



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

On July 6, 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; 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.

Absent: Rene Villafranco, Commissioner, Place 2

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.

All present recited 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 invocation.

ITEM 4. ANNOUNCEMENTS: ITEMS OF COMMUNITY INTEREST.

Each members of the City Commission expressed their gratitude and thanked everyone involved in making ResacaFest a success. Each member received positive feedback from the community.

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

Ruth McGinnis, City Secretary, announced **Ms. Gracie Gallegos** who stated to reside at 701 Forrest Street in San Benito and addressed the City Commission expressing concerns regarding 608 North Sam Houston. She questioned purpose of permits, if more employees are needed, hire more instead of giving \$45,000 or \$35,000 raises. The new Water Park, is it still being name by the children? North Austin has been flooded two times in the last six months, since the housing and new apartments were built in the back, wondering if they made drains bigger, and the water stinks like sewer. I want to work together to beautify our city. Be open to taxpayer suggestions. **Mayor Pro Tem Carol Lynn Sanchez** asked location for the drainage where is the sewer smell. **Ms. Gallegos** responded in North Austin, the new subdivision in Stone Village on McCullough and Stone Village.

ITEM 6. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE JUNE 1, 2021 REGULAR CITY COMMISSION MEETING.

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 and Commissioner Pedro A. Galvan**. Motion carried to **APPROVE THE MINUTES OF THE JUNE 1, 2021 REGULAR CITY COMMISSION MEETING.**

ITEM 7. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NUMBER 2021-0706-007(R), A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SAN BENITO, TEXAS DIRECTING THE CITY'S DIRECTOR OF FINANCIAL SERVICES TO CALCULATE THE VOTER-APPROVAL TAX RATE OF THE CITY IN THE MANNER PROVIDED FOR A SPECIAL TAXING UNIT (AT A VOTER-APPROVAL RATE OF 8%) AND PROVIDING AN EFFECTIVE DATE.

Belen Pena, Finance Director, addressed the City Commission stating this resolution is requested by the Cameron Appraisal District for a person from the City to calculate the taxes yearly and who is also going

to be their point of contact person to communicate throughout the process of the tax rates and the budget so they can mail property tax bills to residents. Mayor Ricardo Guerra asked if resolution was requested by Tony Yzaguirre, Cameron County Tax Assessor. Ms. Pena confirmed, stating this is the second year his office requests it. Commissioner Rene Garcia asked if the person would be Ms. Pena to which Ms. Pena confirmed. City Manager Manuel De La Rosa commented it is the recommendation Mayor and Commissioner, that Ms. Pena handle said function. Commissioner Pedro A. Galvan asked if it is a liaison and not someone choosing the new tax rate, if there is a new one. City Manager Manuel De La Rosa stated that is correct. Ms. Pena commented, once you approve the tax rate, if there are any changes, I will calculate the taxes we will collect and provide the county tax office for them to bill residents their annual statement. Commissioner Pedro A. Galvan asked who was doing in the years past and Ms. Pena stated I have been doing it, but now they require a resolution. City Manager Manuel De La Rosa commented it came out last year Commissioners, I believe it probably came out of the 2019 Legislative Session in the Tax Code which right now the Tax Assessor's Office contacted us. This would be the second year from that Legislative Session. Mayor Ricardo Guerra asked if it's done every single year and City Manager Manuel De La Rosa confirmed. Mayor Ricardo Guerra requested a motion. 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 and Commissioner Pedro A. Galvan. Motion carried to **APPROVE RESOLUTION NUMBER 2021-0706-007(R), A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SAN BENITO, TEXAS DIRECTING THE CITY'S DIRECTOR OF FINANCIAL SERVICES TO CALCULATE THE VOTER-APPROVAL TAX RATE OF THE CITY IN THE MANNER PROVIDED FOR A SPECIAL TAXING UNIT (AT A VOTER-APPROVAL RATE OF 8%) AND PROVIDING AN EFFECTIVE DATE.**

ITEM 8. CONSIDERATION AND POSSIBLE ACTION TO REVIEW THE REQUEST FOR APPLICATIONS ANALYSIS FOR PRIMARY DEPOSITORY BANK SERVICES AND TO SELECT A BANK TO SERVE AS THE CITY OF SAN BENITO PRIMARY DEPOSITORY BANK FOR AN INITIAL TERM OF TWO (2) YEARS COMMENCING OCTOBER 1, 2021 AND CONTINUING THROUGH SEPTEMBER 30, 2023 WITH THREE (3) ONE-YEAR EXTENSION OPTIONS UNDER THE SAME TERMS AND CONDITIONS.

Belen Pena, Finance Director, addressed the City Commission stating she was directed by the City Commission to request RFA's for banking services for the primary bank. Five banks responded being, First Community Bank (our current bank), First Bank, Lone Star National Bank, Plains Capital Bank, and Texas Regional Bank. We worked with Valley View Consulting throughout this process. The first five pages shows the recap of the process of reviewing the RFA's and we have two banks, the First Community Bank and the Texas Regional Bank. The last page of the analysis is a total of five pages for all the requirements from the City. These are the two banks offering the best options, it is up to the City Commission to decide which bank to select, when you select a bank, at the next commission meeting, we will present the award to the bank that you select. Commissioner Rene Garcia asked in regards to earning credit or hard interest depository banks, one that is \$57,000 and the other one is \$88,000, but then we get the net income and in the parentheses you show cost \$41,000, \$48,000. Can you explain that, what are we looking at as far as earnings to the net base. Ms. Pena responded it is based on the base rates the banks are offering, right now as we all know, the rates are low because of the pandemic. We do not know what is going to happen in the next one or two years. That is what they are offering right now, of course if there are any changes, if the rates go up, if the City will earn more revenue. Texas Regional Bank offers some other additional credits, annual credits, they are a good option as well. I am not sure if you all have reviewed the analysis. Commissioner Rene Garcia stated I did, I had a question on the net income and cost in which Ms. Pena referenced the last page of the analysis, page four, and stated the five year income with contract incentives, First Community Bank offers an estimate \$41,000 when Texas Regional Bank offers \$48,000. The first two years, which the contract is for two years, First Community Bank offers \$60,000, Texas Regional Bank \$25,000 and they also offer a transitional retention allowance of \$10,000 that way they can provide us with supplies and equipment. Commissioner Pedro A. Galvan asked is anyone from Valley View Consulting present and Ms. Pena advised no. City Manager Manuel De La Rosa commented this is going to be very difficult for you and we recognize that First Community Bank has been our banker for a long time, but quite honestly, has not provided us the incentive when it comes to revenue streams in the past, but they have been depository, but we do make investments in accordance with the cities investment policy with other depositories. We follow that policy, we wanted the presentation to go forward, but at the

