Do you see a lot of trailers parking on the side? Is that the issue? **City Manager Manuel De La Rosa** stated I do not see a gate on the back side, they go out Business 77. **Commissioner Pedro A. Galvan** commented is it possible to put a No Trucks Sign, do you see a lot of trucks in that area, down that road because it's easy access. **City Manager Manuel De La Rosa** stated we do and construction vehicles can be in that area if they have a reason to be there. The problem is unless there's a very good ordinance that identifies proper signage and postings that that becomes problematic with the parking. Those ordinances have to be very specific for law enforcement to say here is the signage, you cannot be here and all those kind of things. The ordinance we have now is very vague and hard to enforce. **Commissioner Rene Garcia** mentioned and you do see FedEx and UPS and all these guys up and down but they do have a reason to go through there. Are you talking about large heavy equipment trucks? **Commissioner Pedro A. Galvan** clarified yes more specifically the semis, just parking on the sides using it as an overnight parking spot. **City Manager Manuel De La Rosa** stated he and Mayor Guerra didn't see any trucks parked like that in that area, not like Commissioner Garcia and he saw. Some roads are built better than others, it depends on who constructs it and what they do under the surface. **Mayor Guerra** commented it is also a high traffic road. Why do one road and then jump around when we can just finish the others in that subdivision. **City Manager Manuel De La Rosa** stated we can decide that in the near future, and we'll go wherever else you tell us to go. While we're there, we take care of some streets in that area. **Commissioner Rene Garcia** questioned but we're ready to go on this one then? **City Manager Manuel De La Rosa** advised yes, it's not going to delay Lasby Park Road but before we're done if we're going to get on the others, we start prepping those areas. We're trying to be proactive. **Mayor Ricardo Guerra** requested a motion. **Mayor Pro Tem Carol Lynn Sanchez** 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 TO RATIFY PAYMENT TO FRONTERA MATERIALS INC., FOR MATERIALS NEEDED AT LASBY PARK ROAD ON THE ASPHALT OVERLAY IN THE AMOUNT OF \$57,400.00.**

ITEM 8. CONSIDERATION AND POSSIBLE ACTION TO APPROVE PURCHASE AND ISSUANCE OF ELECTRONIC TABLETS TO ELECTED OFFICIALS.

