CITY OF SAN BENITO
REGULAR MEETING
February 5, 2013

On February 5, 2013 the City Commission met for their Regular Meeting at the San Benito Municipal Building (Cesar Gonzalez Meeting Hall), 401 N. Sam Houston, San Benito, Texas at 5:30 p.m. A quorum was present including the following:

JOE HERNANDEZ ~ MAYOR AS THE PRESIDING OFFICER

CITY COMMISSION

Joe Hernandez ~ Mayor
Antonio Gonzales ~ Mayor ProTem
Rene Villafranco ~ Commissioner No. 2
J D Penny ~ Commissioner No. 3
Joe D. González **~ Commissioner No. 4**

ADMINISTRATIVE STAFF

Manuel Lara ~ City Manager
Lupita Passement ~ City Secretary
Hector Jalomo ~ Assistant City Manager
Arturo Rodriguez ~ Assistant City Manager
Ricardo Morado ~ City Attorney

ITEM 1. WELCOME
Mayor Joe Hernandez welcomed members of the Commission, City Staff, Media and everyone in attendance.

ITEM 2. PLEDGE OF ALLEGIANCE TO THE U S FLAG AND TO THE TEXAS FLAG.
Commissioner Rene Villafranco led the Pledge of Allegiance to the U S Flag and the Texas Flag.

ITEM 3. INVOCATION.
Invocation was recited by Ricardo Morado, City Attorney.

ITEM 4. PUBLIC COMMENTS
Candelario Ontiveros, from EMS MedCare, briefed the Commission on their services and the extension that would be provided to the City as long as the City needed them. Tony Tofaj, spoke on his request for the waiver of liens on his property.

ITEM 5. CONSIDERATION AND ACTION ON APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 15, AND SPECIAL MEETING OF JANUARY 22, 2013.
Mayor Pro Tem Antonio Gonzales moved to approve. Commissioner Rene Villafranco seconded the motion. Motion carried to approve THE REGULAR MEETING OF JANUARY 15, AND SPECIAL MEETING OF JANUARY 22, 2013.

ITEM 6. CONSIDERATION AND ACTION ON APPROVAL OF THE RESOLUTION 2013-3: A RESOLUTION ENDORSING THE CREATION OF THE NEW INSTITUTION TO SERVE THE LOWER RIO GRANDE VALLEY THROUGH THE CONSOLIDATION OF THE UNIVERSITY OF TEXAS–PAN AMERICAN, THE UNIVERSITY OF TEXAS AT BROWNSVILLE, AND A TRANSFORMED REGIONAL ACADEMIC HEALTH CENTER.
Commissioner Joe D. González, stated as a member of the Council of Governments (COG) he received a presentation in detail of the consolidation plan and strongly encourage the Commission to approve the resolution. It is a once in a lifetime opportunity for the Valley, he said. Moved to approve Resolution 2013-3. Commissioner Rene Villafranco seconded the motion. Motion carried to approve RESOLUTION 2013-3: A RESOLUTION ENDORSING THE CREATION OF THE NEW INSTITUTION TO SERVE THE LOWER RIO GRANDE VALLEY THROUGH THE CONSOLIDATION OF THE UNIVERSITY OF TEXAS–PAN AMERICAN, THE UNIVERSITY OF TEXAS AT BROWNSVILLE, AND A TRANSFORMED REGIONAL ACADEMIC HEALTH CENTER.

ITEM 7. CONSIDERATION AND ACTION ON APPROVAL OF RESOLUTION 2013-4: A RESOLUTION DESIGNATING THE ENTIRE WEEK, IN WHICH MARCH 2 OCCURS AS "TEXAS WEEK" TO CELEBRATE TEXAS INDEPENDENCE DAY.

Commissioner Rene Villafranco moved to approve. Mayor Pro Tem Antonio Gonzales seconded the motion. Motion carried to approve RESOLUTION 2013-4: A RESOLUTION DESIGNATING THE ENTIRE WEEK, IN WHICH MARCH 2, OCCURS AS "TEXAS WEEK" TO CELEBRATE TEXAS INDEPENDENCE DAY.

ITEM 8. CONSIDERATION AND DISCUSSION OF POTENTIAL CONTRACT WITH THE SAN BENITO CHAMBER OF COMMERCE AND THE CITY.

Jesse Leal, Chairman of the Chamber of Commerce Board of Directors, spoke on behalf of the Chamber confirming their desire to continue working with the City in providing services to the business community. No action was taken, pending a legal opinion at the next meeting.

ITEM 9. CONSIDERATION AND ACTION ON AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN BENITO AND SAN BENITO ECONOMIC DEVELOPMENT CORPORATION.

Salomon Torres, EDC Director briefed the Commission on the subject agreement and special project as outlined in the agreement. Commissioner Joe D. González **moved to approve. Mayor Pro Tem Antonio Gonzales seconded the motion. Motion carried to approve AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN BENITO AND SAN BENITO ECONOMIC DEVELOPMENT CORPORATION.**

ITEM 10. CONSIDERATION AND ACTION TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SAN BENITO AND SMARTCOM TELEPHONE, LLC FOR THE PURPOSE OF ESTABLISHING THE TERMS AND CONDITIONS UNDER WHICH SMARTCOM WILL PROVIDE DATA TRANSPORT SERVICE.