same time the part that I wanted to at least give you was allow the opportunity for the next meeting. Commissioner you made a perfect inquiry about our consultants, we did not want to bring them at this stage thinking that you may want to table this to digest. The idea was that we could take the last extension with First Community Bank and then go through RFQ's again next year, the problem with that is we just spent so much time doing it, either choose one or the other, these two are local banks here so they are both very important to us. One is slightly a little bit ahead of the other, Commissioner Galvan if you would like to see Valley View Consulting, we can ask him to be at the next one because we still have until September, October to make a decision, when is the contract up. Ms. Pena advised the contract ends September 30th, we have to make a decision before, that way we can fill out the papers. City Manager Manuel De La Rosa commented if you are going to change banks and if that is what we are leaning to, it takes a while but we are talking a delay of two weeks. Commissioner Rene Garcia stated I would also like to hear from you, Belen Pena because you are the one that is going to be working with the banks, it is important to hear from you as well. If we are going to wait on the consultant, we can wait for you too and maybe make a recommendation. I would like to hear from both. City Manager Manuel De La Rosa commented we were still going to bring it back to you as an agenda item to make that decision, have consultation with attorney, if any contractual issue, and then we would actually go back and move forward. Commissioner Rene Garcia stated, as I was reading, it's telling me that there may be some good points on this one and some other good points on this one, not so good in this one and if it's between those two, we can look a little bit closer and see what the biggest advantage is. Commissioner Pedro A. Galvan commented on the proposed fees, I do not know how they justify those fees, they are all a little bit different, the City is not going to use all those services, is there a standard of fees, is there a treasury department managing this. The city is not going to use all those services, is there standard or fees. I am confused on propose fees. Belen Pena, Finance Director, responded that when we go out for RFAs and there is a basic number of questions that we ask the bank, in case we need it in the future. Currently the Police Department sends an officer every day to deliver the deposit to the bank. Commissioner Pedro A. Galvan commented a few million dollars that were going to move into a new bank, you would think you would waived couple of fees and Ms. Pena responded a lot of fees are waived, let say stock payments, wire transfers, if we send ACH . Many fees are waived based on what we would be using. The Management fee is like three to four hundred dollars a month. City Manager Manuel De La Rosa commented that over all the fees there will be charge, and at one time First Community Bank was charging for everything which was why the City went for RFQ's three years ago. It is very competitive with these two banks, we could not make a recommendation, there is a preference to go with one because we are already there, but there is a slight edge on the other. Commissioner Rene Garcia stated weigh the difference. Ms. Pena commented that in her personal experience working with those banks at Texas Regional Bank, they offer very good rate, we have money markets there, we have a CD's compared to First Community, sometimes we go for bids and they do not respond. Commissioner Rene Garcia asked Belen Pena about Texas Regional Bank and Ms. Pena, advised that Texas Regional Bank always responds when we go out for bids. Commissioner Pedro A. Galvan requested item to be table and wait for Valley View Consulting, his concern is in the proposed fees, potential fees, unless it's being manage by a treasury from the bank. Mayor Pro Tem Carol Lynn Sanchez commented that the City sent a RFQ and asked we need this and banks respond. City Manager Manuel De La Rosa commented it is tailored to us, we tell them exactly what we are looking for and what we anticipate, it would be better is we here from consultants, today we are looking at these proposals and they are much more closely align that what we have seen. Mayor Ricardo Guerra requested a motion. Commissioner Pedro A. Galvan moved to table. Commissioner Rene Garcia seconded the motion. Voting Aye: Mayor Ricardo Guerra, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Rene Garcia and Commissioner Pedro A. Galvan. Motion carried to **TABLE THE REQUEST FOR APPLICATIONS ANALYSIS FOR PRIMARY DEPOSITORY BANK SERVICES AND TO SELECT A BANK TO SERVE AS THE CITY OF SAN BENITO PRIMARY DEPOSITORY BANK FOR AN INITIAL TERM OF TWO (2) YEARS COMMENCING OCTOBER 1, 2021 AND CONTINUING THROUGH SEPTEMBER 30, 2023 WITH THREE (3) ONE-YEAR EXTENSION OPTIONS UNDER THE SAME TERMS AND CONDITIONS.**

ITEM 9. CONSIDERATION AND POSSIBLE ACTION TO RATIFY PAYMENT TO HOLT CAT ON EMERGENCY REPAIRS TO WATER TREATMENT PLANT NUMBER 2 GENERATOR FUEL INJECTION PUMP IN THE AMOUNT OF \$11,282.24.

