



MINUTES OF THE CITY OF SAN BENITO SPECIAL CITY COMMISSION MEETING

On February 23, 2021 the City Commission met for a Special 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; Rene Garcia, Commissioner, Place 1; Pedro A. Galvan, Commissioner, Place 3; Mark Sossi, City Attorney.

City Commission Member Absent: Carol Lynn Sanchez, Mayor Pro Tem; Rene Villafranco, Commissioner, Place 2;

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.

Police Captain, Michael Cortez 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 if any Commissioners had anything they wished to share with the community. Commissioner Pedro A. Galvan commented on an update for the COVID-19 vaccine distribution, the Federal Government has started allocating vaccines to local pharmacies as well not just the state. The DSHS website will give you the state allocation, and they're working on getting a list of where the federal allocation is going to go now. So there's two entities the state and the federal government that are both providing vaccinations. So we're going to have a lot more vaccine coming in so I would look to discuss with your local pharmacies or doctors and see, because I think from reviewing the list there's much more vaccine being pushed out. If anybody was interested. Mayor Ricardo Guerra thanked the City of San Benito, the workers, I know that the last week we had that cool front that pushed us to the limit, it was very cold. I know that most of the cities had a blackout, as far as electricity, the City was able to maintain the water pressure. I know it took a lot of work, I talked to some of the people, I came in, went to the City workers and some of them were working since a day before, they had come in, they slept a couple of hours, but they were right back. It took a lot for them, but inaudible, they worked and they were here for the people, the citizens, and I just want to thank each and every one of the directors, Manny, for all that they've done for us. Like I said, I just wanted to thank them very much and appreciate them.

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

Ruth McGinnis, City Secretary, announced Mr. Adan Ocegera, San Benito Citizen, who addressed the City Commission stated his name and his address 33 Lozano Lane. He stated he's mainly there to ask the Commission for consideration for today's vote and moving forward in regards to the perspective Convention Center. His concern was San Benito citizens having to fund the epicenter when the City is already investing a great deal. He stated he'd like to thank everyone involved with setting up the vaccination center that was great for the City.

Ruth McGinnis, City Secretary, announced no public comments.

ITEM 6. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE FEBRUARY 2, 2021 REGULAR CITY COMMISSION MEETING.

Mayor Ricardo Guerra requested a motion. Commissioner Pedro A. Galvan moved to approve. Commissioner Rene Garcia seconded the motion. Voting Aye: Mayor Ricardo Guerra, Commissioner Rene Garcia, and Commissioner Pedro A. Galvan. Motion carried to **APPROVE THE MINUTES OF THE FEBRUARY 2, 2021 REGULAR CITY COMMISSION MEETING.**

City Manager Manuel De La Rosa recommended to Mayor Ricardo Guerra to continue with Agenda Item 8 after Agenda Item 6 to address the concerns from the public comment.

Mayor Ricardo Guerra announced moving to Agenda Item 8 to address concern from public comments.

ITEM 8. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE SECOND AND FINAL READING OF ORDINANCE NUMBER 2584-02-2021(Z) TO REZONE A PROPERTY ON THE CORNER OF FM 509 AND EXPRESSWAY 83, ALSO BEARING A LEGAL DESCRIPTION OF A 117.868-ACRE TRACT, MORE OR LESS, BEING 50.725 ACRES OUT OF THAT PORTION OF BLOCK 148 THAT IS SOUTH OF THE RAILROAD TRACKS, AND 67.143 ACRES OUT OF THE EAST HALF OF BLOCK 149, SAVE AND EXCEPT 2.36 ACRES EQUALING 115.508 ACRES, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, CITY OF SAN BENITO, CAMERON COUNTY, TEXAS AS RECORDED IN VOLUME 1, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS FROM L1 LIGHT INDUSTRY, C-2 COMMERCIAL GENERAL RETAIL BUSINESS & AO, AGRICULTURE AND OPEN SPACE TO PDD PLANNED DEVELOPMENT DISTRICT, DEFAULT TO C-2 COMMERCIAL GENERAL RETAIL BUSINESS AND C-1 COMMERCIAL RESTRICTED BUSINESS. APPLICANT: WESTERN SPHERICAL DEVELOPERS, L.L.C.

Mr. Bernard Rodriguez, Planning and Zoning Director, addressed the City Commission stating the multifaceted development is being developed on a 115 acres site consisting of a master plan including mix use development complimented by continuous pedestrian, bicycle, trail system amenities. The site drawings were provided clear set of development documents to include proposed utilities, onsite storm water designs, traffic designs, prior communications, transmissions, and activity amenities. The master plan is being proposed with constructed phases, the rezone does comply with City and State Statutes. City Manager Manuel De La Rosa commented Mayors and Commissioners if I may address this, the property is currently zoned as L1 which stands for light industry which means the land today currently uses agriculture but it can be sold tomorrow and you can have freight companies, you can have wrecker yards, you can have storage and facility of vehicles, everything that light industry type of zoning would. Mayor you had the same concern today, that's the benefit of going from light industry to C-1, C-2, I think when the Los Fresnos Freight Trade Center was visualized and traffic coming from across Mexico hit the expressway, you would be in a light industrial area. There are other roadways that truckers use because a lot of them are going from Los Indios to Brownsville, they take 281 or that Military Highway road, so 732 is a viable option, for our City, I think it would make more sense if our comprehensive plan, our land use show that the eastern part of our community which is 510, 732, where TXDOT is at, all the other yards, railroads, and we've had conversations with individuals on the eastern side of 510 that have railroads spurs so those properties Bowlinger tracks and we'd like to restore those, that is certainly a light industrial type zone with very little housing. So if you leave this area, forget the hotel and convention center, that hotel and convention center is going to sit on 5 acres, what's being asked to rezone is 115 acres. So the question for the Mayors and Commissioners is do you want it to be situated in light industry and all those allowable then uses, or do you want what's being zoned which is a planned development district that would allow a mixture of C-1 and C-2, commercial 1 and commercial 2, they're all retail type. It is currently owned by a gentleman that owns all 115 acres so eventually it's going to do something with it. It's intended to stay agriculture, and it's not zoned agriculture it's light industry so it's already got a land use that may not be the best thing when you've got the subdivision on the western side of it, you've got apartments across the roadway, do you want to see that 509 corridor from the expressway to business 77 as a business corridor and a cleaner type of business operation these commercial, retail, that would have shops, restaurants, and the convention center isn't so far back so close to the residential units. Regardless of the changes, we're not talking about a 5 acre center with a hotel, we're talking about a 115 acre development