Arturo Rodriguez, Assistant City Manager, briefed the Commission on the proposed agreement which shall be in effect for an initial term of thirty-six (36) months, commencing on February 1, 2013 and continuing to and including January 31, 2016. SmartCom Telephone, LLC ("SmartCom"). For the purpose of establishing the terms and conditions under which SmartCom will provide data transport service. The company is located in Hidalgo County. Mayor Pro Tem Antonio Gonzales moved to approve. Commissioner Joe D. González **seconded the motion.**

Motion carried TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SAN BENITO AND SMARTCOM TELEPHONE, LLC FOR THE PURPOSE OF ESTABLISHING THE TERMS AND CONDITIONS UNDER WHICH SMARTCOM WILL PROVIDE DATA TRANSPORT SERVICE. MONIES WILL BE COMING FROM FORFEITURE FUNDS.

ITEM 11. CONSIDERATION AND ACTION TO APPROVE OR DISAPPROVE NAMING PROPOSED ENTRANCE TO SAN BENITO AIRPORT PROPERTY ALIGNING WITH STOOKEY ROAD.

Hector Jalomo, Assistant City Manager, briefly stated that staff has been working to obtain right-of-way from private property owner for the proposed entrance to City property and property owner has agreed to donate needed right of way in return for allowing him to name such entrance. The consensus was to continue discussion with property owner and offer a market value for the piece of property to avoid problems in the future with the naming of that piece of property. Commissioner Rene Villafranco moved to table. Commissioner Joe D. González **seconded the motion. Motion carried to TABLE NAMING PROPOSED ENTRANCE TO SAN BENITO AIRPORT PROPERTY ALIGNING WITH STOOKEY ROAD.**

ITEM 12. CONSIDERATION AND ACTION TO APPROVE OR DISAPPROVE PRELIMINARY AND FINAL PLAT OF BELVEDERE SUBDIVISION, BEING A 3.459 ACRES OUT OF BLOCK 22 SAN BENITO LAND AND WATER COMPANY.

Rodrigo Davila, Planning Director presented the final plat of Belvedere Subdivision, being 3.459 acres out of Block 22, San Benito Land and Water Company Subdivision, recorded in volume 1, page 6, map records of Cameron County. Applicant: J N H Surveying Co., LLC. Planning and Zoning approved the proposed subdivision on January 24, 2013 and staff recommends approval of proposed subdivision with construction of sidewalks and installation of fire hydrant as per subdivision requirements. Commissioner Rene Villafranco moved to approve. Mayor Pro Tem Antonio Gonzales seconded the motion. Motion carried to approve PRELIMINARY AND FINAL PLAT OF BELVEDERE SUBDIVISION, BEING A 3.459 ACRES OUT OF BLOCK 22 SAN BENITO LAND AND WATER COMPANY.

ITEM 13. CONSIDERATION AND ACTION TO APPROVE OR DISAPPROVE A REQUEST FROM GAVINO SOTELO TO HAVE A 14" IRRIGATION PIPE INSTALLED BY CAMERON COUNTY IRRIGATION DISTRICT #2 ON J. M. OJEDA ROAD RIGHT OF WAY APPROXIMATELY 600' TO PROVIDE IRRIGATION WATER TO A FIVE ACRE TRACT OF LAND HE OWNS ON OJEDA ROAD.

Hector Jalomo, Assistant City Manager briefed the Commission on a request by Gavino Sotelo to have a 14" irrigation pipe installed by Cameron County Irrigation District#2 on J M Ojeda Road right of way approximately 600' to provide irrigation water to a five acre tract of land he owns on Ojeda Road. Also Mr. Sotelo is requesting permission to place a casing across Ojeda Road to allow an irrigation pipe to service land across same road. This type of irrigation lines are placed on private property on easements and not on public right of way because this is a private line but Mr. Sotelo cannot acquire an easement from the neighboring property owner so this is the only alternative to get irrigation water to his property. Staff recommended denial because such a private line could become a liability to the City, if the Commission wanted to work with Mr. Sotelo by using a use privilege agreement. **Ricardo Morado, City Attorney** recommended the matter be tabled, that staff work together to advice counsel of what is the easement, what are the rights involved, and who owns the property so that this counsel can make an educated decision as to what they can and cannot do. **Mayor Pro Tem Antonio Gonzales** moved to approve. After a brief discussion **Mayor Pro Tem Antonio Gonzales** rescinded his motion and moved to Table. **Commissioner Joe D.** González seconded the motion to table. Motion carried to **TABLE REQUEST FROM GAVINO SOTELO TO HAVE A 14" IRRIGATION PIPE INSTALLED BY CAMERON COUNTY IRRIGATION DISTRICT #2 ON J. M. OJEDA ROAD RIGHT OF WAY APPROXIMATELY 600' TO PROVIDE IRRIGATION WATER TO A FIVE ACRE TRACT OF LAND HE OWNS ON OJEDA ROAD.**

ITEM 14. CONSIDERATION AND ACTION TO PURCHASE EIGHT (8) PICKUPS AND (TWO) 2 VEHICLES THROUGH HGAC.