Adan R Gonzalez, Public Works Director, addressed the City Commission requesting approval to ratify payment to HOLT CAT for the emergency repairs to the Water Plant Number Two generator fuel injection pump in the amount of \$11,282.24. Staff recommends approval. **Mayor Ricardo Guerra** stated, two weeks ago we had the pistons on that. **Adan R. Gonzalez, Public Works Director**, confirmed, advising once they went further in they found the injection pump needed replacement. **City Manager Manuel De La Rosa** commented this piece of equipment was acquired for about \$25,000 from the Harlingen Border Patrol about ten years ago. If you were to purchase it, even used, it is about quarter of a million dollars and brand new close to half a million dollars, so the investments that we are making for a piece of equipment that we have never really operated and getting it rehabilitated, will be a service at Water Plant Two. It is very important to us. **Commissioner Rene Garcia** stated this is the second repair, what are you anticipating that it's going to work now, do you feel positive on this. **Adan R Gonzalez, Public Works Director**, responded it did start, but it was messing so they turn it off because they knew it needed repairs, they did not want to further any interruptions with the motor. They took it off and now it needs repair. It has been sitting there for a long time. **Commissioner Pedro A. Galvan** asked if this is the only dealer and **Adan R Gonzalez, Public Works Director**, advised there are others, but this is the manufacturer so they know their product. **City Manager Manuel De La Rosa** added it is the warranty, the authorized HOLT CAT, you can get others but then you would not have the warranty. **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 and Commissioner Pedro A. Galvan**. Motion carried to **APPROVE TO RATIFY PAYMENT TO HOLT CAT ON EMERGENCY REPAIRS TO WATER TREATMENT PLANT NUMBER 2 GENERATOR FUEL INJECTION PUMP IN THE AMOUNT OF \$11,282.24.**

ITEM 10. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN APPOINTMENT TO THE COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE (CDCAC). TERM TO EXPIRE JULY 31, 2023 OR 2024 DEPENDING ON RESPECTIVE PLACE:

A) PLACE 1 (EXPIRATION: JULY 31, 2023)

Fred Bell, Assistant City Manager, addressed the City Commission stating agenda item is being presented for Commissioner Garcia to nominate a committee member to the CDBG Community Development Citizens Advisory Committee (CDCAC). **Commissioner Rene Garcia** moved to appoint **Anna Yanez** to Place 1 of the CDCAC. **Mayor Pro Tem Carol Lynn Sanchez** seconded the motion. Voting Aye: **Mayor Ricardo Guerra, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Rene Garcia and Commissioner Pedro A. Galvan**. Motion carried to **APPROVE THE APPOINTMENT OF ANNA YANEZ TO PLACE 1 OF THE COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE (CDCAC). TERM TO EXPIRE JULY 31, 2023.**

ITEM 11. PUBLIC HEARING: TO SOLICIT INPUT FROM THE COMMUNITY ON PROPOSED FISCAL YEAR 2021-2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN.

A) OPEN MEETING

B) CLOSE MEETING

Fred Bell, Assistant City Manager, addressed the City Commission stating this is strictly a public hearing, at this point in time if anyone wants to provide any input to this upcoming allocation award. **Mayor Ricardo Guerra** opened the floor at 6:01 p.m. to receive public input. No comments received. **Mayor Ricardo Guerra** closed the floor at 6:01 p.m. No motion carried. **PUBLIC HEARING ONLY.**

ITEM 12. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FISCAL YEAR 2021-2022 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING, AND AUTHORIZE THE MAYOR TO SIGN THE CORRESPONDING APPLICATION FOR FEDERAL ASSISTANCE.

Fred Bell, Assistant City Manager, addressed the City Commission stating this agenda item is for the

approval of the CDBG Award Year #47; which covers Fiscal Year beginning October 1, 2021. Last month you approved the Draft of the award. There have been two public hearings; the 1st was on June 23rd and we just had the second. Based on your action last month, staff recommends approval of the Annual Action Plan as originally presented. The total award is \$393,501. Of that amount: \$212,741 is pre-allocated to the Street Improvement Debt Payment, \$39,996 is pre-allocated to the Resaca Trail Property Payment, \$78,700, which is 20% of the award is for the administration of the award, this leaves a \$62,064 is available for allocation to sub-recipients who requested funding. Staff recommends allocation \$8,000 to each of the three Non-Profits; Amigos Del Valle, Maggie's House, and CASA (Court Appointed Special Advocate). Staff recommends that the remaining \$38,064 be allocated to General Park Improvements. Staff recommends approval. **Mayor Ricardo Guerra** requested a motion. **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** and **Commissioner Pedro A. Galvan**. Motion carried to **APPROVE THE FISCAL YEAR 2021-2022 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING, AND AUTHORIZE THE MAYOR TO SIGN THE CORRESPONDING APPLICATION FOR FEDERAL ASSISTANCE.**

ITEM 13. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE DRAFT CONSOLIDATED PLAN (CONPLAN) FOR 2021-2026 FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING.

Fred Bell, Assistant City Manager, addressed the City Commission stating as part of the CDBG program a federal requirement includes the creation and submission of the 5-year Consolidated Plan. A copy of the plan is attached to the agenda item, this plan is a regional approach between San Benito, Harlingen and Brownsville. In March of last year the City in collaboration with Brownsville and Harlingen hires TDA Consulting to work all three cities in order to prepare the consolidated plan. The City of Brownsville served as the lead city on this project. The purpose of this plan is to serve as framework for a community and region-wide dialogue to identify housing and community development activities in the region. It is carried out through our annual action plans which provides a summary of the schedule sequence of activities. The three cities worked with consultant who also obtained data from the San Benito and Cameron County Housing Authorities. In April, focused surveys and forums were conducted in order to identify concerns and needs throughout the community. The majority of concerns and needs provided pertain to more housing needs and streets improvements. The CON Plan will serve as a regional and local guide for the next five years as a city utilizes CDBG funds. Once the City's pre-allocates debt payment and completes the availability to expand and enhance services to the community will drastically increase. In order to comply with approval and submission deadlines set by HUD, they will be two public hearing, with the second one being at the next commission meeting and then staff will request the Commission adopt the CON Plan. Staff recommends approval. **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** and **Commissioner Pedro A. Galvan**. Motion carried to **APPROVE THE DRAFT CONSOLIDATED PLAN (CONPLAN) FOR 2021-2026 FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING.**

ITEM 14. CONSIDERATION AND POSSIBLE ACTION TO APPROVE EXHIBIT LOAN AGREEMENTS FOR EXHIBITION ARTE DE LA CASA BY SAM RAWLS, MONICA LUGO AND THE RGV FRONTERA DANCE PROJECT FROM SEPTEMBER 6 THROUGH NOVEMBER 12, 2021 AT THE SAN BENITO CULTURAL HERITAGE MUSEUM.

