



MINUTES OF THE CITY OF SAN BENITO REGULAR CITY COMMISSION MEETING

On March 2, 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 prayer.

ITEM 4. ANNOUNCEMENTS: ITEMS OF COMMUNITY INTEREST.

Mayor Ricardo Guerra announced a COVID-19 First Dose Vaccine Clinic will be held Friday, March 5 at the San Benito Fair Grounds. Individuals over the age of 65 are eligible to receive the vaccine. You must pre-register by calling (956) 338-1875, Wednesday March 3rd, at 9 a.m. Pre-registration will be closed once a 500 registration has been completed. Pre-registered people will pick up their vouchers on Thursday, March 4th at the San Benito Fairgrounds where they will be advised the time to report to the Vaccine Clinic on Friday, March 5th. Overnight parking will not be allowed on Thursday night. Again, the number to call to pre-register is (956) 338-1875 starting tomorrow at 9 a.m.

Mayor Ricardo Guerra announced a free COVID-19 Testing will be held at the San Benito Fairgrounds on Saturday, March 6th, and Sunday, March 7th, from 9 a.m. to 5 p.m. No pre-registration is required, you will need to show I.D.

Mayor Ricardo Guerra announced a COVID-19 Second Dose Vaccine Clinic will be held at the San Benito Fairgrounds on March 9th, this clinic is only for those who received the First Dose on February 2nd at the San Benito Fairgrounds. You will need to provide the vaccine card received when you were administered the First Dosage. You can follow the City Website on www.cityofsanbenito.com and Facebook Page for information on testing and vaccination clinics.

Commissioner Rene Garcia requested clarification from Commissioner Galvan, on COVID-19 Immunizations not being administered to age 64 and younger, and if he had knowledge of any dates.

Commissioner Pedro A. Galvan advised it's up to the state, CDC has different requirements and eligibility groups. I've seen pharmacies are following state requirements and cannot choose to change requirements at will. It's currently 65 and older, and 18 and older with a chronic condition for the Moderna vaccine. Johnson and Johnson got approved, it's a one-time dose, and for 16 and older is the Pfizer vaccine. The requirements chronic condition, several listed are obesity and diabetes as the major ones, it covers the majority of us in South Texas as it runs in our family. Commissioner Rene Garcia expressed not understanding why only 65 and over at this point receiving vaccines being available everywhere. Mr. Fred Bell, Assistant City Manager, addressed the City Commission stating Commissioner to answer that question more vaccinations are hitting communities, the vaccines sent to the pharmacies are private entities, they have more latitude. The vaccines being issued to the County Health Departments, there's only x amount of vaccines that are hitting, they are starting to increase, but as they're hitting, they're still

having to control who is receiving the vaccines. One of Judge Treviño's Press Conferences expressed the concern over the 65 and over population statistically when they get this virus, it's killing them more statistically so he wanted to ensure those under the guidance of the County's Health Department and dispersment are focusing and targeting. Now we do anticipate as more vaccines are hitting the areas, we do expect that it's going to be lightened up and the health departments will probably implement like the private pharmacies and entities are doing. That timeline, I don't know, but I suspect as we saw with the governor's latest order it's probably sooner rather than later. [Commissioner Pedro A. Galvan](#) stated to follow up, there's a new CDC website it's vaccinefinder.org, it'll let you know if a pharmacy has vaccine, or the clinic has vaccine and it'll take you to their site to register. Instead of trying to run around and clicking on numerous sites, vaccinefinder.org, type in your zip code and it pops up with locations in your area within ten miles, twenty miles, whatever your preference is. [Commissioner Rene Garcia](#) questioned, that would address the 64 and under with underlying conditions and so on. I got from the public the last few weeks, is that right at the City of San Benito inaudible 65 and older, but you're saying it's coming from the county authority. [Commissioner Pedro A. Galvan](#) mentioned from what I'm seeing there's not a shortage of demand from 65 and older group and that's the highest at risk group population so until they start saying there's not enough 65 and older, then we can start opening it up. But that vaccine just started coming out to the pharmacies pretty heavy last week so until we see a shortage of people wanting it. [Mayor Pro Tem Carol Lynn Sanchez](#) commented the vaccinefinder.org will help people that are 64 and under, we also have local places like H-E-B, I know the Medicine Shoppe just has their list available. Theirs has actually been awesome because it doesn't shut down and we have people who are under 65 that have been getting it here in San Benito.

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

[Ruth McGinnis, City Secretary](#), announced [Ms. Margarita Conners, San Benito Citizen](#), who addressed the City Commission identifying herself and stating her address is 325 Ballenger Street, a Winter Texan from Massachusetts. She had several questions that were not on the agenda, the first one being when would yard sales be allowed? Her second question was on the filtration system, when are they going to reattach that water and it flowing, there's a lot of smells like sulfur in the area where she lives. Her third concern was the demolishing of the pool and what will replace it. Her other concern was the funding for roads, due to a lot of bad potholes in the area, one being behind Ballenger Street, some people revved the tires and mess up what you fix. She's a recycler and had been recycling when she found out that the trash doesn't pick up, the recycling truck doesn't come through. Her final question was when they do those COVID-19 shots, if there's people who don't have insurance, where do they go? The shot itself is free, but some places, when they can't afford or lost their healthcare, do they still get the COVID-19 shot and who pays for it?

[Ruth McGinnis, City Secretary](#), announced end of public comments.

ITEM 6. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE FEBRUARY 23, 2021 SPECIAL CITY COMMISSION MEETING.

[Mayor Ricardo Guerra](#) requested a motion. [Commissioner Rene Garcia](#) moved to approve. [Commissioner Pedro A. Galvan](#) seconded the motion. Voting Aye: [Mayor Ricardo Guerra](#), [Commissioner Rene Garcia](#), and [Commissioner Pedro A. Galvan](#). Abstained: [Mayor Pro Tem Carol Lynn Sanchez](#) and [Commissioner Rene Villafranco](#). Motion carried to **APPROVE THE MINUTES OF THE FEBRUARY 23, 2021 SPECIAL CITY COMMISSION MEETING.**

ITEM 7. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE SELECTION OF PROFESSIONAL ENGINEERING FIRMS.

