



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

On May 7, 2019 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 at 5:30 p.m. A quorum was present including the following:

HONORABLE BENJAMIN GOMEZ, MAYOR, WAS THE PRESIDING OFFICER

CITY COMMISSION MEMBERS

**Benjamin Gomez - Mayor
Carol Lynn Sanchez - Mayor Pro Tem
Antonio Gonzales - Commissioner, Place 1
Rene Villafranco - Commissioner, Place 2
Ricardo Guerra - Commissioner, Place 3**

ADMINISTRATIVE STAFF

**Mark Sossi - City Attorney
Manuel De La Rosa - City Manager
Fred Bell - Assistant City Manager
Ruth McGinnis - City Secretary**

ITEM 1. WELCOME.

Mayor Benjamin Gomez called the meeting to order. "The City Commission and I welcome you to this Regular City Commission Meeting. The time is 5:30 p.m. and we have a quorum."

ITEM 2. PLEDGE OF ALLEGIANCE TO THE U S FLAG AND TO THE TEXAS FLAG.

Ms. Annalii Pena, Texas State Technical College Student and Cross Church member, led the City Commission and audience in reciting the Pledge of Allegiance to the United States flag and to the Texas flag.

Mayor Benjamin Gomez presented Ms. Annalii Pena with a Certificate of Appreciation.

ITEM 3. INVOCATION.

Reverend Joe Villalon, Saint Theresa Catholic Church led City Commission Members and audience in prayer.

ITEM 4. ANNOUNCEMENTS: ITEMS OF COMMUNITY INTEREST.

Mayor Benjamin Gomez announced two ribbon cutting ceremonies held during the weekend with the Chamber of Commerce and thanked them for holding these events in San Benito. Rabies Clinic at Fire Station 1 was a great event also. Conjunto last Saturday, another great event for San Benito. We had our National Day of Prayer on the steps of City Hall with wonderful speakers. At the Trash Bash, we collected 40 tons of trash and 1,500 tires. Thank you for trying to clean up the neighborhood. Thank you Mr. De La Rosa.

Commissioner Ricardo Guerra announced all items of community interest on behalf of **Mayor Benjamin Gomez**, starting with congratulating Al Wasielewski, Code Compliance Department, he obtained the Texas Board of Plumbing Inspector License. The City now has a certified plumbing inspector; he also holds a Master Electrician license. Tuesday, May 7 free Pilates class every Tuesday and Thursday from 6pm to 7pm at the W. H. Heaving Memorial Park Amphitheater located at 705 N. Bowie St., for more information call Letty Gomez at 956-357-4564. Tuesday May 7th, Honor a Veteran, you may purchase a Commemorative Engraved Brick for \$100 or a Granite Bench for \$2,500. Funds raised are to create monuments to honor all San Benito area KIA and MIA. Forms can be downloaded from our website www.cityofsanbenito.com. For more information contact Martha McClain at 956-361-3800 Ext. 301 ; Saturday, May 18th, 2nd Annual Hog Waddle Country Concert & Cook-Off from 4pm to 11pm at San Benito Fairgrounds, 551 Cesar Gonzalez Parkway. Pre-sale tickets available at San Benito Cultural Heritage Museum, 250 East Heywood, Telephone (956) 281-0810. Tickets are \$5.00 and children under age of 10 are free. VIP Admission is \$20.00. Food and activities for entire family, cold beverages and musical entertainment by David Lee Garza y Los Musicales, The Powell Brothers, Bo Garza, Lauren Corzine, and Drew & The Dancehall Dreamers. For more information contact Luis Contreras at 956-361-3800 Ext. 418; Monday, May 27th, Memorial Day Silent March begins at 8:45am, in front of City Hall, 485 North Sam Houston Boulevard. At 9am, Solemn Ceremony at Veterans War Memorial, 151 E. Rowson Street. For more information contact Martha McClain at 361-3800 ext. 301; Monday, May 27th, Memorial Day the City of San Benito will be closed. Will resume regular hours on Tuesday, May 28th; Saturday, July 6th, ResacaFest from 4pm-11pm at W.H. Heavin Memorial Park located at 705 North Bowie Street. More information contact Luis Contreras, 361-3800 ext. 418. **Mayor Benjamin Gomez**, thanked Commissioner Guerra for reading announcements.