Arturo Rodriguez, Assistant City Manager, briefed the Commission on the request to purchase the following vehicles for the administration, code enforcement and Assistant City Manager:

Vendor	Model	Amount	No.	Total	Buy board fee	Total
Buyboard#358-10	Ford-150 Regular Cab P/U	15,918.25	7	$111,427.75	400.00	$111,827.75
Buyboard#358-10	Ford-150 Crew Cab P/U	20,797.25	1	20,797.25	400.00	21,197.25
Buyboard#358-10	Ford fusion	18,181.25	1	18,181.25	400.00	18,581.25
Buyboard#358-10	Ford Taurus Sedan	21,394.25	1	21,394.25	400.00	21,794.25
Total						$173,400.50

Commissioner Joe D. González , recommended that the purchases be done locally. He questioned if efforts had been made to contact our local vendors, and then upon response, moved to approve. **Commissioner J. D. Penny** seconded the motion. Motion carried to approve **PURCHASE EIGHT (8) PICKUPS AND (TWO) 2 VEHICLES THROUGH HGAC.**

ITEM 15. CONSIDERATION AND ACTION ON APPROVAL OF PURCHASE FOR THE IMPLEMENTATION OF WORKFORCE TIMEKEEPER.

Manuel Lara, City Manager, briefed the Commission on the request to purchase a timekeeper for the purpose of keeping accurate time of all City employees. Funds for this project will be coming from Capital Project Fund-designated funds.

Hardware	$ 29,000.00
License	7,375.00
SW Maintenance	1,623.10
Services	14,620.00
Training	3,276.00
Total	$55,894.10

Commissioner Joe D. González moved to approve. **Mayor Pro Tem Antonio Gonzales** seconded the motion. Motion carried to **APPROVE PURCHASE FOR THE IMPLEMENTATION OF WORKFORCE TIMEKEEPER .**

ITEM 16. CONSIDERATION AND ACTION ON APPROVAL OF THE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED DECEMBER 31, 2012.

Susan Crabtree, Finance Director, presented the quarterly report with highlights on what the yields were such as:

FCB	0.50%
Southside Bank MMA	0.36%
TexPool	0.15%

Commissioner Joe D. González moved to approve. Commissioner Rene Villafranco seconded the motion. Motion carried to APPROVE THE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED DECEMBER 31, 2012

ITEM 17. PRESENTATION OF THE FINANCIAL REPORT PERIOD ENDING DECEMBER 31 ,2012.

Susan Crabtree, Finance Director, presented the Financial Report period ending December 31, 2012 as follows with spending being at 25%

General Fund

Assets & Other Debits	$ 7,377,236	Sales Tax	
Liabilities & Fund Balance	7,377,236	October	320,495.61
Revenues	4,215,513	November	310,734.45
Expenditures	2,204,452	December	293,421.42
Water Production		January	319,917.74
Total Assets	33,267,704		
Liabilities & Fund equity	33,267,704	Debt Service	
Revenues	1,076,954	Total Assets	461,798.77
Expenditures	618,432	Liabilities, Equity & Surplus	461,798.77
Wastewater Fund		Revenues	4,887,066
Total Assets	28,938,820	Expenditures	4,705,158
Liabilities & fund equity	28,938,820		
Revenues	822,225	EDC	
Expenditures	363,624	Assets	2,383,236
Solid Waste		Liabilities & Fund Balance	2,383,236
Current Assets	502,878	Revenues	247,996
Liabilities & fund equity	502,878	Expenditures	171,408
Revenues	680,534	CDBG	
Expenditures	608,143	Assets	740,273
Fire		Liabilities & fund equity	740,273
Assets	2,754,436	Revenues	375,019.15
Liabilities & fund balance	2,754,436	Expenditures	374,943.80
Liabilities & fund balance	2,754,436	Special Investigation	
Revenue	140,005	Assets	203,701
Expenditures	108,899	Liabilities & fund equity	203,701
		Revenues	3,536
		Expenditures	6,889

ITEM 18. CONSIDERATION AND ACTION ON SETTING A DATE FOR THE FEBRUARY RETREAT.

The Commission decided to have the Retreat on March 2, 2013 at 12:30. Commissioner Rene Villafranco moved to approve. Mayor Pro Tem Antonio Gonzales seconded the motion. Motion carried ON SETTING A DATE FOR THE FEBRUARY RETREAT WHICH THE COMMISSION DECIDED TO SET THE DATE FOR MARCH 2, 2013.

ITEM 19. ADJOURNMENT.

Mayor Pro Tem Antonio Gonzales moved to adjourn. Commissioner Rene Villafranco seconded the motion. Motion carried unanimously. MEETING ADJOURNED AT 7:00 P.M.

ATTEST **CITY OF SAN BENITO**

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JOE HERNANDEZ , MAYOR

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LUPITA PASSEMENT, CITY SECRETARY