[Mr. Fred Bell, Assistant City Manager](#), addressed the City Commission advising in October 2020 the City published a Request for Qualifications with the intention of creating a list of multiple engineering firms to be utilized for engineering services on various City projects. Seven engineering firms submitted packets for consideration, in your packets are the following documents, copy of the RFQ publication that was published in the San Benito News, copy of the RFQ packet and the addendum posted on the City's website, and copies of submitted RFQ packets from Javier Hinojosa Engineering, Tedsa Infrastructure Group Incorporated, LJA Engineering, Guzman and Muñoz Engineering and Surveying Incorporated,

Hanson Professional Services Incorporated, HVJ Associates Incorporated, and HCE. Also included is a copy of the tabulation sheet that was used to score the qualifications and the spreadsheet detailing the cumulative score and listing of results. The review committee consisted of myself, Planning and Development Director Bernard Rodriguez, Accountant Fernando Garcia, and Executive Assistant to the City Manager Martin Saenz. The firms were listed on a tabulation sheet. As you see on the sheet, the firms were listed in the order the packets were received by City staff, the first one received was HVJ and Associates. Each committee member conducted a review of each packet, the review covered four main categories: qualifications and availability, management and technical staff, project experience and project approach. And inside the actual RFQ you will see there's a detail on what those categories consisted of. On page three of that packet, begins the qualification criteria. On those categories, a five point rating system was utilized to rate each category with five being the highest and one being the lowest, once the committee members completed individual reviews, the ratings were tabulated, the highest score possible is eighty. There's five categories, five maximum points per category which equals twenty, four committee members, four times twenty equals eighty. The tabulation page is the last page of the packet and the results of the scoring were listed from the highest to the lowest from top to bottom. As you can see the ratings results were number one Guzman and Muñoz, number two HCE, number three Hanson Professional, number four Tedsi Infrastructure, number five LJA Engineering, number six HVJ Associates, and number seven Javier Hinojosa Engineering. The City currently has two engineering firms that we are working with, one being Garver and the other being Alpha, they're working our current projects. However with the anticipated demand of engineering services, staff is recommending selecting three additional firms that can be used for contracted services. By adding these additional firms, the City will not be dependent on one, and will be able to select the firm best suited for the project. I'm available to answer any questions. [Commissioner Rene Villafranco](#) questioned staff is recommending in that order? [Mr. Fred Bell](#) confirmed yes, that is the results of the tabulation. [City Manager Manuel De La Rosa](#) stated there are seven proposals here, statements of qualifications presented, we would still like to at least get authorization to enter into a contract negotiations with some of these. Our contracts are a Master Service Agreement that our City Attorney puts together and some companies may not accept those terms. If they don't accept it, they disqualify themselves so we move on. So we would start at the top based on scores and work down. We anticipate that we would ask for at least two and maybe a third one. If we enter into some type of an agreement in our negotiations of those top two or top three, we would present them to you for consideration. Their rate schedule can't be part of the qualifications, so that's why you don't see them and we don't discuss them. Those things are negotiable, everything is negotiable but there are certain parts of our contract that aren't. Water Plant 2, the lawsuit that settled in 2017 was a result of contract with an engineer then he subcontracted to another engineer. So our contracts now are very much scrutinized by our City Attorney, City Management and teams that we put together. We have one of the two that Mr. Bell listed, it took us better part of six months to negotiate a contract going back and forth between attorneys. So this is our contract, it's a Master Service Agreement and then we tend to do task orders for anything over \$10,000.00 and if it's just a small project, a test or something that we need done, those don't get presented because if it's less than \$10,000.00 it's kind of a simple task. Any long term projects we may need them, we've got Water Plant 1, Water Plant 2, Waste Water Plant, we've got electrical engineering, we've got water quality issues to resolve, I don't mean water quality is bad, it's the Water Plants have some technical violations that we need to address. The one thing that we did learn from our contractors because COVID-19 takes out a whole department for months because one gets ill, another gets ill, and you're not seeing leadership and that's actually not helped us, it's been stagnant in some areas for some of those reasons. Some engineering firms are better qualified for others, we're not saying that they're not all qualified, but we do know this, one of the current companies that we have, if I want a water quality professional that's got a Ph.D., he's in another city in the northern part of the state. So those kind of things, it costs time and money and we need somebody at the plant within a reasonable period of time, it can be half a day, it shouldn't be a whole day because of travel. So this committee looked at those items and made assessments, and again our recommendation when we're looking at this, I said I need at least two engineering firms and possibly three. If you approve up to three, we'll start those contract negotiations and then present the contract for your consideration with the terms that our City Attorney believes will be in the City's best interest. [Commissioner Rene Villafranco](#) questioned did we verify the insurance and bonding on these companies? [City Manager Manuel De La Rosa](#) clarified we will at that time because that's part of the contract. This is just the evaluations of those firms that submitted their