Aleida Garcia, Museum Director, addresses the City Commission stating the San Benito Cultural Arts Department is working with local arts organizations to bring quality programming to the San Benito community and its surrounding areas. I am requesting for your consideration and possible approval for the loan agreements for the following exhibition. *Arte De La Casa* is proposed to run from September 6th to November 12th with an opening reception and dance performance on September the 9th. This museum exhibition showcases the diversity of the talent of the Rio Grande Valley throughout two different genres. Visual artists Monica Lugo and Sam Ralls are creating digital artwork and paintings in a series they are calling *A Toda Horas* or At All Hours. While the Frontera Dance project which consists of Vanessa Alvarado and Erika Garza are in the process of creating photographed, dance films shorts and a choreographed performance that will include other RGV folkloric dancers of the community. Both of our

groups will share their innovative ways in which they are using technology to create and express themselves specifically how they have adapted and are learning to cope during and after COVID 19 pandemic. We will continue to serve our community by promoting both virtual and in-person experience or virtual programming enables us to promote education through social medial platforms with video presentation, interviews and virtual tours while also providing in-person access to the exhibition and guided tours. Thank you. **Mayor Ricardo Guerra** commented all this will be taking place in our museum and **Ms. Garcia** confirmed. **Commissioner Rene Garcia** questioned if this is also an exhibition of artwork, and how many pieces of artwork. **Ms. Garcia** advised they are still in the process, the artists are creating the work right now, at least ten pieces, there is also going to be videos of dance shorts so basically it is like a dance film, so those are also going to be displayed, and plus there going to be photographs of the dances as well and there is going to be a blending of the forms so it is not going to be too independent things. They are kind of overlap and they are created by two different group of young ladies and how they are experiences thought the pandemic so it is going to overlap and we are going to have projections and we do have some TVs and so some of their videos are going to be cycling through that as well so it is going to be a mixed media exhibit. **Commissioner Pedro A. Galvan** asked is it a one day event and the exhibit will remain for the time period. **Ms. Garcia** confirmed advising there is going to be one day for dance performances for the opening reception. **Commissioner Rene Garcia** commented okay but you do anticipate having not a live audience as well as virtual and **Ms. Garcia** advised yes, we will go live through social media. **Mayor Ricardo Guerra** requested a motion. **Commissioner Pedro A. Galvan** 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** and **Commissioner Pedro A. Galvan**. Motion carried to **APPROVE EXHIBIT LOAN AGREEMENTS FOR EXHIBITION ARTE DE LA CASA BY SAM RAWLS, MONICA LUGO AND THE RGVFRONTERA DANCE PROJECT FROM SEPTEMBER 6 THROUGH NOVEMBER 12,2021 AT THE SAN BENITO CULTURAL HERITAGE MUSEUM.**

ITEM 15. FIRST READING OF ORDINANCE NUMBER 2579-07-2021 (Z) TO REZONE A PROPERTY LOCATED AT THE INTERSECTION OF LASBY PARK ROAD AND STOOKEY ROAD, BEARING A LEGAL DESCRIPTION OF 16.034 ACRES OF LAND MORE OR LESS COMPRISED OF 7.644 ACRES OUT OF LOT SEVEN (7) AND 8.39 ACRES OUT OF LOT EIGHT (8) LASBY PARK PLACE IN CAMERON COUNTY, TEXAS, ACCORDING TO MAP THEREOF RECORDED IN VOLUME 4, PAGE 12, MAP RECORDS OF CAMERON COUNTY, TEXAS, FROM AO "AGRICULTURE AND OPEN SPACE" TO SF-1 "SINGLE FAMILY ONE". APPLICANT: CITADEL DEVELOPMENT, LLC.

City Manager Manuel De La Rosa addressed City Commission stating that Mr. Bernard Rodriguez made a presentation at the last meeting, a Public Hearing on this property. It is currently zoned agriculture, the zoning changes to "single family one", it is 16 acres development that is going to consists about seventy-seven homes so this is the first reading no action, so this is the first step toward rezoning via ordinance. If you all see the third, one of the attachments is the layout of its location at the corner of Lasby and Stookey Road. **Mayor Ricardo Guerra** commented so we've got 77 homes and **City Manager Manuel De La Rosa** confirmed and they are still working on the configuration, there are two streets that didn't come off Stenger into the development, it is part of the discussion, I have a meeting with developer this week because along Stookey Road across the roadway, there are that Housing Authority development projects adjacent to the Stookey Park so we wanted to make sure that those roadways when it connects with Stookey does not come into conflict or that it makes a four way stop and to have two roads and all homes coming on Stookey and not going out Stenger would create some lot more traffic. There games nights stuff so the meeting this week is to find out why there is any hesitancy to connecting to the roads say the two dead ends that take it Stenger, in other words you will have three connections, two dead ends that take you Stenger, one to Stookey Road, nothing to Lasby. We don't believe that Lasby can handle that additional traffic flow so therefore that is the discussion I've got this coming week. **Commissioner Rene Garcia** asked about section one adoption the zoning district clarification of property legal described a property on Combes Street. **Ruth McGinnis, City Secretary** stated in the Second page agenda Item 2. **Commissioner Rene Garcia** commented it is in the ordinance, adoption in second page, the description refers goes back to the Lasby Park however begins with property on Combes Street. **City Manager Manuel De La Rosa** responded let me correct that, it will not null, the attorney can tell you, but this does not nullify that action so yeah I will go back and confirm it. **Commissioner Pedro A. Galvan** asked there is a canal that run on the back of the property, adjacent to the property right, on the opposite side of Stookey Road the drainage canal and **City**