ITEM 5. PRESENTATION OF THE 2019 ELDER ABUSE AWARENESS PROCLAMATION TO THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES ADULT PROTECTION SERVICES DIVISION.

Mayor Benjamin Gomez announced **Mayor Pro Tem Carol Lynn Sanchez** reading proclamation. Accepting the proclamation was Mr. Rinaldo Garza, Amanda Zuniga, Amanda Villescascas, Monica Figueroa, Larissa Salinas, and Abigail Rivera from the Texas Department of Family and Protective Services Adult Protection Division.

ITEM 5. PUBLIC COMMENTS. (Speakers/Remarks limited to three minutes. Public Comments limited to forty-five minutes).

Ruth McGinnis, City Secretary, announced **Ms. Lynn Pare, Citizen**, addressed the City Commission. Hi, it is good to see you, everybody up there and welcome back Mr. Gonzales and everyone else who is here. I wanted to say that I am overwhelmed and pleasantly grateful for you announcing all of the great events that happened here in San Benito. San Benito is a place to come, a place to visit and a place to spend your money if you will please. I wanted to say kudos to everybody who participated in all these great events. I made it to some of them and some of them I was unable to. I wanted to bring up something regarding the latest enforcement of our code. We are going back to 1995 on our Codes now. And at one point, we had a board who went over the Codes and Ordinances. They were going thru them one by one and trying to get them updated. There are about a dozen in there right now that are completed outdated. We missed an opportunity within the last couple of years to having a truck stop that is now located in Brownsville, that is estimated to have a revenue of \$950,000.00 annually because we could not negotiate and come to some conclusion on

that and it went to Brownsville. That is possibly where the problems with the big rigs getting to this last couple of weeks. We need to be all encompassing and welcoming; whether is 18 wheelers or someone on a bicycle. I encourage everybody to be inclusive and to hold everybody accountable, including us citizens. You know, as citizens come up here and if we didn't care, we would not be here. This room is full of people who care and we trust you guys are going to make choices in the best interest of us. And of course, I am going to end it with, 151 days, since Ricky Trevino was murdered in the City of San Benito, involving San Benito. There are two ongoing investigations and myself as a citizen, have heard nothing. That's unacceptable. I know we want to be thorough but 151 days? Thank you.

Ruth McGinnis, City Secretary, announced no more public comments.

Mayor Benjamin Gomez, announced moving to Agenda Item Number 20 at this time.

ITEM 6. PRESENTATION OF POST EVENT REPORT ON THE HIGH SCHOOL CONJUNTO COMPETITION AND CONJUNTO SHOWCASE EVENT HELD ON SATURDAY, APRIL 27, 2019 AT LA PLAZA DE SAN BENITO.

Luis Contreras, Cultural Arts Director, addressed the city commission. **Mayor Benjamin Gomez** commended **Luis Contreras, Cultural Arts Director** and by saying thank you, Mr. Contreras, it was an awesome event, thank you for your hard work. **Luis Contreras, Cultural Arts Director** thanked Mayor Benjamin Gomez and the rest of the City Commission. **Luis Contreras, Cultural Arts Director** advised this item is to provide a post report for the high school Conjunto Competition and Conjunto Showcase event hosted by the City of San Benito and provided by La Cultura Vive in Brownsville. First off, thank you to the City Commission and the support in making the high school competition and Conjunto student showcase a reality and a success in 2019. For the City, this event was a wonderful opportunity to re-ignite the live sound of Conjunto music in the heart of downtown San Benito. For the youth, an opportunity to perform and keep the Conjunto musical tradition alive. It was pleasure working closely with La Cultural Vive in Brownsville to bring this event to our community and to our visitors. This event was held on Saturday, April 27, 2019 from 12pm to 8pm at La Plaza de San Benito which is located at 225 East Stenger Street. The 2019 event drew in and entertained diverse audiences. We had an average of about 275 attendees that we counted. Visitors came from San Benito, Brownsville, Rio Hondo, Los Fresnos, Pharr, Edinburg, McAllen, Palm View, Rio Grande City, Roma, San Antonio, Austin, and even Indiana. Four varsity schools attended to compete for the top prize. It was Conjunto Diamante from La Joya, Conjunto Falcon from Los Fresnos, Conjunto La Tradicion from Palm View, Texas and Los Cardenales from Roma Texas which took the top prize that evening. Showcase bands and contributing organizations and academies, Carlota K. Petrina Cultural Arts Center from Brownsville, Texas and the McAllen All-Star Music Academy from McAllen, Texas. We also had two San Benito food vendors who participated. Contributing organizations, we had of course, The City of San Benito who hosted the event. We had La Cultura Vive in Brownsville, the event committee member, Mr. Carlo Hernandez who is seated back who is great to work with and we also had the Chamber of Commerce. We had Ms. Tony Crane who helped us out who volunteered to promote upcoming events and also help count attendees. Visiting organizations, we also had Texas Folk Life out of Austin, Texas and we had the Guadalupe Cultural Art Center out of San Antonio, Texas who were some of the few who were there in attendance. Our mission for these events is to present world class celebrations of the musical heritage that enriches the cultural, economic and social vitality of the region. Representing the core