statement of qualifications, the contract will have the insurance, it will have the rate structure and those kind of things, and where are they, and most importantly out of all of our contracts, you can't sub your work out to somebody without the City's approval. **Commissioner Rene Villafranco** questioned some of these companies are available? **City Manager Manuel De La Rosa** confirmed yes that's one of the things that we looked at is locality, are they in Cameron County, Hidalgo County, in the region and do you have resources here or do you just have an office but all your overhead is somewhere else other than the region. **Commissioner Rene Garcia** questioned there's one in here particular that did highlight their application for grants funding, is that something that is the norm for an engineering firm to do? **City Manager Manuel De La Rosa** stated it's a norm, and even engineers that we have now that are submitting requests, and we've had some good results even just like the one we've entered recently with the City of Harlingen, we qualified for some. Every engineer does that for you because if they apply, they spent a little bit of time, they get the project and they become the engineer on that project. So they invest some in our community. **Commissioner Rene Garcia** questioned was that one of the factors that you used? **City Manager Manuel De La Rosa** stated no, not on this because they all do it. **Commissioner Rene Garcia** commented they all do it, but the results. There's one here that highlighted very successful results from their applications so was that a critical area? **Mr. Fred Bell, Assistant City Manager** mentioned to answer the question Commissioner, no that wasn't one of the weighted areas because again, the City Manager said, all engineering firms they have some level of experience, we were focusing more on what is the quality of work, the availability to have them here, to have them respond, do they have those resources. So we didn't use the grant procurement and success rate as a heavily weighted because as we're seeing most of them they do have somebody that they have in-house or they have contract with they get grants. **Commissioner Rene Garcia** mentioned is that something that maybe we should be concerned about. **City Manager Manuel De La Rosa** stated we have an opportunity going on right now and we're currently underway with that, so we're not dependent on these when we're looking at grants. Mr. Gonzalez, our Public Works Director, is meeting with an engineering firm that we've already done some work with and we are submitting applications to the Texas Water Development Board for proposed projects, some deadline that we have later on in the month of March, 28th or 24th something like that. Commissioner, we were looking long term because we have Water Plant 2, it's a filtration membrane system, we needed to make sure we had that expertise, we've got Water Plant 2 which is a conventional plant so we were looking for some of the water quality, there's a lot of good civil engineering firms and there are in the area, but looking very specifically for water, sewer, looking for rehabilitation, we deal with engineers that design them. We also like to talk to the engineers that come out when we need them to, not weeks out which is what we have now, it'd be next week or ten days. We want you in the next couple of days, we want to talk to you about a problem that we're having, we want those kind of engineers that are not just good designers, but good practitioners, so when we get an idea who is your field staff, are you spending more time in the office or do you actually know what's going on in the field, are you just going to take the information and email it to somebody in another part of the state, where are your resources? **Commissioner Rene Garcia** commented I hear you, but of course my concern is and I'm sure every commissioner here as well, we're big on grant writing because we can't do it ourselves, we're a growing city and we're going to need all the help we can get. If you didn't use it, and I understand, you make very good points as to what you used as a measuring tool. Of course, that's one thing that caught my attention, and I hope we continue that track of trying to get as much granting as possible. **Commissioner Pedro A. Galvan** questioned how is the evaluation committee formed and who appointed the members in the committee? **Mr. Fred Bell, Assistant City Manager** stated the City Manager appointed the committee and members. **Commissioner Pedro A. Galvan** questioned do any of the members have a specialty in engineering? **Mr. Fred Bell, Assistant City Manager** stated engineering is something that we don't have any on staff engineers that's why we're going for the services, prior to my current assignment I was the actual Planning Director so I worked with the engineers that we had during my tenure as the Planning Director. I know Mr. Rodriguez prior to coming to San Benito, he has extensive experience dealing with engineers at different projects in the Valley, so that experience level. Mr. Garcia because the experience in preparing the RFQs and implementing them and grading the criteria. Mr. Saenz because he is exposed to a lot of the contracts that are going through the office so it was bringing different disciplines and skillsets together. **Commissioner Pedro A. Galvan** mentioned I was reading over, Mr. Garcia, the one you were talking about that has receiving grants is the Hanson group right? Or did you see another group that was receiving grants. Do they go out and apply for their own grants to work on projects for the City on their own terms? **Mr. Fred Bell, Assistant City Manager** stated if

I understand correctly what you're asking, they don't go out on their own without speaking to us saying hey these are some opportunities we think will be beneficial to the City. Our experience in the previous grants has been exactly that, they come to us and say or we would tell them we're looking for this as a possible project. A lot of these firms do have a lot of some of those experiences in-house or contract so we do have those discussions we're looking at something like this as an opportunity and you know we say, here's the football, go forth and run, try to score the touchdown for us. Or if they see something, and we've had them say, this might be beneficial to the City, we'll go on a fact finding adventure, allow them to kind of do some research without us having to pay for it, and as we start looking through what are the award amount, we also have to look at what's the after effects, what's the catch and are we able to fulfil those requirements after the fact. I'm not sure if that answered your question Commissioner. **Commissioner Pedro A. Galvan** commented somewhat, I appreciate it, also I saw one of the engineering firms stated that they worked on the Water Plant on Turner Street, is that the new Water Plant? **Mr. Fred Bell, Assistant City Manager** confirmed yes, correct, Water Plant 2. **Commissioner Pedro A. Galvan** commented I'm wondering if that's before the issue that we had with Water Plant 2, was it after the Water Plant to fix it? It seems, it's one of our top candidates but if they worked on Water Plant 2, we had that litigation issue. **Mr. Fred Bell, Assistant City Manager** stated this was after the litigation, this was to help us get through the TCEQ approval process to get the Plant back online. **City Manager Manuel De La Rosa** mentioned that was after our in-house engineer Raul Morales, after his resignation after he moved on. **Commissioner Pedro A. Galvan** questioned do these engineering firms get a fee for standing by, so to speak, until a project is presented to them. **City Manager Manuel De La Rosa** stated we don't pay retainers. It's either a task for a task so it's a lump payment based on a scope of work or it's an hourly rate, an hourly rate usually has an amount, it's usually the engineers, the principles and then down to the technicians, so there's an hourly rate schedule that's going to be provided. **Commissioner Rene Villafranco** made a motion to accept the order in which the City is recommending to hire the engineering firms as one, two, and three. **Mayor Pro Tem Carol Lynn Sanchez** asked top three or top four? **Commissioner Rene Villafranco** stated top three. **Mayor Ricardo Guerra** questioned do we need to read the names or we just go one two three on there? **City Manager Manuel De La Rosa** stated you can go with the one two three, we're going to reach out to them and let them know we're going to start contracting negotiations. **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 **APPROVE THE SELECTION OF PROFESSIONAL ENGINEERING FIRMS AS 1. GUZMAN & MUÑOZ ENGINEERING & SURVEYING, INC. 2. HCE 3. HANSON PROFESSIONAL SERVICES, INC.**

ITEM 8. CONSIDERATION AND POSSIBLE ACTION REQUIRED UNDER TEXAS GOVERNMENT CODE 2254, FOR THE CITY COMMISSION TO PROVIDE A WRITTEN STATEMENT AND FINDING OF THE CITY'S NEED FOR SPECIALIZED CONTINGENT FEE DELINQUENT TAX LEGAL SERVICES TO LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP.