that would probably give us a higher and best use for the City, its proximity to Harlingen Medical, to Valley Baptist. It just makes sense at least on the northern side of the expressway that it'd be that C-1 or C-2 type of development. **Commissioner Pedro A. Galvan** stated you said there was an owner of the property now? Who is the owner of the property? **City Manager Manuel De La Rosa** advised James Keller with Keller Real Estate Investments out of McAllen. **Commissioner Pedro A. Galvan** questioned why isn't he the business applicant? Why is Western Spherical Developers applying and is there usually cost associated with rezoning? Or fees? **City Manager Manuel De La Rosa** confirmed yes sir, there is. It's usually the publication fees and Mark can tell you what that is. Western Spherical is partners with Keller Real Estate, and Keller Real Estate is going to be an owner even as the land goes through a transition. They're business partners. **City Attorney Mark Sossi** advised the cost of rezoning is probably \$250.00, that's by ordinance, as the City Manager stated that does cover the publication in the newspaper. **Commissioner Pedro A. Galvan** commented \$250.00 and it doesn't matter the size or how many lots or acres. **City Attorney Mark Sossi** advised no sir, it's to rezone a set up property, whether it's one acre or ten acres, again the cost is tuned into the publication of the document. **Mayor Ricardo Guerra** commented we're talking about the 115 acres that's there, any truck stop can go in there? **City Manager Manuel De La Rosa** confirmed currently yes sir. We currently have the Circle K, gas station and food mart, but we have a proposed change of land to add truck stops which is allowed in the light industry so they're vested to a certain amount. The problem is there's not enough land that's owned by Circle K currently to safely get in these large commercial vehicles in and out, and we are now merging commercial trucking businesses with passenger vehicles and that is a concern. So we've had our consulting engineers have discussions with their consulting engineers, with TXDOT, because when these eighteen wheelers come out of the parking area, if they can't maintain staying in their lanes and their driving, it's unsafe. Again most of the truck stops like the one stop that's in Combes, Ranger, the entrance for trucks is separate from the passenger vehicles. Most places today, these trucks stops that have a combination truck stop, gas station for passenger vehicles and food mart have separate drive ways, there's some others as you go down to Brownsville, they're up and down the interstate, I travel Interstates 37 and 35. Why their proposals to merge traffic at this site, that's not normal and it's unsafe. It's unsafe for the residents that are going to be there, it's unsafe for a mom and her children when you have vehicles that cannot maneuver unless they negotiate something. The point is you can have more light industrial throughout all 115 acres, and those operations, warehouse and stuff that goes into light industrial offer day and night, it could create a noise problem. **Commissioner Pedro A. Galvan** questioned so rezoning, if it's a C-1, C-2, they could still, that doesn't prevent them from putting in an L-1? I thought that was the understanding, if you're commercial you can do anything underneath the categories, light industry, residential, multifamily. **City Attorney Mark Sossi** advised light industry is a higher intense zone, you've got heavy industry and light industry, you have commercial, you have expressway commercial and you have downtown commercial offices. Anything within a light industry, you can do anything, any zone, some of the different zone activities that are lower, light industry is a higher intense zone. The lower zones are agricultural and single family, multifamily. In multifamily you can do single family, you can't do multifamily in single family because it's a less intense zone. So what we're looking at doing because we believe that's a commercial corridor that area is probably prone to commercial development. As the City Manager stated there's this development and another development it's clean, it's retail, it's office, it's hospital medical rehab, different type of amenities that call for that type of commercial and again we look at it being a commercial corridor rather than with industrial part that's an industrial corridor. **Commissioner Rene Garcia** questioned what's the applicant asking to, the way I'm reading it, you're going from L-1 to just eliminating L-1 completely from the zoning. Why is the applicant asking for that? Does it relay to the Circle K expanding or what's going on? **City Manager Manuel De La Rosa** confirmed it does some of it. Here's the thing, why would they, phase one which is the agreement that the developer has with the City is on 38 acres, phase one, if the owner already owns all 115 acres and he's vesting that the development alone was projected, or estimated from the developer, at \$115,000,000.00, which is what he agreed to, minimum investment on his part, why would he allow the rest of his land that he owns to negatively impact his high end development. **City Attorney Mark Sossi** advised the negative impact would be safety. **Commissioner Rene Garcia** commented the area there at some point you're going to need three lanes. **City Manager Manuel De La Rosa** mentioned and part of the development once he crosses Shaffer because he owns both, the owner not the developer, the traffic impact analysis that they've already started discussing with us have indicated to them that they've got to

build the road, three lanes, five minute linear back, can handle storm water, they understand that they can't flood the subdivision behind which is why they're building a detention facility which they're going to turn into a water feature on the north side of Shaffer to manage those storm waters, to create it from their overall acreage. **Commissioner Rene Garcia** commented I don't think Circle K owns all that anyway, it's up to the applicant. **City Manager Manuel De La Rosa** confirmed it's up the applicant. Again, I know Mr. Keller sold the land to Circle K before he was ever involved in this deal but they're going to work around that and hopefully because they're hoping that folks to do come and they bring their RV's to the area and that they provide access so. **Commissioner Rene Garcia** commented and it's not a truck stop. You're telling me if we do this zoning that's pretty much out the window right? Is that what you're saying. **City Manager Manuel De La Rosa** mentioned the zoning. **Commissioner Rene Garcia** commented you referred to Road Ranger and I'm thinking. **City Manager Manuel De La Rosa** stated we looked at it from the safety, you're wanting to not truck stop and we looked at the driving patters for these large vehicles and merging traffic, they can't come in and out without meeting head on with other vehicles. That is unacceptable. Stuff that has been long term vested and in place. The one place that I look at every day is the corner of Oscar Williams and the expressway across from the high school that Stripes, those vehicles that are parked have fuels, chemicals, hazard materials and it's a dangerous location. It's across from the annex, but you know what I mean, it's right down the street from the high school. You don't know what's in those containers, they're vested, they've been in there a long time. To not address this currently with Circle K, it's unacceptable, it's before us now and we address it now. **Commissioner Pedro A. Galvan** questioned the rezoning will probably change the appraisal value of the entire property right? **City Manager Manuel De La Rosa** stated I probably will anticipate that it will change. The land zone won't change it because light industrial is still commercial, if it was agricultural and changing it to light industrial or C-1 and C-2 would change it. It's the moment that you start building buildings that the value starts to go up. **Commissioner Pedro A. Galvan** stated you said light industrial is still commercial? **City Manager Manuel De La Rosa** confirmed light industrial yes, heavy industry, light industry or commercial type uses. They can add residential in those areas. **Commissioner Pedro A. Galvan** stated but if you rezone to C-1, C-2, they can only build a C-1, C-2, multifamily residential or ag could stay there right? **City Manager Manuel De La Rosa** confirmed yes that is correct. **City Attorney Mark Sossi** advised anything that's underneath. **Commissioner Pedro A. Galvan** stated basically you're just basically omitting Ranger or heavy industry, industrial parks. **City Manager Manuel De La Rosa** stated omitting light industry and heavy industry, you can't go up, the pyramid can only go down. **City Attorney Mark Sossi** advised the character of this land is commercial, retail office. **Commissioner Pedro A. Galvan** commented regardless of who's developing the land it might be in the best interest to make a corridor between the two cities. **Mayor Ricardo Guerra** mentioned we just don't want a hazmat anywhere around the school, the apartments, subdivisions, anything there. The owners trying to avoid. **City Manager Manuel De La Rosa** stated that's with the land use, trying to keep certain industries away from residential, unfortunately apartments and duplexes act a little bit as a buffer between commercial and single family residences. **Commissioner Pedro A. Galvan** commented here it says rezoning Agriculture Open Space to PDD Planned Development District, why is that term used? **City Manager Manuel De La Rosa** commented the zoning ordinance planned development district instead of having a pure C-1 or C-2 traits, the 115 acres throughout the entire acreage can have those two listed land uses in those categories anywhere there. Planned Development Districts are generally created when you don't want to meet the current zoning, sometimes you have zero lot lines, or you have a different set back, or instead of a 20 foot driveway, maybe 15 foot one ways, that's why you create zones that have a planned development and you write all the criteria. He opted not to write new criteria, he opted to utilize the land uses between C-1 and C-2, just mix them within the development. **Commissioner Pedro A. Galvan** commented let's say we go down the road and the intention of this property is always going to be for a convention center use because that's what that planned development district means you're rezoning that entire thing into one piece. It'll be a total of 50 acres PDD. **City Manager Manuel De La Rosa** stated no it will all be all 115 acres would have the C-1, C-2, Planned Development District designation. As they develop their hotel convention, part of the agreements is they've got to convey some land under the City's name that's going to be by metes and bounds and it'll be platted. They're going to sell other developments when they sell portions to the lagoon or whoever puts in the water feature, that's going to be sold to them, and it's going to be platted, it's going to go through a plating process but it is going to be within that zone. So they're not going to just sell by metes and bounds they're going to sell