Mayor Ricardo Guerra announced he and Commissioner Pedro A. Galvan requested this item. Commissioner Pedro A. Galvan stated tablets can range anywhere from \$200.00, \$300.00 all the way up to \$1,200.00, I think a decent one \$200.00 to \$300.00, one that's going to last a decent lifetime because technology does get outdated. It's wasteful to come in with packets that are sometimes two hundred pages long. I think being more green is going to be one thing, and the electronics will allow, I think the Commission or the staff to access the reports much quicker versus hold on let me look for something. 'Control F' is much easier to find something and I think reading e-mails also, it's very difficult to read an e-mail off a phone and it would probably be best if we are able to have a laptop where we can read off the paperwork information and I think it's going to be less of a burden on our staff when they're prepping the binders as well. Mayor Pro Tem Carol Lynn Sanchez questioned if everybody is okay with that because I am. Commissioner Pedro A. Galvan interjects another thing is the delivery of the binders. Commissioner Rene Villafranco states there's a reason why we were holding back for certain Commissioners that were on board. Commissioner Pedro A. Galvan states there's a complaint about if we have Wi-Fi or not, we have a mobile hotspot on the phones so I think we can use that. If we ever want to move forward and livestream meetings that is an opportunity we can look into. It's just a thought, it's not a discussion now, but it's a thought, especially in a pandemic. I think it's better as far as using City property versus your own personal laptop. Commissioner Rene Villafranco states I'm in favor of the electronic tablets. Mayor Ricardo Guerra commented I'm okay with it too. It's going to take a lot of burden away from our City Secretary, Ruth, and everybody else. Commissioner Pedro A. Galvan questioned if it was okay to get the opinion of the City Secretary, from what you've seen from different Municipalities. City Secretary Ruth McGinnis advised there are some Municipalities that do use them and some others don't. It all depends on your preference as the City Commission. Commissioner Pedro A. Galvan commented that it's a good move, moving the City into the 21st century, I think it's the best move, the way I see things, and it's green. City Manager Manuel De La Rosa requested clarification on the certain model. For example, we get Office Suites, the software is what it's cost, I mean you can buy a computer or tablet for \$300.00 but then we start adding those programs the Microsoft Outlook, the Word, all of those things start adding up and it's not the home version, it's not like going to Best Buy. So it's probably going to be somewhere between \$500.00 to \$600.00 from what I've seen when we've purchased some of the Surface Tablets. Commissioner Rene Villafranco stated but we do have the money in the Commission budget. City Manager Manuel De La Rosa confirmed yes sir, that's not a concern. We'll make it a budget amendment and move it to City Commission. Are we good with something like Surface, do you want the Novo, do you want Bio? Commissioner Pedro A. Galvan commented some of the U.S. Government personnel have Microsoft Tablets with Microsoft Office, PowerPoint, Excel since they're much user friendly. City Manager Manuel De La Rosa clarified that's what we use, I just want to make sure that I'm on track. We buy the Surface tablets with the Office Suites, with the Microsoft Office Suites. Commissioner Pedro A. Galvan mentioned some input from an IT Tech who stated that Microsoft is easier to customize compared to Apple who really can't be customized. Mayor Pro Tem Carol Lynn Sanchez mentioned I have a Surface Tablet for work and it's awesome, especially when we have to take it some place. City Manager Manuel De La Rosa states I've used both and here at work because everything is Microsoft, we utilize the Surface Tablets. Commissioner Rene Villafranco commented so it should be what you guys are utilizing. City Manager Manuel De La Rosa commented I just want to make sure we're all on the same page and we're going to look at Surface Tablets and we're going to look at that Office Suites Software that we add. Mayor Ricardo Guerra requested a motion. Commissioner Rene Villafranco 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 **APPROVE PURCHASE AND ISSUANCE OF ELECTRONIC TABLETS TO ELECTED OFFICIALS.**