Attorney Monica Solis, addressed the City Commission stating House Bill 2826 at the last Executive Session actually passed this stating that any governmental entity entering into a Contingent Fee Contract would need to post notice and then make this written finding. We have presented the notice to the City, it was posted and now a finding would need to be made by the Commission in order to execute the agreement to go forward with the Delinquent Tax Services. Basically what the action basically calls for is there is a substantial need for these legal services, the legal services that are being provided can be adequately performed by Linebarger this is something that we have performed for the City before. The legal services cannot be adequately performed by attorneys and any other supporting personnel. Like we said this is simply a written finding that would need to be made because of the Contingency Fee Contract that we hopefully will be awarded tonight. **Commissioner Rene Garcia** commented Mr. De La Rosa, of course they're here today asking us to approve something that's through legislation, as I understand that we have to say that we have a need for this. **City Manager Manuel De La Rosa** stated a statement of finding sir, determination has to be made by the elected body, the governing body, yes sir. So if you're in agreement that these are services you need and we provided those findings, as you read them if you believe that those, you made that determination and that is in the City's best interest then you ratify that action by voting in favor of it. **Commissioner Pedro A. Galvan** questioned how can I determine that the City is in need of these services if I don't have when was the last time we tried to perform these services on our

own and when did we start contracting out to gather these delinquent fees? Is there any numbers we can look at? [Attorney Monica Solis](#) questioned is that question directed at me or? [Commissioner Pedro A. Galvan](#) stated whoever is best suited for it, I don't mind. [City Manager Manuel De La Rosa](#) stated Mayors and Commissioners, when it comes to tax collections, we do get reports. We run about a 98% collection on our taxes, so it's a high tax so any delinquencies, Attorney John Guevara was here recently, we only had a handful. So that tells you that our collection rate is fairly high. Linebarger not only represents the City but also the County and the school district, so it's all kind of one house. The numbers are, we go through the budget process, we give what you the collection rate has been so far. It's usually, even for this year, as Ms. Pena has indicated we're way ahead, even with COVID-19. When I first came here we were at about a 96% almost 97%. It has been running a steady 98%, remember they only get whatever's outstanding, and there are lawsuits filed. The City doesn't initiate tax, foreclosures of tax suits, it's always another entity and we attach to it, so usually ours is the lesser of amounts that is paid in taxes, there's other entities. So there are no real hard numbers because we don't track it that way, it's do we need it, is it something, are they going to listen to if the City Management sends a letter, you owe taxes. Or are they going to pay much more attention when it's a law firm. So I think the answer is people pay much more attention when it's a professional firm like that. Again, those fees are only paid to them based on what they collect. They'll speak about their contract. [Attorney Monica Solis](#) stated that's correct, basically this is just a finding that this is something that the City on it's own could not perform and that is why the City is coming out and procuring these legal services and of course, this House Bill really just attaches to any contingent legal services and this finding would need to be made. [Mayor Ricardo Guerra](#) stated when I came in 2018, I know that there was over two hundred homes, property homes that needed to be either, that has been tied up in litigation through family feuds, delinquent and property taxes, there's a lot of taxes that has occurred throughout the years, and that's where all this has been tied up. We don't have the resources on it so I believe that this entity can help us out and I believe it has helped us out in the past in collecting some of these fees. I talked to one of the representatives because I read that thirty, sixty days, they become delinquent on some of the properties. I said as long as you don't target the people that you see, that they've held their end of the bargain as far as paying, but because of COVID-19 and everything, and now all of a sudden they're thirty, sixty, ninety days delinquent, as long as you probably work with them and try for them to pay I'm okay with this. If I see that they're abusing their authority on this, then like I told the gentleman I'll put you back on the RFQs on this. As long as you work with the people and you do it honestly, I think we do have a need for this. [Commissioner Rene Villafranco](#) made a motion to approve. [Mayor Ricardo Guerra](#) stated Commissioner before you say anything, I think I have to read, there's a section here. [Commissioner Rene Garcia](#) questioned out of curiosity, you said 98%, Mr. De La Rosa said 98% collection. [City Manager Manuel De La Rosa](#) confirmed yes, I recall that was what it was at the last budget when we discussed it and I know that we're ahead this year. [Commissioner Rene Garcia](#) commented so it's a continuing effect. So you're successful at what you're doing and that 2% that's out there is there something holding you back from attaining that? [Attorney Monica Solis](#) stated I think what he refers to is 98% in current collections so what happens is when we refer to current collections we're looking at maybe the 2020 tax year, tax bills go out and they become delinquent February 1st. Now if everyone were to pay their taxes you get a 100% collection rate, but you have a very successful current collection rate about 98% of the taxes get paid. So we're only looking to collect about 2% of those taxes that go delinquent. That's a very different rate so you're looking between I would say 24-27%, I'll have to take a look at what exactly the City of San Benito is, but we've always maintained a very consistent collection rate. We implement different levels of collection it's not just always filing lawsuits, we understand the need, we understand the community, I, myself, am from San Benito so I take that into heart. We exercise mailing out letters about eight times out of the year, we initiate what we call home inspections, we go out there, we knock on people's homes, deliver letters and notices to them. So there are different methods of collections and procedures that we undertake, the last thing we actually want to do is file a lawsuit because we understand once a lawsuit gets filed, there are additional fees and costs that that taxpayer would become responsible for under that lawsuit aside from the delinquent taxes that are owed. Once a lawsuit is initiated, a taxpayer gets served, we make every effort to work with the taxpayer in any way we can. With the current situation that globally everyone is facing with COVID-19, we understand that we also have to undertake very compassionate collections, there's people that are dealing with losses of jobs, different situations that are arising because of our current situation. Because of that we've not really seen any decline in our collections, we work with people, we work with them how they can, and we