Manager Manuel De La Rosa responded the one on the other side, the run across. Commissioner Pedro A. Galvan commented from Labsy all the way to the wheel, I am assuming there will be some because the way that those two roads come into the property are they going to be roams, I guess they have not decided where the lots are going to be place if they are going to be adjacent to the drainage canal or not or if they will be improvements to the drainage canal at that time. City Manager Manuel De La Rosa responded that is part of the drainage report that we are looking at because they have not been authorized to connect directly, they wanted to do a direct knot, mitigate water before it hit the channel which it is not a lot. You have got to mitigate on side in other words the sheet fluids has to be the same as it is today. You cannot have more runoff faster so it won't be direct pipe, it will be somehow either be held on the property, mitigate it is slower so we are looking at it and we are going to take it at the southwest corner of the property. Mayor Ricardo Guerra asked like a retainer pond and City Manager Manuel De La Rosa responded they are going to need some type of detention or mitigation pond, yes sir. You know, what we are seeing is in some areas and you might see when you go, like to Liberty Estates, those drainage channels, our concerned is who is going to take care of them in the long term and once the developers are long gone and people are in their backyards we really do not see them, there not maintain well and then we are going to have more flooding issues so we are trying to address these things up front now. No, we want to be able to see them, we want to access, who is going to maintain them, all those kind of things for the future. Mayor Ricardo Guerra commented so it is going to be a burden to the City and City Manager Manuel De La Rosa responded yeah, it could be a burden. Commissioner Rene Garcia commented I don't want to call a burden to the City, it would be a public service because it all of course provide the drainage that is necessary. City Manager Manuel De La Rosa stated what we are encouraging Commissioner Garcia and I think you brought up a lot of development issues here recently. Both of you and Commissioner Galvan, the whole idea is that these detention ponds, they are only burden because you got to spend money, resources and personnel, but if it only serves seventy-seven lots, and not the rest of the community in those seventy-seven lots, the communities were long here before a lot of areas had detention ponds. We know a lot of the old neighborhoods don't have them, but they are truly vested. The new developments, if they do not have an HOA, POA, somebody that maintains it because if not it will be an additional cost to the City, the City would allow the creation. If the Municipal Utility District, very similar to the Cameron County Drainage District because those things collective fee in its spread over those seventy-seven lots and they maintain the property or the cost of so we are making the developers aware of that. You are going to have to show proof of ownership, who is going to maintain it once you are gone or you are going to have to move in that direction. No motion carried **FIRST READING ONLY.**

ITEM 16. FIRST READING OF ORDINANCE NUMBER 2587-07-2021(Z) TO REZONE A PROPERTY LOCATED AT 1835 S. SAM HOUSTON BOULEVARD, BEARING A LEGAL DESCRIPTION OF 5.00 ACRES OF LAND OUT OF THE SOUTHWEST ONE QUARTER (SW. 1/4) OF BLOCK THIRTY-FOUR (34), OF THE SAN BENITO LAND AND WATER COMPANY SUBDIVISION, AS RECORDED IN VOLUME 1, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS AND FURTHER CONSISTING OF ALL OF A CERTAIN 2.00 ACRE TRACT RECORDED IN VOLUME 8741, PAGE 243 OF THE OFFICIAL RECORDS, CAMERON COUNTY, TEXAS; ALL OF CERTAIN 2.63 ACRE TRACT RECORDED IN VOLUME 125, PAGE 163 OF THE MISCELLANEOUS DEED RECORDS, CAMERON COUNTY, TEXAS; AND ALL OF A 0.37 ACRE TRACT RECORDED IN VOLUME 7017, PAGE 139 OF THE OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS, FROM SF-1 "SINGLE FAMILY ONE" TO C-2 "COMMERCIAL GENERAL RETAIL BUSINESS". APPLICANT: MS. SABRINA LARA.

City Manager Manuel De La Rosa address City Commission advising this is the first reading. This property located next to the church, Templo El Salvador on South Sam Houston. It used to be an old home health. We also had a public hearing on this recently in the last meeting. I do not believe there is many objections. The property has always been utilized as commercial at least as long as those buildings have been there and it is probably been some decades. I do not believe that we have received any negative comments about it being rezone to a commercial site and it makes sense again that properties adjacent to Sam Houston from this Expressway southward along the Frontage should they decide be commercial it makes sense that we should promote that. Commissioner Pedro A. Galvan asked is it a requirement that we do first and second reading in different meeting and City Manager Manuel De La Rosa confirmed stating it's in our charter. Commissioner Pedro A. Galvan commented for the McDonald's plat we did the first and second reading in one meeting, is that for plat and City Manager Manuel De La Rosa responded that was