values of excellence, diversity and significance of our community. The vision is to increase the positive impact on audiences and the community making San Benito a go-to destination while building a sustainable and adaptable cultural district. The goals that we focus on are to deepen audience and community engagements in diversity, improve development of the cultural district initiative, strengthen key partnerships and develop new ones and further enhance and extend the reputation of programs and events and also continually improve our leadership in these events. I am proud to inform you that every one of these goals was initiated and set a positive threshold to continue moving forward with more Conjunto programming and events for the community at La Plaza de San Benito moving forward. I wanted to thank the City Staff who helped in putting this event together. I think that at the event, I was given the opportunity to say a few words and the first thing I said was thank you to the City and the City Commission for making these events possible but, you know, I am not a one-man show, there are a lot of people who were involved in putting this together. La Cultura Vive in Brownsville, Mr. Carlo Hernandez, approached us two weeks before the event was to be held, so, we came together and we made it possible because we knew it was important to showcase this musical heritage that San Benito is known for. We are known as the birthplace of Conjunto music and that is something that we should capitalize on and promote to instill pride in our community and most importantly in our youth. That evening, I was actually presented with an award. Of course, I could not accept, I accepted in behalf of the City of San Benito. Mr. Carlo Hernandez presented this award, really to the City of San Benito for partnering with them and working with them and making this event possible. I accepted this on your behalf. Thank you, Mr. Hernandez. That is all I have on this event. Are there any questions. [Mayor Benjamin Gomez](#), no, just thank you for a great event, Mr. Carlo, thank you very much, maybe next year it will be bigger and better and San Benito can participate, our schools here want to, I think we need to get them out there. It was a great event, thank you very much for your hard work, Luis, thank you very much. No Motion carried **PRESENTATION ONLY.**

ITEM 8. PRESENTATION AND UPDATE ON SOUTHSIDE PARK PROJECT.

[Mr. Art Garza, Parks and Recreation Director](#), addressed the city commission. In your binders, I provided you with photos of the ongoing Southside Park Project. There has been a lot of progress since we started this project. Just to give you a little brief update to date, crews have started and completed the subgrade and prep work on the parking lot. Currently, they are working on two retention ponds and should be finished with that portion by the end of the week. The next phase will be the concrete curb for the parking lot and the parking lot lights which will be installed by AEP. After that, we will continue to work in the middle portion of the parking lot finish grade and install the asphalt. Our estimated time of completion for that portion should be by the end of May, weather permitting. Also, out there is GNG Contractors that have been working on the storm water drain pipe installation and to date, they are near the end of installing the 12-inch pipes to each inlets of the ponds. If weather permits, they should be done with that portion by the end of the week as well. After that, they will be moving on to the sewer line connections for the park. Muscle field socket lights arrived and after permitting and locates was situated, the contractor was able to raise the light poles and finished that actually yesterday. If you have been around the area, you'll see four sixty-foot light poles with LED lights fixtures on there. As a matter of fact, there are sixteen LED total lights fixtures on four sixty-foot galvanized steel poles with pre-cast concrete bases. It is pretty exciting to watch this park come to fruition. It has been a long time waiting. Up next, we will be installing the trail, the restrooms and concession stands, the splash pad, the playground equipment which arrived already, it is in our shop. The

exercise equipment also arrived at our shop. All electrical work, concrete walkways, irrigation system, hydro mulching and the park sign. Again, our goal is to have this park completed by the end of the summer, weather permitting. That is my presentation, a little update. I know the pictures you have there don't speak a lot. If you go by the park, if you get a chance to go by there, you will see a total difference from those pictures that were taken at the beginning of April. It is pretty impressive seeing the park come into fruition. Mayor Benjamin Gomez, thank you. No Motion carried **PRESENTATION ONLY.**