understand that we're all facing a situation but we try to get them to understand at the end of the day these taxes need to be paid and we can be flexible as far as terms and agreements, but we still need to get that money coming in. **Commissioner Rene Garcia** commented I agree, people do want to pay, during this last winter storm we had a couple of weeks ago, I had people calling me if they could come and pay their water bill, and people do want to pay. You're making that effort and I appreciate that, that you're taking into consideration especially right now the COVID-19, I want to say including loss of life. Thank you. **Commissioner Pedro A. Galvan** questioned let's say there's a fine of \$100.00, it goes to Linebarger, what would the citizen have to pay when it gets to delinquent status? What percentage? **Attorney Monica Solis** stated are you talking about, I know that we're here for two separate matters, one is for delinquent tax collections and there's another for fees and fines, so it seems that you may be referring to the fees and fines and we're currently on the topic of delinquent tax. **Commissioner Pedro A. Galvan** stated my question is just if there's an upcharge to have this service? What I'm understanding is I thought you guys were having a 98% completion but what you stated was that actually 98% of people are actually paying all of their fines, but 2% are outstanding. So we're contracting an entity for that 2% collection? **Attorney Monica Solis** stated what you'd have to take a look at is what your delinquent tax roll consists of. We only collect 15% of any outstanding and that is something that is statutorily applied. So if you look at your tax bill the taxable value of a property is outlined by the appraisal district then the tax rate is implemented. Now from there, there is usually penalties and interest that are tacked on if the delinquency date has now passed. Now at a certain point that is when the bill gets turned over to us for collections, at that point that 15% gets tacked on to any outstanding amount. Did I answer your question? **Commissioner Pedro A. Galvan** mentioned I'm still trying to figure out when was the last time we didn't contract out and I need to see some numbers, some benefit here. There's 2% outstanding of those 2% what percentage of that did Linebarger help us with? **Attorney Monica Solis** stated I believe it's anywhere between 24-28% yearly collections that we do of the delinquent tax roll. **City Manager Manuel De La Rosa** clarified 98% of the taxes that are billed are paid, some of them late, some with fees, but during our fiscal year that is what the collection rate is without them. That 2% in our evaluation citywide it's \$300,000,000.00 or \$350,000,000.00, the 2% of that is what's out there at any given time. Again, we don't initiate, generally it's the school district that initiates suits first. **Attorney Monica Solis** stated the county usually. **City Manager Manuel De La Rosa** clarified the county, then other entities, the school district or us, or anybody else that owes taxes will attach. Generally it's not the first year usually there's two years or so, right? **Attorney Monica Solis** confirmed correct. So usually what we do is we will assess the account so you're looking at different things, you're looking at factors as far as how much is owed, has the taxpayer ever made contact with us, like we said we implement different collection methods, we don't just go out there and file a lawsuit. If you've got a property that only owes about \$200.00 or \$300.00 in taxes and fees, we're definitely not going to file a lawsuit because you're looking at additional court fees that would be added on to that \$200.00 or \$300.00 bill that would just throw a property owner completely off. What we do is we go out there, try to make contact with the taxpayer, visit their home, they will receive a letter from us stating this is what is owed please make contact with us, let's see how we can get this paid. All of those services are what is, there is no hourly fee that is charged, so we don't charge any additional amount every letter we send out. What happens is there is a standard 15% that gets added on to any delinquent amount that is owed on that property and that's statutory. **Commissioner Pedro A. Galvan** mentioned I'm still having a hard time seeing that, the House Bill says that we have to have a problem. Is 2%, I guess what most municipalities look at, is having a problem? 2% delinquency, is that a problem? **City Manager Manuel De La Rosa** clarified no I think the problem is whenever there's anything delinquent. If you're not proactive in doing collections then you have no to enforce it, so it's just going to get away from you. We operate on a taxes are due, they become delinquent if it's a sizable amount, it's a business decision. Is it fair to the consumer, the homeowner that owes \$300.00 to the City and \$500.00 to the County, and maybe \$600.00 to the school district, whatever that break down until it becomes something that is taking too long and the County initiates it first and everybody won. So the problem is if you don't have a program to collect it and we don't have those resources to be able to collect it. Then it will get a problem. The problem is created by people not paying these taxes and then letting it build up. **Commissioner Rene Garcia** mentioned here in the area you have the County because you said they initiate most of this, and then you have the City of San Benito, and then of course the school district is also part of your process. **Attorney Monica Solis** confirmed that is correct. So actually our Brownsville office, we undertake collections for Cameron County, every city within Cameron County minus the City of La Feria, and every school district within Cameron County. So if there were a property

in the City of San Benito that goes delinquent, we would file a suit for Cameron County, City of San Benito, and San Benito ISD all at the same time. **Commissioner Rene Garcia** mentioned that's where you're saying it's the tag along process. **Attorney Monica Solis** confirmed correct. **Commissioner Rene Garcia** mentioned otherwise then we'd have to establish something in-house that maybe is part of our. **City Manager Manuel De La Rosa** confirmed that is correct. If we're not part of the contract then they're not going to worry what's owed to us. **Attorney Monica Solis** stated we would go forward and only be representing at that point only Cameron County and San Benito ISD and although we would make it known to the taxpayer we do not represent the City of San Benito, this bill is outstanding you would have to make contact with them to take care of that issue. We would not collect for the City of San Benito at that point, we would only be collecting for Cameron County and San Benito ISD. **City Attorney Mark Sossi** advised gentlemen I can tell you that, inaudible on economy of scale that a private law firm inaudible resources, in terms of being hooked into the computer systems, in terms of the staff, personnel and things like this. This tax collection works when you represent numerous governmental entities, handling numerous clients and overlapping jurisdictions. It doesn't work if you just open a law firm and only handle City of San Benito's ad valorem tax this year. Your cost would be tremendous. **Attorney Monica Solis** stated I can tell you that we really do work at perfecting our craft and what we do, we have a system in place that we continue to follow because we have seen that works and I'd like to invite each and every one of you to our office to see in detail how we do represent the City of San Benito because it's not really just filing law suits, we do initiate different methods for collections because there are different spectrums, there's a taxpayer who owes \$100.00 and there's a taxpayer who owes thousands and thousands. We take all of that into account when we implement those collection procedures because we know that they all have to be handled differently. We're not going to go out and file a law suit on just all of the accounts, somebody who owes \$100.00 and somebody who owes \$1,000.00, you know there are different methods that we need to undertake. I invite each and every one of you all to our office so that you can see the different methods and implementation that we do and how we represent the City. **Mayor Ricardo Guerra** questioned you also do not only residential but you also do commercial and anything that comes along? **Attorney Monica Solis** confirmed yes so we also initiate proceedings against business personal property so there's business personal property taxes, let's say there's a restaurant here in the City of San Benito who goes delinquent in their personal property tax for their inventory, fixtures, furniture and equipment used in operation of their business, we would also implement proceedings against them as well. So under the Tax Code we're allowed to go forward with what we call a tax warrant to basically go out there and seize that property and so we implement those procedures as well.