a plat, a plat is not an ordinance, there was no change in zoning there it was already zone for that so you are just following a plat. The requirements is that they follow the preliminary and final plats and they did. **Commissioner Pedro A. Galvan** asked is that city ordinance or state law that we do first and second reading. I feel like we're more completely in favor of this, is it possible to do a first and second reading together in the future or something we can look at. **City Manager Manuel De La Rosa** responded if I recall it was separately because we used to try to do them together and we found that it could not be done so I have to go back to that section, but that is why it would expedite it. There are very few cases that don't require, for example if we issue bonds, the issuance of bonds there is a State law that actually exempts the two reading okay so you just got to make sure your not in conflict with that State such, but our charter required it. Somebody actually took us to task, we looked at it some time ago and I see Ruth confirming they got to go in separate meetings and for example our zoning ordinance requires that you follow a preliminary and final plat, they can be run concurrent and that is the ordinance and that is a City ordinance so we've got, now we are talking about Charter, Ordinance and State laws. **Commissioner Pedro A. Galvan** commented I know we have talked about maybe doing some revisions to the Charter so that is we can revisit this and see if that is something that maybe possible. **City Manager Manuel De La Rosa** responded yes sir and **Commissioner Pedro A. Galvan** commented I feel bad for the developer waiting month and a half just get it a result and then they got to come back for the plat, it just seems like it delays and delays. **City Manager Manuel De La Rosa** responded no, we run things concurrently and we encourage it, a lot of times change of land use may or may not go forward so they are always at risk in other words just because there was the record service of Oscar Williams, they didn't go forward and if they were of submitted plans. We always tell them, you can run them concurrent, but you are at risk and those are the kind of things we think it is going go through, but we're very careful about making assumptions so unless it fits our plan just like I just made a statement about South Sam Houston. It makes sense it follows some of our Comprehensive Plan better even the City's Comprehensive Plan adopted by the City Commission, there has been changes by the Commission and you can, you are the legislative body. No motion carried **FIRST READING ONLY.**

ITEM 17. CONSIDERATION AND POSSIBLE ACTION TO APPROVE FOR THE SAN BENITO ECONOMIC DEVELOPMENT CORPORATION, INC., STAFF TO BE INCLUDED IN THE COVID HAZARD COMPENSATION FROM CARES FUNDING THAT THE CITY OF SAN BENITO RECENTLY APPROVED IN THE AMOUNT NOT TO EXCEED \$1,200 PER EMPLOYEE FOR THE PERIOD BEGINNING MAY 1, 2020 AND ENDING APRIL 30, 2021.

Rebeca Castillo, EDC Executive Director, address the City Commission, this particular item is a follow-up on the recent action that the City Commission had in approving the COVID hazard compensation from CARES funding that the City received and recently approve in the amount of not to exceed \$1,200 per employee beginning May 1, 2020 and ending April 30, 2021. The rationale from our EDC Board last June 16 that took action to request from the City Commission for EDC Staff to be considered in this compensation. If the City Commission, the EDC Board respectively asked for your consideration, if you were to move forward with this request, it will be for two full-time employees that work the full period of the 12 months and two part-timers, one part-timer worked for five months of that period and the other part-timer, Gwen Writer, worked three months of that time period. We respectfully ask you for your consideration. **Mayor Ricardo Guerra** addressed City Manager Manuel De La Rosa regarding the equipment City is in need of. I believe the CARES funding pending to be received, there is much equipment needed by San Benito workers. We also brought in other people that had left the City, and that cost, some of the equipment has not been either considered or purchased. How much is this going to cost, what's a factor as far as what this is going to bring into the equipment that is been needed you know for the past 20, 10 year, 15, like the trucks how long have they been on the road that need replacing, do you know, do you have an idea. **City Manager Manuel De La Rosa** responded, Mayor I am turning this over to the Assistant City Manager, the reason being he's had contact with every Department Director. Now, there is a needs lists and a desire list, which is being prioritize, employees would like to get as much as they can, so it's our job as managers to make sure that it fits within the parameters of that budget, he will be able to give those numbers. **Fred Bell, Assistant City Manager**, addressed the City Commission, Mayor to answer the question, will there be an impact, well obviously a dollar is a dollar impact. Based on reviewing the Ms. Castillo's assessment and she is approximately about \$2,800, it would be \$2,800 impact. As we are going through, all department heads were directed to provide a need lists. As what Mr. De La Rosa said, there