properties off to other developers. **City Attorney Mark Sossi** advised a planned development district facilitates the development and the development is based on what comes in, you're able to tell a business that we do have a planned development district and if your development complies with commercial development or the plan of those type of zones then we're able to facilitate that development. It makes it easier but it's still safe and following the guidelines of the City. **Commissioner Rene Garcia** commented is that where the medical aspect would fit in? **City Attorney Mark Sossi** advised that's right, you can do medical, it opens the door and gives you options positive options that let you move forward in the development. **Commissioner Pedro A. Galvan** commented I think they're just trying to protect their investment, if I approach Western Spherical Developers and I was coming in here and I said I have this great PDD planned development district but I don't want a Ranger next to my convention center, I think that's what this intent of this application is. They're just trying to protect their investment and I can see why Western Spherical is applying and along with Mr. Kelly Williams. It's the best interest of both parties. Either way for the City it does prevent us from falling into the trap of industrial park there which would probably damage some of the residents around there or a Ranger coming in. **Commissioner Rene Garcia** commented in the long term I do agree with that because of course we have to look out for ourselves in the future so I think it makes perfect sense. I just wanted a little bit more explanation simply because of course it's like we're investing in the future as well and protecting our citizens and our visitors. **City Attorney Mark Sossi** advised that standard is the same for any commercials in the City, the advantage to a Planned Development District is it gives the City the ability to plan and create unique requirements for that district that do not exist or may not need to exist in other parts of the City, for example this water feature. We may not want to allow certain things that other parts of the City that can be provided for in a planned development district. So it gets us away from that one size fits all and we're allowed to work with private developers to craft something special for the City that's in the mutual interest of all parties to develop. **City Manager Manuel De La Rosa** stated I hope we answered the gentleman's questions, it's an Agenda Item so he can speak at this point. **City Attorney Mark Sossi** advised there's one thing I've got to add to that when this legislation was going through we received tremendous support from the Hotel Motel Association, Scott Joslove the President of the Hotel Motel Association really worked a lot with us to get this passed. His interest is not just this one development, his interest is protecting the Hotel Motel Industry in the community as a whole and the thing is the reason they supported this is because the development of this convention center and this attraction will bring people to the City of San Benito, not just this development but to all of the hotels. There's a effect where it's going to affect not just this one spillover but hopefully affect the whole community if it develops the way we hope it does. I'd like to point that out and also the fact that after the ten year period the capture window was provided for, obviously if the City incentivizes the development area, we do get the kind of development that is anticipated and planned for. It's going to generate a lot of property taxes for the benefit of the entire City, so it's not like we're just subsidizing some guy that's here from out of town that's going to come here and build on a couple of acres. The impact that this can have on the community as a whole is tremendous. **Mayor Ricardo Guerra** commented I think for the gentleman there's one question that I'm still looking for, I know that the item is only for the property now the gentleman had a, I don't know if we can answer the gentleman's question that he stated was that all the their tax will be given to that property, the convention. Can we answer that or not? **City Manager Manuel De La Rosa** confirmed yes. **Mayor Ricardo Guerra** commented I just want the gentleman's answer. **City Manager Manuel De La Rosa** stated the City has an agreement with the developer for a Hotel Convention Center based on our legislation meaning that they meet certain metrics, certain performance metrics. So the City also has an interest that the Hotel Convention Center succeeds. The rebates come from the state taxes that are remitted to the state reimbursed back to the City forwarded to the developer and also the City's portion. So the state's portion of the hotel tax is sent back and so is the City's portion. On this development any hotel taxes generated at Lonestar and the others, Texas Inn, I just spoke with Henry Bock this week and Sam Patel, we speak fairly often. Their hotel taxes, occupants that are staying there, when they pay their hotel room they're going to pay a tax, part of it goes to the state part of it goes to the City. Those stay there, we get our portion that has nothing to do with this development. Those monies are never sent to reimburse the developer for monies that are generated at those sites. The City's portion comes to us, and the state's portion goes to the state. The 115 acres is where they're looking to capture everything inside their development through the agreements phase one is 38 acres when they go and they make their presentation for the next phase should you enter into an agreement with them and

incentivize it, it's Shaffer Road, Whalen Road, if they make those improvements, that traffic light, extend infrastructure water and sewer into the areas, some of those can be there as part of the incentive, are you going to generate something for the City, those are those types of negotiations. But this project within the 115 acres, 38 acres for the first part of it, for the phase one agreement we have and if we do the rest, it's self-sustaining, it's not depending on any other hotels or motels. Mayor Ricardo Guerra commented so whatever it generates stays there. City Attorney Mark Sossi advised right now you got a bunch of land, it's not generating anything. It's going to generate taxes and they're going to get rebates, or do a formula based on the taxes that they generate for a ten year capture period. It's not going to burden the City's general revenue, it's not going to burden the other hotel motels in the area, if anything the successful is going to be moved to the other hotels in the area, that's what I was trying to get to talking about Scott Joslove personally going out and lobbying for this legislation because it's a win for everyone. I think there was a comment about us providing the land, the land was not ours. The City is not putting up any money. 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. Motion carried to APPROVE THE SECOND AND FINAL READING OF ORDINANCE NUMBER 2584-02-2021(Z) TO REZONE A PROPERTY ON THE CORNER OF FM 509 AND EXPRESSWAY 83, ALSO BEARING A LEGAL DESCRIPTION OF A 117.868-ACRE TRACT, MORE OR LESS, BEING 50.725 ACRES OUT OF THAT PORTION OF BLOCK 148 THAT IS SOUTH OF THE RAILROAD TRACKS, AND 67.143 ACRES OUT OF THE EAST HALF OF BLOCK 149, SAVE AND EXCEPT 2.36 ACRES EQUALING 115.508 ACRES, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, CITY OF SAN BENITO, CAMERON COUNTY, TEXAS AS RECORDED IN VOLUME 1, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS FROM L1 LIGHT INDUSTRY, C-2 COMMERCIAL GENERAL RETAIL BUSINESS & AO, AGRICULTURE AND OPEN SPACE TO PDD PLANNED DEVELOPMENT DISTRICT, DEFAULT TO C-2 COMMERCIAL GENERAL RETAIL BUSINESS AND C-1 COMMERCIAL RESTRICTED BUSINESS. APPLICANT: WESTERN SPHERICAL DEVELOPERS, L.L.C.

Mayor Ricardo Guerra announced moving to Agenda Item 7.

ITEM 7. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN ARTWORK LOAN AGREEMENT FOR THE EXHIBITION MEXICA: RENACIMIENTO BY MARK CLARK BEGINNING FEBRUARY 22, 2021 THROUGH MAY 28, 2021 AT THE SAN BENITO CULTURAL HERITAGE MUSEUM.

Ms. Aleida Garcia, Museum Coordinator, addressed the City Commission stating that the San Benito Cultural Arts Department continues to work with local artists, scholars, and members of the community. In the exhibition Mexica: Renacimiento, Art and Anthropology meet in a colorful showcase by longtime student of the Arts Mark Clark. Mr. Clark lived in the Rio Grande Valley for almost fifteen years and invested his time and energy in our local arts community not only as an artist but as a gallery owner in downtown Brownsville and a mentor to the local museum community. This exhibit highlights colorful paintings depicting Mexico's rich pre-Columbian history, essays by local anthropologists, curators, and writers will also be on display. Mexica: Renacimiento is an opportunity to promote our regional heritage and its impact on our local culture, honoring our commitment to Education the museum will be producing online programming through detailed virtual tours, photographs and in-depth interviews. We look forward to engaging our San Benito Community and surrounding areas, thank you. Commissioner Pedro A. Galvan questioned how will the community be able to see this artwork is it in person, is it online? So the community can know how to view this artwork, instead of rotating exhibits, how do I see them? Ms. Aleida Garcia, Museum Coordinator clarified we have our Instagram page and we also have our Facebook page, it is the San Benito Cultural Arts Department for our Facebook and SB underscore Cultural Arts for our Instagram and we have been doing online interviews. This last exhibit, our Guadalupe exhibit, we interviewed a lot of the artists and we also did virtual tours so we showcase the artwork, we did close ups, and we also went on a virtual tour like if you were actually walking upon the piece. Mayor Ricardo Guerra requested a motion. Commissioner Pedro A. Galvan moved to approve. Commissioner Rene Garcia seconded the motion. Voting Aye: Mayor Ricardo Guerra, Commissioner Rene Garcia, and Commissioner Pedro A. Galvan. Motion carried to APPROVE AN ARTWORK LOAN AGREEMENT FOR THE EXHIBITION MEXICA:

RENACIMIENTO BY MARK CLARK BEGINNING FEBRUARY 22, 2021 THROUGH MAY 28, 2021 AT THE SAN BENITO CULTURAL HERITAGE MUSEUM.