ITEM 9. CONSIDERATION AND POSSIBLE ACTION TO ESTABLISH A POLICY ON THE ELECTRONIC TABLETS ISSUED TO ELECTED OFFICIALS.

Mayor Ricardo Guerra announced he and Commissioner Pedro A. Galvan requested this item. Commissioner Pedro A. Galvan stated there has to be a policy stating when it was released to the Commissioner, when it is returned and the working condition. Tablets cost several hundred dollars so if a Commissioner breaks, damages or loses a tablet do they pay the price of the insurance deductible. Commissioner Rene Villafranco questioned the policy for the City employees. City Manager Manuel De La Rosa advised if its damaged negligence or abuse it's either deducted on their pay, it's in our policy, our personnel policy, so they're accountable for the electronics that are issued to them. Commissioner Rene Villafranco stated but you have to show negligence. City Manager Manuel De La Rosa advised yes, if you lose it because you did something crazy, it's negligence. Wear and tear just because sometimes they're used and they break down for whatever, we just repair them, but if they're lost, broken and we see that. But over time, and Ruth will attest, we have replaced a number of phones from City Commissioners and Mayors for abusing those electronics and we have no policy so we keep replacing them. So when we implement this electronic device and I think we should probably be addressing most of those items. If it's an accident, it's an accident, if it's negligence and it comes up, we're going to report it to you. Commissioner Rene Garcia commented so then we should have an identical policy so we adhere to the same as every employee. City Manager Manuel De La Rosa advised yes sir and that's kind of what we were looking to see. Commissioner Rene Villafranco stated it should be that way. City Manager Manuel De La Rosa advised we'll work on the policy while we make this order but it's, if you say nope we're elected officials, we answer to our constituents that's okay with us too. Mayor Pro Tem Carol Lynn Sanchez questioned if they can leave their electronics here. City Manager Manuel De La Rosa advised the whole idea is we do send you electronic communication that has PDF very large files that you cannot see on your phones that's part of the concern. But if you choose not to take it, we'll secure it for you until the next meeting. Nothing says you've got to take it, we make it available to you and it's yours. We sign it to you. Commissioner Rene Villafranco commented I'd like to see the policy you guys have and then if there needs to be an amendment to it well I'll make suggestions. City Manager Manuel De La Rosa stated it's not going to keep us from ordering, this is something in progress. Commissioner Rene Garcia commented again we do need to have some sort of policy because you mentioned abuse and misuse, we can't be negligent so we got to make sure we take care of. City Manager Manuel De La Rosa advised and Ms. McGinnis will tell me who's the one with the report and I'll give authorization to replace it. We have no policy to go back to the elected officials so we just go through the expense and that has been the practice the whole time I've been here and before. So if we're going to change it, it's a good time for us to address it. Commissioner Pedro A. Galvan verified that it would be an electronic policy not just a tablet policy. It would include the phones. City Manager Manuel De La Rosa advised we'll incorporate it and we'll bring it, because right now it's just establishing that but when we bring it it's going to be much more comprehensive and you will vote on it at that time, take a formal action. Mayor Ricardo Guerra requested a motion. Commissioner Rene Villafranco moved to approve. Commissioner Rene Garcia 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 **ESTABLISH A POLICY ON THE ELECTRONIC TABLETS ISSUED TO ELECTED OFFICIALS.**