is always a needs and everybody wants to throw in some wants. We've had a second round of discussions between myself in the department heads, okay based on the original amount that we were, you know, going to bring back to the Commission to request to utilize for this equipment, we went about \$240,000 over that number so I asked each department to kind of trim the fat because we do not know when this opportunity is going to come again. This is an opportunity for the City to replace some of this equipment that as you said whether it be pickup trucks or actual, you know equipment that can be used on our parks, it is a drastic need of repair so there will be an impact. That \$2,800, it may or may not as we are whittling it down in the final list, to the final list Mr. De La Rosa and I will sit down and say we want to present you all a number that does not exceed what the federal government reimbursed for on those salaries that your first responders worked. Remember that is where that money came from, it was the salaries of your first responders. We believe that all our employees are important, so that is why we had all department heads sit down with us, go through and kind of identify what equipment is needed. Most department head, Public Works for example they have the largest fleet so Mr. Gonzales and I sat down and started trimming it back a little bit, we want to meet not only some his needs, but some of the needs of our other departments, Park and Recreation, Fire Department, Police Department, every department has some level of need. They have gotten real good at sharpening their pencil sort of speak, whittling down and hopefully by the time our next Commission meeting is, hopefully Mr. De La Rosa and I will have a chance to sit down and say, we believe this is a truly reflective list that we can utilize these funds for. \$2,800, you know, it can make a difference would be on a piece of it certain piece of equipment, we have some equipment that are as low as \$2,000, we have some that are as high as you know \$15,000, \$60,000 so again we are trying to spread it amongst our departments so we can maximize that you know that investment. [Commissioner Pedro A. Galvan](#) asked does the EDC have the option to get CARES funding directly from the state. [Fred Bell, Assistant City Manager](#), responded you have me at disadvantage, I would have to check, I know other EDCs did get some funds from different programs. I am not involved in those, so I don't know. I don't want to say yes or no without having the opportunity research that, sorry. [Mayor Ricardo Guerra](#) asked so when is the next time we are going to get more equipment. [Fred Bell, Assistant City Manager](#), responded depends on whenever you all need them. [Commissioner Pedro A. Galvan](#) addressed Fred Bell asking if he thinks if Rebeca might have an answer. I know we have funding for other projects, but was there any funding specifically from the CARES Act for the EDC use. [Rebeca Castillo, EDC Executive Director](#), responded to answer your question, some other EDC's did received funding, one particularly because they operate under the City as a City Department so they receive an allocation out of the overall allocation of the City received and there was also some particular funding that also came in terms from the Economic Development Agency Administration. It is setup, it was more Type A, rather than Type B so it was not something that we received. [Mayor Pro Tem Carol Lynn Sanchez](#) commented that funding was given if they were part of the City versus if they aren't part of the City. [Rebeca Castillo, EDC Executive Director](#), responded right, there were also some factoring into as department so they were like in this case in the City, they are doing it for equipment and for some compensation for the employees. They were able to tap into that amount of funding that their perspective City received, in this case for our standpoint us in particular because we are a Type B those who do receive the regular allocations were from the Type A. There was more for job creation and other incentives of expansion of projects that the EDC was not eligible for. [Commissioner Pedro A. Galvan](#) asked Rebeca also thank you for that answer, was there a loss of wages for the EDC employees during the pandemic or time frame where it was shut down or did you continue working throughout the entire time. [Rebeca Castillo, EDC Executive Director](#), responded we continue working the entire time. We did accommodate and adjusted accordingly for the safety concerns of the staff to making sure of the safety also of our clients, the office was always covered, and our phone lines if we were not at the office were transferred over to our cell phones. There was always staff at the office and we partially were working from home, so two days and half I was working from home, two days and half of the week Victoria was at the office so we are alternate between our part-time and full-time staff to make sure that there was always coverage and there was no loss of hours nor any loss of services for our community. [Mayor Ricardo Guerra](#) asked so one of your employees no longer there and [Rebeca Castillo, EDC Executive Director](#), responded the full-timer, Victoria Padron is no longer with the EDC. [Commissioner Pedro A. Galvan](#) asked was the intern included and [Rebeca Castillo, EDC Executive Director](#), responded no, the interns are on different program, they are not on the payroll, they are more of an incentive through the school district that we have an agreement with them. So for the permanent staff, full-timers and part-timers staff, so myself as director, the economic development specialist, and the part-

time economic development specialist, and a grant writer, part-timer grant writer. **Commissioner Pedro A. Galvan** asked Mr. Bell is there anyone else that encompassed in the City umbrella that was missed or is this the only entity that was I guess sort of speaking for lack of better words left out. **Fred Bell, Assistant City Manager**, responded the city employees that were actually included and that you approved were for current actual City of San Benito employees that were paid out of the City's General Fund. **Mayor Ricardo Guerra** commented I remember at the time EDC was not under the City, I am still saying that the equipment that is needed for the City, in order to replace a lot of the equipment or equipment that is needed by the City workers right now is in dire need and I just don't want anything else, you know taken away from it. Its equipment, its truck that is needed, something from Code Enforcement has been wanting like those copy machines for the blueprints they have been desiring something like that for the past you know years. They do not have anything like that so you know things like that equipment that is in dire need. **Commissioner Rene Garcia** commented is this something you could buy with the CARES Act money and **Fred Bell, Assistant City Manager**, responded yes. **Commissioner Rene Garcia** asked how much of an impact do you think it is going to be \$2,800 and **Fred Bell, Assistant City Manager**, responded yeah, we've had some of the requests from the meetings with some of that department heads, to them it's needed equipment that typically is overlooked under the General during throughout the regular budget so again those of the opportunities, okay, go through your inventory, what is it that you need to replace what do you not have that you need so for example the plotter. If I recall looking at the spreadsheet it is about \$24,000 piece of equipment. **Commissioner Rene Garcia** stated, I am recommending we find a way to trim \$2,800 to include the EDC employees for this type of funding. They are still considered to be part of the City of San Benito. I make a motion to approve. **Mayor Ricardo Guerra** requested another motion. **Mayor Ricardo Guerra** motioned to table because the thing is that I would like to see if I can look at it before all the equipment that is going to be requested to us. I want to see what is going to hurt the budget or the equipment so I want to make that motion to table this. **Commissioner Pedro A. Galvan** commented I hear both sides of the argument and looking at the minimal cost I think that you know we still have to incorporate the EDC as part of the City. I know they were not part of us at the time, but I will second that motion to include them in the \$2,800 allocation of the CARES Funds.

Mayor Ricardo Guerra requested a motion. **Commissioner Rene Garcia** moved to approve. **Commissioner Pedro A. Galvan** seconded the motion. Voting Aye: **Commissioner Rene Garcia** and **Commissioner Pedro A. Galvan**. **No motion carried.**

Mayor Ricardo Guerra moved to table. **Mayor Pro Tem Carol Lynn Sanchez** seconded the motion. Voting Aye: **Mayor Ricardo Guerra** and **Mayor Pro Tem Carol Lynn Sanchez**. **Commissioner Pedro A. Galvan** commented to vote to keep it alive. **No motion carried.**

COMMENTS:

City Manager Manuel De La Rosa commented it stays alive, we will try to bring this in the next meeting. These are cost estimates, it is like move molasses, cause we have been working with them with some time now. We do want to move forward so we can to get this thing behind us and if I can add Mayor I know where you are going, **Commissioner Garcia** if we are trying to pass out that olive branch, I think this is the time to do it because if we are going to move forward with the EDC and it looks like we are going to work together, in 2015 they were City employees, sometime in 2018 or 2019 they were not City employees. Those decisions were made by the three or four, two full-time in the two part times. Those were made by politicians sitting up there, and I get it Mayor, it is \$2,800, quite honestly we could write it out off one of our other budgets, okay I think the message is a loud and clear, the City needs it and you've got our attention and we are really looking at trying to prioritize this. We don't make those kind of decisions, those are yours, but we can certainly find it **Commissioner**, **Mayor**, **Mayor Pro Tem**, and **Commissioner Galvan** we can. We just got to be told, it is a policy, its' your policy, we are delaying these employees, but we do want to move as quickly and swiftly as possible. I don't believe these funds were made for anything other than governmental units because of the rent subsidies and all those for the first responders. Those are government functions, I just have to remember how I read that statue. We are looking, we still have not gotten our monies and I have made an inquiry to our congressman about the rest of the funds and I have sent an email, a follow-up email, so a verbal conversation, follow-up email and we are still waiting for our nine million dollars so we are going to have more proximity for other equipment or other stuff so I just want

to make sure that we are going to move as quickly as possible. We will put it back before you, we are going to bring this same item and those items and hopefully we'll put that to rest, thank you. **Mayor Ricardo Guerra** commented before you start the, you know, trimming everything down, I would like to see all the equipment that is needed or request. I want to see what was, what has been deleted or trimmed, okay, I want to see all the equipment that every single director department requested, okay, because that I do not want to see it was already taken off. I don't want to talk to any director and say well I asked for it and was trimmed off. I want to see every single thing that was requested by a director. **Fred Bell, Assistant City Manager**, commented as a matter of fact, I could answer that right now, okay, I have a spreadsheet, each department has its own tab, we went through and I basically said tell me what you defined as a need, all of it got entered, what is going to be recommended, you will see what the initial request was and then what the final recommendation is going to be. **Commissioner Rene Garcia** commented you are going to end up with a wish list for every department, you have to understand that you are going get a wish list, what is necessary and what is needed to operate efficiently. **Fred Bell, Assistant City Manager**, commented that is the challenge Commissioners, everybody you know has needs, everybody else has wants, and the task has been me working one-on-one with each directors, and okay help me trim the fat from your perspective before I have to trim it from my perspective and present it to the City Manager, but you are going to see everything that each department head put in their initial request. **City Manager Manuel De La Rosa** commented let me correct that, not department heads, employees within that department because in some cases, departments directors delegate some of those functions to the subordinates so therefore the subordinates are making a wish list and part of the problem that we sometimes have as managers when working with our other subordinate managers is that there is no asset inventory, any asset management so we'll have vehicles that were made and not inventory list. How are you maintaining what you've got, you know what you have and what are you replacing. It is a wish list so as managers it makes it very difficult for us when we start pulling that pen and we start striking because we now have subordinates of department directors making a list that they should have never submitted to us so it makes it difficult, so Mayor you are going to see, if it was coming from a director, if it was coming from Police Chief, Fire Chief, Department of Public Works, the Library Director, I would give it much more credence, but these are other employees that are having a wish list, there is no accountability as to assets you have now, future asset, what is your assets management, we are manager of assets. **Commissioner Rene Garcia** commented I had this conversation with Mr. Bell, so again the ability of the assets and maintenance of the assets before you go out and buy everybody a new vehicle. **Manager Manuel De La Rosa** commented that is why it is taking so long to compile this for you Mayor, if my directors had a better asset management control, I wouldn't, we wouldn't be struggling at this level right now and we are working through that. **Mayor Ricardo Guerra** commented it does not matter, whatever its necessary or wish list, it is still you know needed equipment that's needed by somebody requested because they are working on that section and they requested something that is needed. Okay, so wish list of not, it's still an equipment needed so I want to look at it. **Commissioner Rene Garcia** commented there must be an evaluation of each request and you know what I am talking about because we've had that conversation, you brought it up yourself. **Commissioner Pedro A. Galvan** asked I am looking at the previous minutes, does the account say somewhere at about \$900,000 because of the last allocation to the City staff, I think it was calculation of about \$300,000 that went out and **Fred Bell, Assistant City Manager**, responded that is correct, approximately we had adjusted in order to include former employees so it added to approximately \$33,000 to the initial request. **Commissioner Pedro A. Galvan** asked where is the CARES Act sitting at to get a better idea of where that money needs to go and **Fred Bell, Assistant City Manager**, responded right about just over \$900,000 and what we fully intend to present to you all.

ITEM 18. EXECUTIVE SESSION:

- A) TO DELIBERATE PURSUANT TO TEXAS GOVERNMENT CODE §551.074(A)(1) A PERSONNEL ACTION RELATING TO THE EMPLOYMENT OF A FIRE CHIEF.

THE CITY COMMISSION CONVENED INTO EXECUTIVE SESSION AT 6:45 P.M. AND ADJOURNED AT 7:22 P.M.

GENERAL SESSION:

ITEM 19. DISCUSSION AND POSSIBLE ACTION REGARDING EXECUTIVE SESSION AGENDA ITEM 18 (A).

Mayor Ricardo Guerra requested a motion. Commissioner Rene Garcia moved to approve as discussed in Executive Session the appointment of Efrain H. Bautista. Mayor Pro Tem Carol Lynn Sanchez seconded the motion. Voting Aye: Mayor Ricardo Guerra, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Rene Garcia and Commissioner Pedro A. Galvan. Motion carried to APPROVE EXECUTIVE SESSION AGENDA ITEM 18 (A) EMPLOYMENT OF FIRE CHIEF.

ITEM 20. 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 and Commissioner Pedro A. Galvan. Motion carried to ADJOURN AT 7:24 P.M.

CITY OF SAN BENITO

HONORABLE RICARDO GUERRA
MAYOR

ATTEST:

RUTH MCGINNIS
CITY SECRETARY