Mayor Ricardo Guerra announced moving to Agenda Item 9.

ITEM 9. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FINAL PLAT OF AM BETANCOURT SUBDIVISION, BEING A ONE (1) ACRE TRACT OF LAND OUT BLOCK 15, SAN BENITO LAND & WATER COMPANY SUBDIVISION, A SUBDIVISION IN THE CITY OF SAN BENITO, TEXAS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 6, MAP RECORDS OF CAMERON COUNTY, TEXAS. APPLICANT: MIGUEL S. RAMIREZ & ANNA MARIA RAMIREZ.

Mr. Bernard Rodriguez, Planning and Zoning Director, addressed the City Commission stating AM Betancourt subdivision is looking off the Frontage Road, it's just South of Matt's Cash and Carrey, it is a one lot commercial subdivision within the City of San Benito Corporate limits, it will be serviced with an existing eight inch water line owned by the Military Highway Water Corporation and they will install one fire hydrant per City Ordinance. There is no sewer in that area, so they will be using septic tanks. The final plat does comply with all City Ordinances and State Statutes. Staff recommends approval. Mayor Ricardo Guerra questioned is that outside City Limits? Mr. Bernard Rodriguez stated it's inside the City Limits, it's just that we don't have the City utilities that area is also within the CNN of Military Highway Corporation so they're able to service that client, it is a vacant lot and they're looking to develop into some type of commercial activity, it is own commercial. Commissioner Rene Garcia mentioned the commercial, the existing land used commercial so there is no zoning requirements or anything like that? Mr. Bernard Rodriguez stated it's going to be development driven, no matter who is interested in that location if it complies within that zone then they're able to construct. Commissioner Rene Garcia questioned and the septic system would accommodate? Mr. Bernard Rodriguez stated again, depending on what's going to be developed, it's a one acre tract, the minimum size of land is a half-acre to put a septic tank so yeah they do have enough land. Commissioner Rene Garcia commented earlier I raised that question because Mr. Rosas spoke about maybe that area there because I think that's the one he was referring to, Matt's Cash and Carrey, East of 732, so that is light industry so many things can happen there. City Manager Manuel De La Rosa stated what's the current zone? Mr. Bernard Rodriguez stated commercial. City Manager Manuel De La Rosa stated they're getting this property ready to sell it probably, they haven't provided any type of plans of what's being proposed other than they're preparing it, now should they want to go light industrial they would have to go back to the Commission because they can have commercial, C-2, residential, townhomes, they can't go up. This is probably about an acre, it's too small to really do anything with light industry unless it merges with others and it fronts the service road so the highest and best use for them would be some type of a retail, like an ACE Hardware, that kind of stuff, or gas station. Unless they acquire the property directly to the west of it. The larger tracts for light industrial, and I'm talking about 5 acres or something, that's when you can start doing some things, light industry doesn't mean you can have wrecker yards. Commissioner Rene Garcia commented that doesn't mean that it's going to prevent anybody from, you take for instance, by the Longhorn and next to that hotel you have buses, they left that for years. A little further down, on the other side of Longhorn there was a landscaping type of that didn't work out so it ended up being a used car lot. Now I'm getting concerned that maybe we are setting up ourselves for something to come back. Mr. Bernard Rodriguez stated again it's development driven, ordinance states that within a commercial zone area certain things are allowed and certain things aren't. Commissioner Rene Garcia commented I understand being allowed because we allow them, in retrospect we just approved something that limits. You have your planned development, you have your commercial 2, your commercial 1, and in this case, we want this approved, we want to do something but we don't know yet what it's going to be. That's where we have to be careful. Mr. Bernard Rodriguez stated what we're looking at is a subdivision of land, we're going to register this land as an acre, the zone is already there, it's a commercial zone, so anything by right within the commercial zone they can build, and it's by right, by ordinance, depending on the development, it can be medical office, it can be retail, it can be commercial development, all those fit within a certain zone but this evening what we're looking at is separating one acre of land by state statute you're going to sell that land or you can develop it, it has to be

subdivided. **Commissioner Rene Garcia** commented of course the land would be, you're talking about septic systems so it has to be something that is going to be able to work depending. We're giving ourselves a heads up because. **Mr. Bernard Rodriguez** stated that is correct even if a line has water and. **Commissioner Rene Garcia** interjected even if we don't get water, it's still within the City Limits so we still have to oversee what's going on there too. **Commissioner Pedro A. Galvan** questioned what are the adjacent properties? Is one residential? **Mr. Bernard Rodriguez** confirmed there's one residential beside it but it's zoned commercial. **Commissioner Pedro A. Galvan** questioned does that belong to the owners? Does the residential home belong to the owners? **Mr. Bernard Rodriguez** confirmed this is their land, they don't own the adjacent land. Again what we're here tonight this evening is the separation of this land on a one acre tract subdivision and they do comply by our ordinance. **Commissioner Pedro A. Galvan** mentioned I'm not understanding why they'd have to file this application if it's already an acre of land there. **Mr. Bernard Rodriguez** stated state statutes states if you want to build you have to subdivide, unless it's 5 acres or larger, and again that ensures that the City, any city, has the ability to look at what type of water, sewer, drainage, street access. **Commissioner Rene Garcia** mentioned that's my concern, flood zone X, is that the? **Mr. Bernard Rodriguez** stated yes they did submit their drainage plan since its fronted by state highway, TXDOT looked at it and approved it, they will be draining towards, and releasing their water, towards the state highway, the frontage road. So it was approved by them as well. **Mayor Ricardo Guerra** stated you have on the back side, the railroad that goes through on the backside, so that's another one that they have to be very careful with as far as what's coming in. **Mr. Bernard Rodriguez** stated again any development in there would be development driven, whoever is interested in that parcel of land, to develop it himself, put it on the market, and if he puts it on the market it's already subdivided. **Mayor Ricardo Guerra** questioned does it have a house there? **Mr. Bernard Rodriguez** stated no its vacant land. **Mayor Ricardo Guerra** commented so the house next to it, so it was divided for one acre only. I see it when I go through there. **Mr. Bernard Rodriguez** stated there's a building adjacent to it. It's prime for development, which one we'll find out and we will submit it an application for construction and we will review their compliance for zoning, we'll review septic tank installation. **Commissioner Rene Garcia** mentioned my concern is proper drainage and septic systems and of course the area there that's residential, because you did mention that there's a residence next to them. **Mr. Bernard Rodriguez** stated this type of development they'll have for drainage they'll have a holding pond and the water will be diverted to that holding pond and then bled to the drainage of the state highway. Again once the development starts depending on what it is, we will look at all of it. **Commissioner Rene Garcia** mentioned depending on what it is, to me it just seems like the cart before the wheels, because it usually goes the other way around. I'm just asking that we ensure that we monitor this situation because we don't want to create a problem out there for residents. **Mr. Bernard Rodriguez** commented once they develop they will have to come to the City and we'll review the application and review their development plan for compliance for whatever they choose to do. **City Manager Manuel De La Rosa** mentioned I agree with you, I would not have if I was the engineer of putting this plot together, I would not have put the septic system the tank the way it is here shown, there's a plat under general notes number seven, I look at all the plats as we start making these notes, there are nineteen general notes, they're called plat notes. Number seven refers to septic systems because people try to buy land, they generally buy by metes and bounds and we can't issue a permit until it's been properly platted, it's a subdivision of land requirement under state statues and our City ordinance follows that. Say they decide to put a shed over this septic system, they're going to have to come back to you to clean the plat up to remove that note, when it already says that whatever septic system you put, item seven, again if we don't tell engineers how to do their plats, they work for the customers we review it, property owners have a right to prepare land, meet the zoning requirements and do the basic information, setbacks, front setbacks, sixty-five feet front setback. Then they put it on the market, and as long as they're meeting that land use and follow those statutes and City ordinances, all we address is you have to put sidewalks, you got to get septic, we have to put all those notes, it includes drainage district, whether its applicable or not, we drop all these generic language because it may or may not be applicable you're going to have to tell us when we see construction plans. I see it there, and I don't know what kind of system they're proposing, they're engineers so. **Commissioner Rene Garcia** commented let's say it's a septic system, it's a lot different than from a regular drainage or sewage line. **Commissioner Pedro A. Galvan** mentioned it seems to me they're just preparing to do a residential home, that's what I was looking at. **City Manager Manuel De La Rosa** stated and they could. It could fit that, sometimes we have a home come in