ITEM 10. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FIFTH SUPPLEMENTAL ORDER 2020-04.

City Manager Manuel De La Rosa addressed the City Commission advising Mayors and Commissioners, we last discussed this Supplemental Order 2020-04 back in November. At that time it was decided that the Fourth Supplemental would be issued for sixty days and that would allow the new Mayor and Commissioners to decide if they want to continue it. If you'll look at the Fifth Supplemental that I presented, I had a brief conversation with the Mayor. I know that you are getting phone calls, the Mayor certainly is getting them, I believe some of the others, I know I've spoken to some of you privately. There was an article that came out in the Valley Morning Star Sunday called Mothers, Officials Look at Future of Playgrounds, there is a group of mom's wanting to open the parks, there's fifteen cities mentioned that have opened them. Brownsville is not one of them, it's my understanding that Brownsville has opened them but the bathrooms are closed. So let's discuss that, we can do that here and I'm not opposed and

I'm not making a recommendation one way or the other, this is your decision, you field those calls from your constituents. But we clean the bathrooms generally once a day when we open them up, Fire Department helps us by closing them at night. So the Fire Department, since we don't have maintenance staff or parks and recreation folks, they come by and lock it for us. In the Wall Street Journal over the weekend, the variant, the new strain we know it's in Hidalgo County, we're expecting four hundred thousand deaths across the United States by the end of January and half a million before the end of February. What do you want to do? If you're wanting to have the playgrounds open that doesn't void the county judge's or the governor's order gatherings of ten and so forth. We disperse people, tell them to keep moving along. If we clean the bathrooms, there are communities who have hired staff and disinfect more often and that would mean a budget amendment for us because we don't have that kind of staff and you would have to establish how often you'd want to clean it because we're prepared to do them once a day, we do our business, we open them up, and we're done. But we just wipe down, we don't disinfect. [Mayor Pro Tem Carol Lynn Sanchez](#) questioned what the requirements are from either CDC or State. [City Manager Manuel De La Rosa](#) advised it's not that specific in the guidelines. So there are cities that are wiping down more than once a day in there but they have other resources, they have the funding for it, that resource. A lot of parks still don't, Harlingen and us, they don't. We just, and this article perfect timing, but it talks about the liability and the exposure that the cities' are facing and that they're concerned about. But it's one of those things and they talk about other communities and they said well other communities in other parts of the United States. Why can't we do it? Well the Rio Grande Valley doesn't have those resources. [Commissioner Rene Villafranco](#) mentioned they have bed space in the hospitals. [Commissioner Pedro A. Galvan](#) commented there's different regions that were considered in the State of Texas and we're a region where we're at a high positivity rate and we've recently been reduced to fifty percent capacity in establishments and people will put the argument well that place is open where we do our grocery shopping, it's essential, we need to do our grocery shopping. Now do we need to have Cinco De Mayo parties at the park, we can't, and people will put the argument well what about the bars, the bars are TABC, the only thing we can go by and disperse them but that's TABC's area and they're the ones that are supposed to be looking at that. The way the capacity is at the hospitals, I don't think it's a good time that's just my take, but it's been busy guys. Until we have a better grip on the pandemic with the vaccine distribution. [Commissioner Rene Villafranco](#) requested verification from Mr. Bell on updated numbers on cases in San Benito, Cameron County, anything on hospitals, so that people in the public can know how serious it is. [Assistant City Manager Fred Bell](#) stated Commissioner, I apologize but you caught me at a disadvantage, I don't have those numbers in front of me, we are steadily going above, we'll have another meeting tomorrow at ten o'clock, our regular weekly meeting with the County Representatives for Emergency Management. I don't recall the exact number from last week, but there was an increase and in one seven day period Cameron County positivity rate went up over a hundred. That's about what we're averaging right now. [Commissioner Rene Villafranco](#) commented so like Commissioner Galvan said they're decreasing the amount of people entering an establishment as an essential place. [Assistant City Manager Fred Bell](#) confirmed yes, the threshold of the fifteen percent of occupancy of bed space as the hospitals are exceeding that that led to the reduction of capacity. This is something that is being experienced not only in Cameron and Hidalgo County so region, our valley is, we're a hotspot. [Commissioner Rene Villafranco](#) commented for that reason, I agree with you, it's not time. [Commissioner Pedro A. Galvan](#) commented and in the parks the trails are open, it's just not the use of the equipment and public spaces, but the trails are open. The public needs to know that the trails are open. [Commissioner Rene Garcia](#) commented I have to agree, if you're telling us that we're a hotspot and we open up the parks again, well I think it'll only go out of control. So I think we should continue. [Mayor Ricardo Guerra](#) questioned in the past what's the timeline that we have like a three month, four month, six months. [City Manager Manuel De La Rosa](#) advised Mayor early on when we first started we were doing every ninety days, three months, except for November, it was an anomaly because of the Elections, we opted for sixty days, just to get us into January for the new leadership that was coming in. As we discussed if we go back to ninety days, we do know that South Padre Island has cancelled all the events on the island. Brownsville just cancelled everything having to do with Charro Days and all related activities. No Spring Break events so if we go back to the ninety days, which initially the Mayor Pro Tem and Commissioner Villafranco will attest to is that's what where started off and that would be my recommendation that we stay with those ninety days. [Commissioner Rene Villafranco](#) commented but also we can come back whenever we want