Mayor Ricardo Guerra announced after exercising its due diligence, the City of San Benito finds that: 1. There is a substantial need for the legal services to be provided pursuant to the agreement for Delinquent Tax Collection Services; 2. These legal services cannot be adequately performed by the attorneys and supporting personnel of the City at a reasonable cost; 3. These legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of delinquent tax penal ties provided by Texas Tax Code sections 6.30, 33.07, 330.08, 33.11 and 33.48 and because the City does not have the funds to pay the estimated amounts required under a contract only for the payment of hourly fees; 4. Linebarger, Goggan, Blair & Sampson LLP, is well qualified and competent to perform the legal services required to comply with the terms of this contract; 5. Linebarger, Goggan, Blair & Sampson LLP has provided these specialized legal services to the City of San Benito in the past and the City has been well satisfied with the quality and outcome of the legal services provided; 6. The contract with Linebarger, Goggan, Blair & Sampson LLP is the result of an arm's length transaction between the City and Linebarger, Goggan, Blair & Sampson LLP and is fair and reasonable. **Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Villafranco** moved to approve. **Commissioner Rene Garcia** seconded the motion. Voting Aye: **Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco, and Commissioner Pedro A. Galvan.** Abstained: **Mayor Pro Tem Carol Lynn Sanchez.** Motion carried to APPROVE ACTION REQUIRED UNDER TEXAS GOVERNMENT CODE 2254, FOR THE CITY COMMISSION TO PROVIDE A WRITTEN STATEMENT AND FINDING OF THE CITY'S NEED FOR SPECIALIZED CONTINGENT FEE DELINQUENT TAX LEGAL SERVICES TO LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP.

ITEM 9. CONSIDERATION AND POSSIBLE ACTION TO AWARD AN AGREEMENT FOR TAX COLLECTION SERVICES TO LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP.

Attorney Monica Solis, addressed the City Commission stating this is a renewal of the current agreement that we have in place for Delinquent Tax Collections for the City of San Benito. A renewal will be needed so there are no lapse in services, in legal services, and in collection services for the City of San Benito. The collection contract has been drafted, sent over to the City Attorney and City Manager for review, all the terms are identical to the previous agreement that was previously entered into. The dates of service are just simply outlined terms beginning at the end of the current agreement and extend for three years thereafter. **Commissioner Pedro A. Galvan** requested clarification on how they go about collecting delinquent taxes. **Attorney Monica Solis** stated absolutely, as I stated prior to, we usually will take a look at an account and what is owed and then implement different procedures from there. Now what we do provide for the City of San Benito is eight times a year we will send out a notice as far as what is owed in delinquent amounts to any taxpayer owing more than \$25.00 in collections. We also have to abide by certain laws, if a taxpayer has what we call a deferral on the property then we are not allowed in any way to implement any kind of collection procedures. Deferrals are usually granted by the appraisal district and that's just more of a protection for anyone having either a homestead exemption and a disability exemption or over sixty-five exemption on their property. Those two items combined could grant the opportunity for a deferral and do not allow us to go forward on collection on that one account. Now what we do is we would go out there, maybe do a home visit on the property, knock on doors, leave a notice as well, make different calls. Usually we make outbound calls, there is a certain period of time where we get an increase in calls when we send collection notices out, so we're usually talking calls all day long. We have people who also come and visit our office, and we discuss with them all the amounts that are due, how they can enter into an agreement, we can formalize an agreement so that all taxes are paid. If at this point we've made all this implementation of these collection methods and we have not had any luck with any taxpayers then we would initiate a lawsuit. At that point they would need to get served with notice, we would proceed forward through litigation on the property, if need be we would then push it to a tax sale. We actually just had a tax sale this morning. We actually do our very best, the last thing we want to do is sell anyone's property, and so we do our very best to get notice from the taxpayer because what we want them to do is come in and pay their taxes. We understand the City is looking for collections and of course, we only get paid on anything that gets paid. **Mayor Ricardo Guerra** stated I believe the contract will start on or be extended on May 1, 2021 and will end on April 30, 2024. **Attorney Monica Solis** confirmed absolutely it's a three year term. **Mayor Ricardo Guerra** requested a motion. **Commissioner Pedro A. Galvan** moved to approve. **Commissioner Rene Villafranco** seconded the motion. Voting Aye: **Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco** and **Commissioner Pedro A. Galvan**. Abstained: **Mayor Pro Tem Carol Lynn Sanchez**. Motion carried to **APPROVE TO AWARD AN AGREEMENT FOR TAX COLLECTION SERVICES TO LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP.**

ITEM 10. CONSIDERATION AND POSSIBLE ACTION REQUIRED UNDER TEXAS GOVERNMENT CODE 2254, FOR THE CITY COMMISSION TO PROVIDE A WRITTEN STATEMENT AND FINDING OF THE CITY'S NEED FOR SPECIALIZED CONTINGENT FEE MUNICIPAL COURT LEGAL SERVICES TO LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP.