and then they try to put a business afterwards, and now you've got conflicting uses on the same parcels and it's one or the other. **Commissioner Pedro A. Galvan** questioned where's the closest fire hydrant in that area? **Mr. Bernard Rodriguez** commented they're going to install a fire hydrant. **Commissioner Pedro A. Galvan** questioned they are, where's the closest one? **Mr. Bernard Rodriguez** replied I believe there's one going towards Matt's, again they're going to install a new fire hydrant for that development. **Commissioner Pedro A. Galvan** stated that will be beneficial for the firemen. **Mr. Bernard Rodriguez** mentioned that's part of the subdivision requirements, they will install a fire hydrant, they will not be able to record the subdivision until the fire hydrant is installed and we check it, we inspect it. **Mayor Ricardo Guerra** requested a motion. **Commissioner Pedro A. Galvan** moved to approve. **Commissioner Rene Garcia** seconded the motion. Voting Aye: **Mayor Ricardo Guerra, Commissioner Rene Garcia, and Commissioner Pedro A. Galvan.** Motion carried to **APPROVE THE FINAL PLAT OF AM BETANCOURT SUBDIVISION, BEING A ONE (1) ACRE TRACT OF LAND OUT BLOCK 15, SAN BENITO LAND & WATER COMPANY SUBDIVISION, A SUBDIVISION IN THE CITY OF SAN BENITO, TEXAS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 6, MAP RECORDS OF CAMERON COUNTY, TEXAS. APPLICANT: MIGUEL S. RAMIREZ & ANNA MARIA RAMIREZ.**

ITEM 10. CONSIDERATION AND POSSIBLE ACTION ON APPROVING THE SECOND DRAW OF PAYMENT TO RG ENTERPRISES, LLC DBA G&G CONTRACTORS IN THE AMOUNT OF \$63, 855.44 FOR WORK PERFORMED AT SOUTH PARK LOCATED BEHIND FIRE STATION NUMBER 1 ON SOUTH SAM HOUSTON BOULEVARD.

Mr. Ramon Rodriguez, Parks and Recreation Director, addressed the City Commission stating that this will be the second payment as per the contract that we entered with G&G Contractors for the work they're doing at South Park. The supervising engineer has inspected all the work and signed off on it. We recommend approval. **Commissioner Pedro A. Galvan** questioned this is a series of payments? This is payment number two of how many? **Mr. Ramon Rodriguez** stated three. **Commissioner Pedro A. Galvan** questioned this is just for drainage improvements? **Mr. Ramon Rodriguez** clarified no, it's for cemetery, sewer collection, drainage system, water distribution, the grading of fields, hydro mulching, irrigation system, the playground site wall, the park signs, City signs, it's a lot of work. **Commissioner Pedro A. Galvan** questioned is this included in the \$1,900,000.00 allocated for the project? Or is this additional expenses? **Mr. Ramon Rodriguez** clarified it's part of the initial contract. **City Manager Manuel De La Rosa** confirmed it was part of the \$490,000.00 from. **Mr. Ramon Rodriguez** interjected from Valley Baptist, Texas Parks and Wildlife. **City Manager Manuel De La Rosa** stated the Valley Baptist foundation grant and the Texas Parks and Wildlife, and we did a lot of incline ourselves to finish up those other items. **Mr. Ramon Rodriguez** clarified everything we've done has been from those two grants, anything else has been done has been incline labor. **Mayor Ricardo Guerra** questioned do we have a balance on it? What's the balance? **Mr. Ramon Rodriguez** stated for this once we make this payment, the remaining balance is going to be \$76,990.89 that will be the last instalment of payment once the work is complete. **Mayor Ricardo Guerra** questioned that will be number three? **Mr. Ramon Rodriguez** confirmed yes sir, the third. **Commissioner Pedro A. Galvan** commented that was already approved in the October budget workshop, this is a budgeted item. **Mr. Ramon Rodriguez** confirmed the contract was approved back in January 15, 2019. **Commissioner Rene Garcia** commented you didn't mention it was signed off by? **Mr. Ramon Rodriguez** stated by Andrew Hefner the supervising engineer, he goes out there and he makes the report of the works that been done and he's the one that signs off on this. **Commissioner Rene Garcia** questioned he's the engineer for this project? **Mr. Ramon Rodriguez** confirmed he's the architect. **Commissioner Rene Garcia** questioned who on the City's staff walked through or looked at it. You did? **Mr. Ramon Rodriguez** confirmed yes sir. **Commissioner Rene Garcia** questioned you don't sign off on anything like this? **Mr. Ramon Rodriguez** clarified he's the one, he's the supervising architect who is. **City Manager Manuel De La Rosa** commented the landscape architect bulk of his job is to project manage, the way we got this was we got a grant writer and she was paid through the awarding of Parks and Wildlife grant, the landscape architect put all the documents together the first time it was presented it was much more than the grant was, it had to be scaled down and presented a second time, it was agreed upon and that's what they went off and did and based on the dollar amount. So his agreement is to provide. **Commissioner Rene Garcia** interjected he's signing off. Why don't we have somebody that represents the City's interest signing off at the same time? Because this is not a City employee, this is not, this is somebody that was contracted to

do a specific job and he's signing off on something that's going to be ours and we're going to be paying for this, unless you can tell me to your satisfaction. Inaudible. That these. **Mr. Ramon Rodriguez** interjected we have regular meetings, the architect and I, we go out there and inspect everything before they move on. **Commissioner Rene Garcia** commented that's what I'm talking about, to make sure we got the best for our dollar. **Mr. Ramon Rodriguez** confirmed the payment application that they submit is the one he signs off on, the supervising architect has to do that. **Commissioner Rene Garcia** questioned and you're satisfied with it? **Mr. Ramon Rodriguez** confirmed yes sir. **Commissioner Rene Garcia** mentioned okay, that's what I'm looking for, somebody to say on behalf of the City of San Benito, this is something I'm satisfied with. Of course you mentioned shrubbery. **Commissioner Pedro A. Galvan** questioned do we have some form of insurance for the shrubbery? They just sprayed seeding right before the freeze, is that going to be affected? **Mr. Ramon Rodriguez** stated right now, the field to the east side of the concession stand it didn't get affected. We're still keeping an eye on the other one and now the project hasn't been handed over to us. It's still a project so until they hand it over to us and we're satisfied, we'll still have some talks with them, if it was affected by the freeze, that's yet to be seen. **Mayor Ricardo Guerra** questioned do you have a date as far as completion? **Mr. Ramon Rodriguez** stated we're down to the final stages, barring weather we can be looking at a few months. The contractors have had problems with COVID-19 employees going down for weeks at a time, we had the weather. So it hasn't been as smooth sailing as we wish it could have been, but it's getting close to being finished. **City Manager Manuel De La Rosa** stated we can add a certification page, it's not normal, it's not routine, whether it's this project or engineering projects when we do lift stations, engineers and their consultants also we get this notarized, we get the contractor, we get the person who is the project manager, if we would have had a project manager then he'd be signing. **Commissioner Rene Garcia** stated I would like that because it gives me a sense of confidence that we're accepting something that was done to our standards. **Mr. Ramon Rodriguez** stated and we would not take anything else sir. **City Manager Manuel De La Rosa** mentioned he had set of plans and he's doing it but when it comes to the field, when it comes to pretty complex engineering, we look for those engineer signatures. Did they follow your plans and sign off on it. **Commissioner Rene Garcia** stated I would like that, it's just that right now, you're telling me that somebody who isn't even an associate of the City of San Benito signed off on it, and how satisfied am I with that? **Mr. Ramon Rodriguez** stated and there are several levels for example he is the one who deals with him directly and has to be satisfied with that. **Commissioner Rene Garcia** stated something off microphone. **Mr. Ramon Rodriguez** stated that would be me sir. **Commissioner Rene Garcia** stated I need to know if we're entering into something that we're paying for. **Mr. Ramon Rodriguez** commented before there were some things that we had to correct, the position of the irrigation pipe we didn't like where it was, we had that corrected so we do go through that process before we get to this point. **Commissioner Rene Garcia** stated in the future I don't want to wonder if it was done, or wasn't done. **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**. Motion carried to **APPROVE THE SECOND DRAW OF PAYMENT TO RG ENTERPRISES, LLC DBA G&G CONTRACTORS IN THE AMOUNT OF \$63, 855.44 FOR WORK PERFORMED AT SOUTH PARK LOCATED BEHIND FIRE STATION NUMBER 1 ON SOUTH SAM HOUSTON BOULEVARD.**

ITEM 11. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT PROVIDING FOR PARTICIPATION IN A REGIONAL WATERSHED FLOOR PROTECTION PLANNING STUDY WITH THE CITY OF HARLINGEN.