to. [City Manager Manuel De La Rosa](#) advised you can bring it up anytime, just put it on the agenda, yes. [Commissioner Rene Garcia](#) commented it does concern me when you started out, you said about an article on the Valley Morning Star that mentioned a group of. [City Manager Manuel De La Rosa](#) clarified there's a group of mothers that say that children are not getting. [Mayor Pro Tem Carol Lynn Sanchez](#) interjected it's actually a psychologist that commented on children that are underserved. There's a lot of kids that are just stuck at home right now, they don't have anywhere to go outside to socialize. Like I mentioned my best friend is a counselor who commented on that, the numbers that have been showing from the kids, she's had a rise on having to have one on one's with kids just because a lot of them are now suffering from depression, they're having a lot of issues at home so that was kind of my push for trying to give them just an outlet to be outside. Like I said some people just don't have the means to be able to have a place to go play outside and be able to maybe even play with their siblings. We do know kids are in school so at least if we have the parent who is there watching their one to two kids hopefully they'd be able to keep them away from each other, practice the same social distancing, sanitizer, wearing their mask. I mean we have Market Days outside where kids are walking around, we have like they mentioned, the bars and the stores, kids are still going outside there. I mean I think parents can do their due diligence. [City Manager Manuel De La Rosa](#) commented and you're right, Mayor Pro Tem, it was the mental well-being of children that the concern was. [Commissioner Rene Garcia](#) mentioned and you're bring up a good point, but I still think it's a small sacrifice for a big payoff. I don't know, but we just can't allow the people to put their lives in danger or their children's lives, or anybody's. [Commissioner Pedro A. Galvan](#) commented let's just say we do decide to open up the parks, who would be cleaning, sanitizing, and who is going to be monitoring the groups less than ten. [Commissioner Rene Garcia](#) mentioned we don't have the staff, do we? [City Manager Manuel De La Rosa](#) advised we don't have the staff. [Commissioner Rene Villafranco](#) mentioned that's also going to be trouble when, if we do open up the parks, how are you going to tell there's only ten kids in there or in the monkey bars, there's no social distancing at all, stuff like that. [Commissioner Pedro A. Galvan](#) commented I want to make a comment about maybe we can work with the school district type of donation drive of footballs, softballs, soccer balls and things like that. I saw another city doing that. I'll be willing to donate some money, I think it's a good idea. [City Manager Manuel De La Rosa](#) commented and the school districts are having activities, they just had the Future Farmers of America at Veteran's Memorial because remember the governor's order does not, is not applicable to school districts. So what they can do and what cities can do is very very different, not even the governor could keep the schools closed because they answer to completely different authorities. So having those kinds of things will put us in conflict with either county's orders or the governor's orders because we are not a school in any of those kind of agreements. I just read, I mean I see that they're always having activities and so forth, and we drove by today at the stadium and they were. Did they look like they were social distancing? [Assistant City Manager Fred Bell](#) commented no, and they were more than ten. [City Manager Manuel De La Rosa](#) commented exactly, you see what I mean. So those kind of things, we can't control what the school district does or anybody else. We can only control what the City does on its own properties. Which is why South Padre Island keeps the beaches open but then they had problems because not even the governor could shut down. The Governor can't shut down the City Parks only San Benito City Commission can shut it down. [Commissioner Rene Villafranco](#) mentioned when the high schools, or the schools were playing football, football season, they were being tested every other day or every so often before they got on the field. So they were being taken care of. [City Manager Manuel De La Rosa](#) commented and their playoffs right now, and I think some of them had to forfeit because of the COVID-19 testing I saw the high school sports. [Commissioner Rene Villafranco](#) mentioned even though their playing sports and what not, but they were being tested and if you, or somebody tested positive there went your game and you were out. If you open up something else, how are you going to test who. At least those kids were being monitored. [Mayor Ricardo Guerra](#) confirmed so can we say that we're still in agreement that we still have three months, it extends April. [City Manager Manuel De La Rosa](#) advised if we leave it the way it is, Mayor, the only thing that we're going to put in that Order that we put in the Fifth Supplemental is it will go through April 20, 2021 at 11:59 P.M. I didn't insert a date. If we needed to remove the playgrounds Mayor Pro Tem, we were going to strike it out. My only thing is if we open the parks, and I'm okay with it from the City side, it's just that I ask we keep the bathrooms closed because I think that's where more bacteria and virus exist, than anywhere else, and again, that's not scientific, that's just we just know what we see in the bathrooms. [Mayor Ricardo Guerra](#) clarified so what are we agreeing to? Are we

going to go with the three months and the restrooms? Keep it the way it is for three months, restrooms closed, parks closed, and only the trail walk, is that still where we're at? The way it's been. **Commissioner Rene Garcia** commented I think we should, it's the responsible thing to do at this point. I've heard enough from you as far as how dangerous the next three months will be, maybe more, so ninety days is good, and then we'll look at it again. If things change for the better during that period, we can always bring it back at any point. **Commissioner Rene Villafranco** mentioned let's just hope and pray that the vaccination process that we continue doing helps out faster and we'll probably be back here before you know it. **Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Garcia** moved to approve. **Commissioner Pedro A. Galvan** 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 FIFTH SUPPLEMENTAL ORDER 2020-04**.

ITEM 11. PRESENTATION OF THE CITY OF SAN BENITO FINANCIAL STATEMENTS FOR THE PERIOD ENDED NOVEMBER 30, 2020.