Attorney Monica Solis, addressed the City Commission stating this is also a similar finding just like the Delinquent Tax Contract that the Municipal Contingent Fees for the City, the same it goes back to this is a Contingent Fee Contract, House Bill 2628 now requires this written finding to be made by the City as far as is this something that the City can undertake themselves that, possibly the staff that they have in place, this is something that the City would award because this is something that they could not on their own do. It's outlined there in the finding, in the written findings in the notice provisions. **Commissioner Rene Garcia** questioned Mr. De La Rosa on this one what is the percentage of success in this particular subject. **City Manager Manuel De La Rosa** stated my conversations with the Court Administrator Christina Sanchez has been that we have a high, I don't know what the percentages are, I just know that we have a high number of folks that do not show up for court so based on that. Linebarger along with our court staff, once they're no-shows, they're processed, they're sent over for collections after thirty days that we collect here and if they don't come in they're sent over for collections. In other words it's pretty consistent, Mr. Moody contacted me probably four months ago, when there weren't as many so we had to go back, it was actually in our system how we processed it, so in other words even he noticed there's a steady set of people that

come, those numbers are a pretty even flow. Even for the no-shows based on that, I had a conversation with our Court Administrator, they looked into it and he's absolutely correct, it didn't process the way, it was an error in our system and we corrected it. In other words, I know they monitor what our flow is, I can't give you what those numbers are because we submit monthly reports and I can send those to you. **Commissioner Rene Garcia** questioned in-house we're not able to do this particular? **City Manager Manuel De La Rosa** stated you can, on our system can send a letter but after that, we have the Omni Database, in other words we suspend driver's license at DPS, if they have a driver's license. Some of our folks don't have driver's licenses, there isn't anything to attach to, they don't have a very good I.D. so you can't enter something in the system so some of those are kind of lost. The ones that we do, your driver's license comes up for renewal every four years, so it can take a while before DPS hits it that we're not renewing your driver's license. So this just helps keeps that steady income and we see those revenue streams and you'll see them in your financials, and you have Belen point that out exactly what's being collected and how much is being processed. Even when the numbers are down, like I said Mr. Moody gave me a call to say hey we noticed something just to make you aware, and then I have those conversations with our staff. **Commissioner Rene Garcia** commented the reason I ask is because of course some communities have warrant. **City Manager Manuel De La Rosa** interjected warrant officer. **Commissioner Rene Garcia** commented round up and things like that. Are they doing in-house to try to get people to pay up, round up or enforcement of some sort? Because we do have a police force that could do enforcement as well, that would only make your job harder because I'm thinking if they don't have a driver's license you can't really go to the DPS or anything like that. So how do you? **Attorney Monica Solis** stated a warrant officer is great for those people who are just local but let's think about all of the people that travel through the expressways that get pulled over by the City of San Benito, let's talk about the people who come into the community, let's talk about possible Winter Texans who may live here a couple of months out of the year that may get a citation from the City of San Benito, how does that warrant officer go out and is actually able to collect on those. So I think it goes back to resources again where we do what Mr. De La Rosa said is we get a batch of information usually from the Municipal Court and that batch of information is all outstanding citations, and if you go and look at it some citations go back many many years, some maybe even twenty years and we still make attempts to collect on those older citations, we do what we call skip tracing we will mail out letters to different addresses that we now find on these people who are now delinquent on those citations. So while a warrant officer is great and it does help with collections within the City, I think it all falls back on resources. Now do you have a Municipal Clerk who can sit there and take phone calls and process different things for the judge and then be mailing out these letters on this huge delinquent citations, and also being able to receive. So one of the things that we do is we have these, we have a call center also in place, that on the notices that are sent out people are able to call in and information as to how much is owed, how can they reach the City, and different collection procedures that we undertake as well. **Commissioner Rene Garcia** commented thank you, that's a good explanation, I like that.

Mayor Ricardo Guerra announced after its due diligence the City of San Benito finds that: 1. There is substantial need for the legal services to be provided pursuant to the contract for Fines and Fees Collection Services; 2. These legal services cannot be adequately performed by the attorneys and supporting personnel of the City at a reasonable cost; 3. These legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the collection fee authorized by Texas Code of Criminal Procedure Article 103.0031 and because the City does not have the funds to pay the estimated amounts required under a contract only for the payment of hourly fees; 4. Linebarger, Goggan, Blair & Sampson, LLP, is well qualified and competent to perform the legal services required to comply with the terms of this contract; 5. Linebarger, Goggan, Blair & Sampson, LLP has provided these specialized legal services to the City of San Benito in the past and the City has been well satisfied with the quality and outcome of the legal services provided; 6. The contract with Linebarger, Goggan, Blair & Sampson LLP is the result of an arm's length transaction between the City and Linebarger, Goggan, Blair & Sampson LLP and is fair and reasonable. **Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Villafranco** moved to approve. **Commissioner Rene Garcia** seconded the motion. Voting Aye: **Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco, and Commissioner Pedro A. Galvan.** Abstained: **Mayor Pro Tem Carol Lynn Sanchez.** Motion carried to **APPROVE ACTION REQUIRED UNDER TEXAS GOVERNMENT CODE 2254, FOR THE CITY COMMISSION TO PROVIDE A WRITTEN**

STATEMENT AND FINDING OF THE CITY'S NEED FOR SPECIALIZED CONTINGENT FEE MUNICIPAL COURT LEGAL SERVICES TO LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP.

ITEM 11. CONSIDERATION AND POSSIBLE ACTION TO AWARD A CONTRACT FOR FINES AND FEES COLLECTION SERVICES TO LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP.