City Manager Manuel De La Rosa addressed the City Commission stating that the City of Harlingen has requested participation of the City of San Benito along with nine other cities and districts. This is based on the area that's affecting, so for us it would be the north eastern part of our community, they applied for a grant for about \$5,250,000.00, so a part of it is it's a matching, so the percentage is a certain dollar amount. So they went through calculations, here it is \$5,613,300.00 in grants, so the 10% match, is \$623,700.00. This started in early 2020 that they were going to submit an application, I added the email in there in October when they were awarded, they were getting participation, we had a Zoom meeting, the City Commission at that time was surprised this was happening, they maybe requested to participate, the question was why should we? Does it benefit us? To a certain extent, it does because our Oscar Williams and north, going north east, hits Colorado Arroyo on the eastern side of Harlingen. Unless that whole

channel can handle waters, it has the potential for affecting. **Commissioner Rene Garcia** commented that's right behind our wastewater. **City Manager Manuel De La Rosa** stated yes sir it is, so the participation there's a formula in here that provides in a letter recently, but I did provide the correspondence back from October 2020, they sent a letter in January, it is not for this current Fiscal Year, it would be the next Fiscal Year it was anticipated that they wouldn't start now, they would ask us when they complete the study so it would be the 2021-2022 Fiscal Year. So if you're in agreement and you approve this interlocal agreement your participation total will be \$41,887.00 in the next Fiscal Year total. I've had conversations with both the City Manager and the Assistant City Manager, and the Assistant City Manager is professional engineer, Carlos Sanchez. **Commissioner Rene Garcia** interjected how did they arrive at the \$41,887.00. **City Manager Manuel De La Rosa** clarified there's some maps in here that indicate how much of the area covers us, they looked at populations, they looked at land, so it's so many square miles this is how it's affecting you, this is how it's going to affect everybody else. Even our own drainage district from this area which our residents pay taxes to this drainage district are participating so. **Commissioner Rene Garcia** questioned do you feel this is fair? I understand the reasoning behind it but the \$41,887.00, well where is it? **City Manager Manuel De La Rosa** clarified a good portion of our City, especially Oscar Williams to 509 has future development along business so it has that potential to affect us. So I believe it is in our best interest to. **Commissioner Rene Garcia** interjected yes I agree, there's a lot of potential in that area. There's all that vacant land in that area behind the funeral home. **City Manager Manuel De La Rosa** commented we did mitigate storm water onsite and we did require that to storm, and if you had more catastrophic, if you had more storm, you got to get the water out faster. **Commissioner Rene Garcia** stated now a days, anything can happen. **City Manager Manuel De La Rosa** mentioned yes sir. Again \$41,000.00 out \$5,500,000.00 overall project that is going to affect us, every body from Cameron County, West to Hidalgo entities, and the Colorado Arroyo. **Mayor Ricardo Guerra** questioned if you look at the second page, it says almost in the middle where it came from the City of Harlingen on the back page of it, it says almost in the middle of the paragraph, it says the remaining \$548,000.00 was then developed into the ten cities. **City Manager Manuel De La Rosa** commented that's where our portion comes in, forty-eight and that's where, that's how they came up with our \$41,000.00 plus. **Mayor Ricardo Guerra** mentioned I thought it was more like \$48,000.00 plus. **City Manager Manuel De La Rosa** clarified no, it's just the ten cities. **Commissioner Pedro A. Galvan** requested clarification the map presented here is not the entire City of San Benito. **City Manager Manuel De La Rosa** clarified no sir, because we're not in that watershed. It mainly affects, it's just a basic boundary. **Commissioner Pedro A. Galvan** mentioned but they're including all of La Feria all of Primaria, a good portion of Mercedes, they're not close to Harlingen so why wouldn't they encompass all of San Benito. **City Manager Manuel De La Rosa** clarified to take a regional approach you have to take it upstream and then bring it all the way down. So the entire Colorado Arroyo watershed is affected so they're getting everybody that drains into it. Not last year, but two prior years, in June of 2018-2019, when Harlingen was flooding San Benito was very fortunate that we did not. In the drainage channel that runs along Whalen really was almost all the way to the top and it never spilled over into San Benito so we were very fortunate, but we're part of that same watershed. It acted as a buffer for us. So unfortunately those folks up to our northwest get the brunt. **Commissioner Pedro A. Galvan** requested clarification this cost is just a study or they're going to go out and study and then they're going to start deepening these ditches? **City Manager Manuel De La Rosa** clarified these are studies they are meeting with the International Water Boundary Commission with the US Army Core Engineers, with FEMA to address some of this. For example the International Water Boundary Commission, the Federal Legislation that regulates the Rio Grande and the way these waters travel, they haven't been looked at since the 1970's when they were enacted. The IBC manages it but it doesn't have the resources to actually go and drudge these things so this a very comprehensive study they're looking at regionally by these other federal agencies. So the idea of this is once they put a plan together it can be addressed hopefully at that federal level, I've attended meeting with the City of Harlingen and the IBC it's a three member board. So the IBWC looks at this very seriously, and I believe they will be the muscle that this region will need to get other federal agencies to drudge these and create the capacity that they have lost since these canals, this Arroyo. I understand as you go to Mercedes, there's a Y, it makes a curve and so it inaudible so a lot of the flooding that occurs there hits Mercedes and La Feria, they get it worse before it even gets to Harlingen. So again the potential is it could have an impact to us, and we want to be part of it so. I believe that if we participate now whenever there are improvements that we will benefit by being a player a stakeholder.

Commissioner Pedro A. Galvan questioned now there's ten cities that have to approve the allocation of funds, have the other cities approved it? Where does the rest of the money come from? City Manager Manuel De La Rosa stated the position I think that Harlingen has taken, I'm not going to speak for their City Manager or Assistant City Manager, but the position they have taken is if the city doesn't participate they're still moving on. Commissioner Rene Garcia commented I'm sure they will but like you said a team player because we may need them in the future much more than this. Commissioner Pedro A. Galvan mentioned I just don't want it to be nine other cities didn't so can you fork up the other. I don't want it to be nine cities said no but you said yes, can you give the extra cash. I don't see why they would say no but it looks like a good plan proposal, collaboration. Commissioner Rene Garcia commented as far as total because I asked you earlier, do you think it's reasonable? Do you think it's fair? Based on others. But I see that they didn't include what the allocated amounts were for the other cities participating. City Manager Manuel De La Rosa stated the only thing that they give you is the cost per city was based on the surface area encompassed by City Limit boundaries. Commissioner Rene Garcia stated I guess they've done their work on this, well \$41,887.00. Commissioner Pedro A. Galvan stated I did the math between ten cities and it was much higher so we're sitting on the higher end of the range. Higher medium, but not too high. Commissioner Rene Garcia questioned but of what total did you do that the amount that you used? Because Harlingen they're responsible for the majority. Commissioner Pedro A. Galvan stated just off what they had here, they had, \$548,700.00 that was divided into the ten cities. So I just divided that by ten, its \$54,800.00 so we're sitting under that if they divided it evenly without adjusting for square miles but they must have incorporated square miles somewhere in their formula, it looks like a reasonable amount. Commissioner Rene Garcia stated well the matching amount, the grant is \$623,700.00. Commissioner Pedro A. Galvan mentioned it's on the end of the agreement. Commissioner Rene Garcia stated that means that the remaining was then divided not including Harlingen. I'd like to think of it as an investment for the future. 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. Motion carried to APPROVE AN INTERLOCAL COOPERATION AGREEMENT PROVIDING FOR PARTICIPATION IN A REGIONAL WATERSHED FLOOR PROTECTION PLANNING STUDY WITH THE CITY OF HARLINGEN.