ITEM 9. UPDATE ON UNION PACIFIC PROPERTY LOCATED ON RAILROAD AVENUE.

Mr. Art Garza, Parks and Recreation Director, addressed city commission providing an update regarding the citizens that live off the property located on Railroad Avenue. On January 15, 2019, the City Commission authorized the City Manager to open discussion with Union Pacific in regards to the property located on Railroad Avenue. Since then, the City Manager and myself have been trying to get a hold of representatives for Union Pacific either by e-mailing or making calls and leaving voicemails. Finally, after months of calling and e-mailing, I was provided with Union Pacific's Real Estate Office point of contact. My first initial e-mail to Mr. Van Guller, who is the point of contact, was back on April 11, but did not received a response from him. It wasn't until the week of April 22, that I received a call from him and thus started the discussions in regards to the property. Since then, Mr. Van Guller informed me that Union Pacific is not interested in selling the property; however, they may consider a long term lease of their twenty-five foot right of way. He was going to prepare a lease agreement with terms and conditions and send it our way. As of date, I have yet to receive it but will continue to follow up on it and provide you an update again as I get it. City Manager Manuel De La Rosa, addressed the city commission, if I may add, during the month of January while I was at the State Capitol, I did run into representatives for Union Pacific. I had a conversation with two of the gentlemen, that you may recall receiving an email with those two names, they have been very involved with the 86th Legislative Session. The gentlemen that we were in contact with, and as you might recall, in the downtown area, we have a lease agreement in the commercial areas but this is a very large company. I think this representative handles the Gulf Coast area, Victoria, Houston, College Station and he has several regions that he handles. City Manager Manuel De La Rosa, advised that is the Public Affairs Director, the real estate officer manages probably the entire US Union Pacific Territory. It is going to take a while before we get some feedback. He has not been there long. We were talking to somebody else prior to him. Therefore, there is a change in administration, they are not local, I believe that their home office is in Nebraska. We are dealing with these folks, we want to stress to you and our community, we reached out, we documented, we have emails, we track these things, we have conversations, they responded. The responds a day later, a week later, they can be a month later and we remind them again that we are waiting. So, therefore, I want to stress, we take this serious. They are not interested in selling; they may consider a long term lease. We do not know what those conditions might be or those costs will be. We do expect it to be forthcoming. We know that the State Legislation is going to be winding down on the next twenty-one days or so. I would imagine that we will get their attention once they are getting back to their offices. This is not new to them, but there is no misunderstanding what Union Pacific owns and what the property owners own. Most likely, we see that there is an opportunity for us to address this land that is being traversed across that is owned by Union Pacific to make access to these properties thru a lease agreement and we are hoping that that will resolve this many decades old issue. We will continue plucking away with Mr. Garza because he deals with lease agreements and other areas. He is my point of contact almost