Ms. Belen Pena, Finance Director addressed the City Commission presenting the City of San Benito Financial Statements. **Commissioner Rene Garcia** questioned the Property Tax Collection for this year was a little bit lower than last year, what do you anticipate? **Ms. Belen Pena** advised yes it varies, sometimes people take longer to pay or. **Commissioner Rene Garcia** interjected so that's probably what's happening then. **Ms. Belen Pena** advised or sometimes they have some claims on the Tax Department for the Cameron County Appraiser so they're working payment plans or any adjustments so that's why it changes. **Commissioner Rene Garcia** commented normally it would be going up. **Ms. Belen Pena** advised there's just a \$24,000.00 difference on the Collections compared to last year. **Commissioner Pedro A. Galvan** mentioned the Accrued and other Liabilities under the Liabilities section why is it so high compared to the previous year? I feel like we're kind of in a shutdown mode as a City and not doing events and things like that. Why is our Liability section so high compared to last year? **Ms. Belen Pena** requested guidance on location being questioned. **Commissioner Pedro A. Galvan** commented I'm looking at the Accrued and other Liabilities the \$1,550,071.00 versus \$769,353.00, it's on the first page. **Ms. Belen Pena** advised yes those are the Accrued Liabilities, that's what we owe to the vendors but they're accrued we owe them in advance. We also have the Deferred Revenues which is for the Property Taxes and other, the Sales Taxes that we receive in a monthly basis. **City Manager Manuel De La Rosa** questioned and who are some of the vendors that we owe the liabilities? **Ms. Belen Pena** advised there are different vendors, one of the biggest ones is the BBA by the end of the month we owe that amount, which is paid on the 15th. **City Manager Manuel De La Rosa** commented the debt payments, BBVA, on what? **Ms. Belen Pena** advised that's the Credit Card, we also have the Republic Services which the monthly payment is about \$250,000.00. **City Manager Manuel De La Rosa** advised Commissioner, there's a whole list of liabilities, we've already encumbered the funds, we're just waiting for those payments to come up as they come up every month. So that's when you'll see that reduction. **Ms. Belen Pena** advised we owe them at the end of the month but we pay them the following month. For example BBVA, we pay them on the 15th, Republic Services we pay them around the 10th of the following month. No motion carried, **PRESENTATION ONLY**.

ITEM 12. EXECUTIVE SESSION:

- A) **CONSULTATION WITH CITY ATTORNEY PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1) TO RECEIVE LEGAL ADVICE ON CONTRACT NEGOTIATIONS WITH REPUBLIC SERVICES.**
- B) **CONSULTATION WITH CITY ATTORNEY PURSUANT TO TEXAS GOVERNMENT CODE §551.071(2), REGARDING BUSINESS PROSPECT 2020-001.**

THE CITY COMMISSION CONVENED INTO EXECUTIVE SESSION AT 6:18 P.M. AND ADJOURNED AT 7:14 P.M.

GENERAL SESSION:

ITEM 13. CONSIDERATION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEM 12 (a).

Mayor Ricardo Guerra requested a motion to move as advised by legal counsel in Executive Session. 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 APPROVE AGENDA ITEM NUMBER 12 (a) AS DELIBERATED UNDER EXECUTIVE SESSION.

ITEM 14. CONSIDERATION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEM 12 (b).

City Attorney Mark Sossi advised City Attorney recommends that the City Commission authorize City staff to begin to request the qualifications of the qualified firm regarding operations and maintenance of San Benito Water System. Mayor Ricardo Guerra requested a motion to move as advised by legal counsel in Executive Session. 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 AGENDA ITEM NUMBER 12 (b) AS DELIBERATED UNDER EXECUTIVE SESSION.

ITEM 15. ADJOURNMENT

Mayor Ricardo Guerra requested a motion. Mayor Pro Tem Carol Lynn Sanchez moved to approve. Commissioner Rene Garcia 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 7:15 P.M.

CITY OF SAN BENITO

RICARDO GUERRA
MAYOR

ATTEST:

RUTH MCGINNIS
CITY SECRETARY