Attorney Monica Solis, addressed the City Commission stating this is just a renewal of the current contract that's in place for the City of San Benito to continue Collection Services for the Municipal Court Collections. This contract extends for three years beginning on May 1, 2021 up until April 30 of 2024. We're simply asking for a renewal of this contract so that we can continue these services and there's no lapse in collection procedures. **Commissioner Pedro A. Galvan** questioned can you explain the compensation portion? **Attorney Monica Solis** clarified any citation that comes in, let's say we've got a person who receives a citation and they receive notice and they come in to see the judge, they at that point still have the ability to speak to the judge at that point the judge will assess the fine. So we are allowed to collect 30% of any fine that is assessed by the judge. Let's say the judge assesses \$100.00 then at that point \$130.00 will be charged to the person because of our collection efforts. If the judge were to assess no fine at all and we've still initiated all of these procedures, mailing out all the letters that we did, we would not collect anything at all. We can only collect anything above what is assessed by the judge. **Commissioner Pedro A. Galvan** questioned that number is a hard number according to the House Bill? **Attorney Monica Solis** confirmed that is correct, that is a number that is implemented by statute, and so there is no leeway, there is no in between, there is no negotiation of that number. It's just a mandatory 30% that's collected. But like we said, if there were no fine assessed, if the judge were to say we're not going to be assessing any fine and we've implemented all these procedures by mailing out all those letters, we would not receive any compensation. So it's not like we turn around and tell the City, well you all owe us this much because we still implemented all this and that is what actually brought this person in before the court, you will not receive anything from us. **Mayor Ricardo Guerra** requested a motion. **Commissioner Pedro A. Galvan** moved to approve. **Commissioner Rene Villafranco** seconded the motion. Voting Aye: **Mayor Ricardo Guerra**, **Commissioner Rene Garcia**, **Commissioner Rene Villafranco** and **Commissioner Pedro A. Galvan**. Abstained: **Mayor Pro Tem Carol Lynn Sanchez**. Motion carried to **APPROVE AWARD A CONTRACT FOR FINES AND FEES COLLECTION SERVICES TO LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP.**

ITEM 12. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE ANNUAL MEMBERSHIP PAYMENT TO THE SAN BENITO CHAMBER OF COMMERCE.

Ms. Daphne Maldonado, **Executive Director for the San Benito Chamber of Commerce**, addressed the City Commission stating I was hired a couple of months ago with the intent to relaunch our Chamber of Commerce during these trying times. The City of San Benito has been a platinum member and we would be honored to continue to have you as one. I, on behalf of the Board of Directors, would like to encourage you to continue with us. Our goal is simply to build our business community, involve the City of San Benito and carry forward things that are of interest to our community. You and your staff are important to us, and without the City of San Benito, there's no Chamber of Commerce. Do you have any questions? The platinum membership is \$10,000.00, we provided the invoice. **Commissioner Rene Garcia** questioned what I'm looking forward to is a collaboration of Chamber, EDC and City Administration. **Ms. Daphne Maldonado** stated yes and we are, right now we are working on a project to create a City map and the EDC, the Chamber and the City are already working on that. So we do plan on keeping on working with the City and the EDC that way we can be a united front and our residents will know that they can contact any of us at any time. **Commissioner Rene Garcia** commented what I'm trying to get to is I'd like to see more involvement from all aspects whether it be a grand opening, ribbon cutting, because we anticipate a lot of movement in this town, so I'm looking forward to that. I wish you the best success. **Ms. Daphne Maldonado** stated I know I've reached out to a couple of you in the past couple of months, whether it's been a grand opening or ribbon cutting or you know in efforts to try to come together and plan for our future working together. **Commissioner Rene Garcia** commented we need you too, just as much as you need us. **Ms. Daphne Maldonado** commented thank you, that's what I'm here for if anybody has any questions, if there is a business that needs any help, I'm here and if I don't have that answer, I want to know that I can feel comfortable referring them to the City if they have any questions or the EDC, I just want that partnership. **Mayor Pro Tem Carol Lynn Sanchez** stated and to follow up on that, I would like to commend

Daphne, she's done amazing working with the EDC, like the project with the mapping, I saw something took a picture of it, and sent it to Rebeca, she met with Daphne, Daphne right away said yes and now they're working on this great project. We're also going to have signs around the City, reinforcing shop local, we had Marketing 101, that we're going to present to our local businesses just for the fact that a lot of them aren't very tech savvy, that's something that's really been needed during COVID-19, and all the closing down. They're providing a lot of resources for and they've been working together. **Ms. Daphne Maldonado** advised we just had a Facebook Live and did a Business Planning 101 due to a lot of business were left out and weren't able to apply for certain loans because they didn't have a business plan, and they need it. The live webinars stay up on our Facebook, and people can look through it again, it's not a one session. **Mayor Ricardo Guerra** stated the Chamber, EDC and City welcome new businesses which is very important. Thank you for staying here, thank you for opening up here and we welcome you as much as we can, whatever we can do to help you move forward and be successful that's what we want and that's why we do this. We've been in the past very active on that, we hope that more new business comes in to be attracted here in San Benito. **Commissioner Pedro A. Galvan** questioned what level of memberships or tiers do you have? If there's any businesses that would like to join. **Ms. Daphne Maldonado** advised we have our base membership, that's our Small Business Membership and that one is \$200.00. Then we have our Expanded Business and that's \$350.00. We have our higher ones going up to Platinum which is the \$10,000.00 membership. Everything is available online or I can email the membership tiers to you. **Commissioner Rene Garcia** questioned is the membership limited to businesses only or individuals that may want to join? **Ms. Daphne Maldonado** advised we have Non-Profit Membership as well as an Individual Membership. Everyone's welcome. **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 **APPROVE THE ANNUAL MEMBERSHIP PAYMENT TO THE SAN BENITO CHAMBER OF COMMERCE.**

ITEM 13. 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).
- B) TO DISCUSS PURSUANT TO TEXAS GOVERNMENT CODE §551.071(a)(1) THE EVALUATION PROCESS OF THE CITY MANAGER.
- C) CONSULTATION WITH CITY ATTORNEY PURSUANT TO TEXAS GOVERNMENT CODE §551.071(2) REGARDING THE TEXAS ELECTION CODE AND RELATED LAWS.

THE CITY COMMISSION CONVENED INTO EXECUTIVE SESSION AT 6:56 P.M. AND ADJOURNED AT 8:21 P.M.

GENERAL SESSION:

ITEM 14. CONSIDERATION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEM 13 (A).

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 13 (A) AS DELIBERATED UNDER EXECUTIVE SESSION.**

ITEM 15. ADJOURNMENT.

Mayor Ricardo Guerra requested a motion. Mayor Pro Tem Carol Lynn Sanchez 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 **ADJOURN AT 8:22 P.M.**

CITY OF SAN BENITO

HONORABLE RICARDO GUERRA
MAYOR

ATTEST:

RUTH MCGINNIS
CITY SECRETARY