ITEM 12. CONSIDERATION AND POSSIBLE ACTION ON AUTHORIZING THE DEMOLITION AND REMOVAL OF THE SWIMMING POOL AT STOOKEY PARK.

City Manager Manuel De La Rosa addressed the City Commission stating that now that the splash pad has been completed but because of COVID-19 not opened yet to the public, the swimming pool at Stookey Park cannot be rehabilitated, it would fully need to be reconstructed, we took core samples a few years ago there's a void underneath the pool, so if you fill it, it's going to continue cracking. It's not salvageable, we had our consulting engineers meet with us, we took samples, these core samples, and determined that structurally it's not salvageable. Discussion has been over the years to either build another pool or not, the splash pad came into being and we decided to go in that direction at that time. So this pool eventually needs to be removed and the site will be prepared for another amenity at that park. It could be a smaller pool, it could be a splash pad, it can be whatever you decide as Mayor and Commissioners decide to feature. This fiscal year and the prior fiscal year, we were working with the Army National Guard to tear down some dilapidated structures, Former President Trump stopped funding those activities and reallocated funds to other improvements he wanted to make here along the border. So that left \$30,000 that we had allocated and we've been holding hope that eventually we'd be able to get some of these dilapidated structures that we'd work with the police, code enforcement, to tear them down, the Army National Guard would tear them down and load them up in Republic Services trucks, they'd take them and we'd clean up the site left. It is my recommendation that we use those \$30,000.00 to demolish the pool, our staff would demolish it, load it up on Republic Services containers, take it to the construction land fill site, and then fill it with some good soil make it into a park until we decide what we're going to do with it. There's some electrical services that we would have to terminate that are in that area, the restrooms that are there have not been maintained well, the pumping equipment has been long idle and not protected. We've had vandalism, teenagers break into the restrooms and the changing rooms. With your authorization, we're asking do you want to move on and utilize those funds to demolish it and just kind of restore as a park ground until we either get funding to build something else on it. In other words, improve the curb appeal of the park. Commissioner Pedro A.

Galvan questioned a skater organization, the skateboarders, at one point they had ask if it could be turned into a half pipe. Can it be repurposed for that use? Or like you said it's going to keep cracking so that's not feasible. City Manager Manuel De La Rosa stated I think it's going to continue cracking remember granite gets powdery, it's not concrete and it's not sitting on anything, ground continues to shift that's why the pool has lost water. It was emptied a long time ago, it was never refilled and it worsened over time. So it does have cracks, the whole ground shift including the surface the concrete pads that start to buckle. Even if we remove the fencing and took out the pool, we cannot leave the concrete pads because it's a trip hazard so that would have to, everything at surface would have to be removed also. Mayor Ricardo Guerra commented so the whole thing would have to be removed, completely, just dirt. City Manager Manuel De La Rosa confirmed yes sir and it could be a future skate park. Mayor Ricardo Guerra commented or a small splash pad, something for the kids for the summer, hopefully once this is lifted, we'll have something for the summer. Commissioner Rene Garcia questioned I wanted to ask you about the \$30,000.00 expense. So where is that coming from? City Manager Manuel De La Rosa clarified its coming from the planning and code compliance, we had identified how many homes? Mr. Bernard Rodriguez commented we had identified almost 200 homes but with that budget it was about 25 homes that we were able to demolish. We've checked with Operation Crackdown and they're not looking at the foreseeable future to implement that project again with the pandemic and so forth. There's so much uncertainty at this point. It was a budgeted item to be allocated for that just in case things turned around and we were able to use those funds. City Manager Manuel De La Rosa clarified under Trump's Administration, he stopped this program, it was just halted, so we've always anticipated hoping that we'd come back. The homes that were identified, were identified as other problem sites, is abandoned, people were signed over permission because even with a dilapidated structure, property owners still have rights and you just can't go on unless it's determined to be a public safety, illegal activity. You can't always get those if there's no reports made. So we had to get a lot of permission from property owners, seeking their permission to go into the property and remove those dilapidated structures which is what we went after. Commissioner Rene Garcia mentioned of course, now because you said if we do approve this that you will start working on a plan to fill that area with an amenity that could be a splash pad or skate park, and how soon. Because I went swimming there back in the 70's, I was there when Mark Spitz came for the opening of that pool, that's the Olympic swimmer, there's a lot of memories, a lot of history there, it's time to demolish and look for something new. I think we're going on the right track but we just need to set the wheels on what we're going to replace it with. City Manager Manuel De La Rosa stated and I think now it's the time since we're so near the end of completing South Park that we go back and get the grant writer that we utilized from McAllen, she retired from the City of McAllen and does this for a living and she gets compensated when she scores well in these applications. We didn't score well the first time because we didn't contact her state delegation, the second time we contacted her state delegation, you'd be surprised how fast it went through. So that's what we did, Andrew Hefner already knows us, we would introduce him to you, if you want to utilize his services and again, he's certainly on Facebook, he's on LinkedIn, a lot of projects that he's working on and gives us an idea of what those costs are and start putting in those applications. The sooner we get it in, the sooner we can start moving on some of these things. Commissioner Pedro A. Galvan stated this morning, sir, I want an understanding that's going to be coming from Code Compliance that was the \$30,000.00 allocated for the demolition of homes, we're reallocating it to the demolition of the swimming pool. Its estimated \$30,000.00 is it just for inaudible weight of trash going to Republic Services or is it also including labor? City Manager Manuel De La Rosa stated yes sir, the labor will be City Employees, the equipment will be City equipment, the estimate was when I spoke to the inaudible and I can't see if he's behind me, it would be close to that amount that we would utilize. So now we'd probably do it with regular trash accounts, how we pick up debris, but a good portion of it will be going towards that. We bought caliche, how many cubic areas of caliche? Fred Bell, Assistant City Manager stated at the fairgrounds, about 800 tons for about. City Manager Manuel De La Rosa stated about \$6,000.00 total. The idea is to kind of stabilize the bottom so put caliche and then fill it up with good soils and stabilize that ground because we don't know what's going on top so we want to stabilize it, so we don't have sand. But that was an awful lot of caliche for \$6,000.00 so filling it in is something we're going to be able to do fairly quickly. It is not my intent to go to one of the Resacas and pull the sand that we use for sand bagging. It is to stabilize it, and just build it up. Mayor Ricardo Guerra stated so what you're saying is you're going to be able to use caliche to fill that hole up and stabilize it first. City Manager Manuel De La Rosa commented

and we'll pack it because whenever we build, we'll take a density test to make sure its fully packed just like we did with the caliche. **Mayor Ricardo Guerra** stated once that's done I don't think I'd like to see anything built on top of it, I think we need to move it somewhere else, maybe further to the right and do something else on it, that's my opinion. **City Manager Manuel De La Rosa** stated again, you'll look at the designs, we just need to have an overall plan of what the park looks like or is going to look like in the future. **Mayor Ricardo Guerra** stated so the first thing is to get rid of the hazard that we have then stabilize it. **Commissioner Pedro A. Galvan** questioned is there an estimated time frame of when we'll see this done? **City Manager Manuel De La Rosa** commented the instructions were that we would not like to hold up any other projects that we're working on. So I'm authorizing them to work through the weekends to get a lot of that stuff done that we can do, set it up, they'll bring the inaudible, we'll load them up and then we'll take them out. To kind of not stop whatever roads we're working on, water projects or even our COVID-19 equipment. So if I have to give you a timeline within two months it'll be gone. I know you find this strange but this already the end of February, our discussions yesterday and today with staff, we're already preparing ourselves for hurricane season. **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.** Motion carried to **APPROVE THE DEMOLITION AND REMOVAL OF THE SWIMMING POOL AT STOOKEY PARK.**

ITEM 13. DISCUSSION AND APPROVAL TO EXTEND THE CITY'S BANK DEPOSITORY SERVICES CONTRACT WITH FIRST COMMUNITY BANK FOR A ONE-YEAR TERM ENDING ON SEPTEMBER 30, 2022.

Belen Pena, Finance Director, addressed the City Commission stating in your packets is the Depository Bank Agreement with First Community Bank which you see in paragraph number one, is from October 2018 to September 2020, last year we extended it an additional year, we have the option of three years. I'm presenting this item if you would like to extend it for an additional year up until September 30, 2022. We have the option to go out for bids to obtain better rates at another bank, that's why I brought this agenda item because it will take about six months to go through the process of the meeting, all the documents, all the advertising, the selection of the banks, that's why I have this item right now. If you approve it, we can start working in March for bids. **Commissioner Rene Garcia** stated there's a potential that we may have better rates if we choose to go outside, that's what I was thinking. **Belen Pena** commented right now the rate with First Community Bank is .12%, I know the rates are down right now, but there's other banks that can offer a better rate. **City Manager Manuel De La Rosa** mentioned currently a lot of our investments are with Texas Regional Bank. **Belen Pena** commented Texas Regional Bank we just got subsidies with .60% and other banks offer .15% so they offer a very good percent Texas Regional Bank. **City Manager Manuel De La Rosa** mentioned not to mislead you, First Community Bank provides our banking services, our depository bank, we may have funds or bonds that are issued and we're not using their place in some other bank in accordance with the City's Public Investment Policy. As we draw down, we transfer those funds and we wire them back to the bank and then we utilize them. It's unfortunate that we have to go out instead of using our own bank while it's sitting there, so we got a lot of funds that we keep in there all the time that we're not getting a good return. Plus we pay for a lot of bank fees with other banks because of the kind of funds that we have would waive or considerably reduce those fees or provide us services, very little. But First Community Bank has certainly been a good bank to us and a good corporate citizen. But we also have Wood Forest Bank in the City, they don't have any brick and mortar themselves. Texas Regional Bank has bid on it before they were committed to building here and they're the ones that are financing the Resaca Village. Lonestar Bank has come and talked to us but they've never opened up a facility here, I think they're like Los Fresnos and certainly the Island and Hidalgo County. Certainly it's your decision whether you want to exercise the one year extension, even the second year then you have one more then obviously it's time to go out. Or not approve this and let it, basically take no action on the item and that would have us go out and start working on requests for proposals for banking services through our investment consultants that have that expertise and they walk us through federal regulatory requirements that we have to meet even at the state level because we wire funds and stuff like that everywhere. **Commissioner Rene Garcia** commented when you mentioned that you'd have to go through the process of regulatory procedures and so on, are we talking a longer period and a costly process or? **Belen Pena** clarified we advertise for the bid and then when we receive the packages we have

a meeting with the banks that have submitted the packages we have an open meeting here and then we do a tabulation for what each bank is offering to the City. From there we present it to the City Commission, it's up to you to decide if you stay with the bank that we have right now or one of the ones that we selected. We make a recommendation out of so many banks, we recommend this but it's up to the City Commission to decide if they want to keep the same bank or go with a new one. We have to advertise its about \$100.00, \$200.00, we have to advertise twice. **City Manager Manuel De La Rosa** mentioned our consultants don't charge for that. **Belen Pena** clarified the charges are included in the quarterly payment that we make to them, we don't get charged extra from there. **Mayor Ricardo Guerra** stated I think we're just going to let it, try to see if we can go out. **Mayor Ricardo Guerra** announced **NO ACTION TAKEN.**

ITEM 14. PRESENTATION AND APPROVAL OF THE CITY OF SAN BENITO INVESTMENT REPORT FOR THE FIRST QUARTER ENDED DECEMBER 31, 2020.

Belen Pena, Finance Director, addressed the City Commission in your package is the first quarter of Fiscal Year 2020-2021 for the quarter ending December 31, 2020 for the period we had in our banks \$38,609,481.00, we earned interest \$60,687.00 compared to the previous quarter of 2019 our interest was very high we had in interest of \$117,968.00 back then the average rate was 1.68, at this point it's .19, that's the average that the banks have. The rest of the pages are just information on how, the final page is a summary on all the funds that we have in different banks. First Community, Southside Bank, inaudible, East West Bank and the Texas Regional, we have money markets and CDs as well in those banks. **Commissioner Rene Garcia** stated something off microphone. **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**. Motion carried to **APPROVE THE CITY OF SAN BENITO INVESTMENT REPORT FOR THE FIRST QUARTER ENDED DECEMBER 31, 2020.**

ITEM 15. PRESENTATION OF THE CITY OF SAN BENITO FINANCIAL STATEMENTS FOR THE PERIOD ENDED DECEMBER 31, 2020.

Belen Pena, Finance Director, addressed the City Commission in your packets is the Statements of Revenues, Expenditures, the first sheet is the balance of the General Fund, for the month of ending December 31, 2020, we have \$16,063,471.00 in assets compared to the same period in 2019 we had \$13,995,643.00. In liabilities for December 2020 we have \$3,996,760.00, which gives us a fund balance of \$12,076,755.00. **Commissioner Rene Garcia** questioned the variance between 2020 and 2019 that I see is low. **Belen Pena** stated we invested in another bank, if you see Texas Regional Bank, we invested \$1,500,000.00 in 2020. So if we look in CD matures, we go out for bids and we see what bank offers the best rate so we transfer the funds to invest it. The second page is the Statements of Revenues and Expenditures and Changes in Fund Balance for the month of December 2020 we have Revenues of \$981,013.00, our Expenditures are \$360,778.00, our Revenues over Expenditures is \$120,235.00. Year To Date we have Revenues of \$5,565,300.00 with Expenditures of \$2,781,855.00, the Revenues over Expenditures is \$2,783,446.00. Our target for that period is 25%, Revenues we have 39.43%, it's the column on the right side and Expenses of 21.78%. **Commissioner Pedro A. Galvan** questioned is it possible, I've watched the stream sessions before and it's difficult to understand from the outside view of what we're going over, is there any way to get it presented up there while we're discussing it so that everyone is aware what we're discussing. **Belen Pena** stated a power point. **Commissioner Pedro A. Galvan** commented yes, or a PDF of this sheet is fine just so that the citizens can see what we're discussing. It can be confusing. **Belen Pena** mentioned yes, especially the small letters. **Mayor Ricardo Guerra** announced **NO MOTION, PRESENTATION ONLY.**

ITEM 16. EXECUTIVE SESSION:

- A) TO DISCUSS PURSUANT TO TEXAS GOVERNMENT CODE §551.074(a)(1) THE EVALUATION PROCESS OF THE CITY MANAGER.

THE CITY COMMISSION CONVENE INTO EXECUTIVE SESSION AT 7:13 P.M. AND ADJOURNED AT 7:48 P.M.

GENERAL SESSION:

ITEM 17. CONSIDERATION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEM 16 (a).

Mayor Ricardo Guerra announced NO ACTION ON EXECUTIVE SESSION ITEM 16 (a).

ITEM 18. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AMENDMENT NUMBER 1 TO ORDER NUMBER 2021-0002.

Mayor Ricardo Guerra announced NO ACTION ON AMENDMENT NUMBER 1 TO ORDER NUMBER 2021-0002.

ITEM 19. ADJOURNMENT.

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, Commissioner Rene Villafranco and Commissioner Pedro A. Galvan. Motion carried to ADJOURN AT 7:48 P.M.

CITY OF SAN BENITO

HONORABLE RICARDO GUERRA
MAYOR

ATTEST:

RUTH MCGINNIS
CITY SECRETARY