in a daily basis and every week on what we are hearing. I wanted to pass that information on to you. [Mayor Benjamin Gomez](#), I just want to know, can we push a little bit harder or can we call more often. Get on their nerves, do whatever we have to do and say San Benito here, we need to push a little bit harder because this has been going on for a long time and we do need to stand up for our people, we need to push harder and do whatever we can to get their attention because we are here and we are not going to go away any time soon. We are here to stay and we are here to fight for our people. We have to put pressure in a daily basis and if we have to do a call a day, do a call a day, it doesn't matter. It just takes a couple of minutes to push those buttons or give me the number and I will call them but we need to push and we need to push hard. San Benito is done playing around and we are here to play hard ball with anybody that wants to play, we need to push and if we have to, we have to. I mean, these little calls once a month or emails 3 times a week is not going to work, we have to be on their case on a constant basis. We need consistency, we need to, they need to hear us. I know you guys try and you guys have more things to do but you know what we need to push. [Commissioner Rene Villafranco](#), stated, nonetheless, you got the ball rolling and just keep on it. We appreciate it. Thank you Art. [Commissioner Antonio Gonzales](#), stated just for the record, City Manager, so the people may know, is there any way that we can go into that right now, until we settle that, can you explain on that please. [City Manager Manuel De La Rosa](#), yes sir, I think what you are asking is can the City send the city crews and I know, historically, that has happened in the past. We actually did look over a year ago who owns the property, we sent employees down to county clerk records, we pulled deeds, abstracts, everything on file with the county clerk office, went thru the appraisal district office, therefore, this property that most folks, there is about ten homes there. They are traversing on Union Pacific property; we know who the ownership is. We know where most of the boundaries are at. There are certain easements, it is not the full length and therefore, that is one of the reasons to send public employees with city equipment on private property is not something that is allowed because you are using public funds on private property. What happened in the past, how that happened, none of us were probably here but we do have residents, we have citizens out there that we need to provide for. We are taking this very aggressive approach and I agree with the Mayor, we are not going to let down. I do not think the Commission will not entertain a lease agreement but to send crews out there, that would be something that you would have to discuss with our legal counsel. We is not something that we can do easily without getting into some trouble. [Commissioner Antonio Gonzales](#), I just wanted to let the people know so that they understand what we are doing. [City Manager Manuel De La Rosa](#) stated thank you Commissioner, Mayor. [Mayor Benjamin Gomez](#), asked if there were any more questions. None received. No Motion carried **PRESENTATION ONLY.**

ITEM 10. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE REGULAR CITY COMMISSION MEETING OF FEBRUARY 19, 2019.

[Mayor Benjamin Gomez](#), asked for a motion. Moved to approve by [Mayor Pro Tem Carol Lynn Sanchez](#). [Commissioner Rene Villafranco](#) seconded the motion. Voting Aye; [Mayor Benjamin Gomez](#), [Mayor Pro Tem Carol Lynn Sanchez](#), [Commissioner Antonio Gonzales](#), [Commissioner Rene Villafranco](#) and [Commissioner Ricardo Guerra](#). Motion carried to **APPROVE THE MINUTES OF THE REGULAR CITY COMMISSION MEETING OF FEBRUARY 19, 2019.**

ITEM 11. CONSIDERATION AND POSSIBLE ACTION TO APPROVE SECOND AND FINAL READING OF ORDINANCE NUMBER 2385-C, AN ORDINANCE OF THE CITY OF SAN BENITO AMENDING ORDINANCE NUMBER 2385-B, REQUIRING ALL VENDORS, BEING HOLIDAY, NON-PROFIT, EVENT, PRODUCE, GENERAL PRODUCT, MOBILE FOOD, STREET PEDDLER, DOOR TO DOOR SALESMAN, AND SPECIAL EVENTS TO APPLY FOR A VENDOR PERMIT FOR OPERATION WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN BENITO, ADOPTING BY REFERENCE THE TEXAS FOOD ESTABLISHMENT RULES, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

[Assistant City Manager Fred Bell](#), addressed the City Commission stating this is the second and final reading of ordinance number 2385-C. At the last Commission Meeting staff conducted additional research and worked with the City Attorney in order to continue the revision of the ordinance in order to establish a better set of rules and regulations that provides consistency for vendors as well as an attempt to treat people and organizations the same. Several revisions were made and items were added to the ordinance. Each of you should have the most recent proposal revision. If the Commission wishes I could go over the additions that were made from the last Commission Meeting. [City Manager Manuel De La Rosa](#), mentioned it would be best to address the concerns based on the conversations had at the last City Commission Meeting. [Assistant City Manager Fred Bell](#), stated, we went thru some grammar and technical changes but some of the important ones we want to make sure that we establish for those who wanted to engage on sub taxation on laws pertaining to administrative code pertain to cottage laws were protected. One of the other main issues that the Commission brought up, as Boys and Girls Club for example, the baseball league, and you will actually find the change for that on page six, number B3G, actually that should be four, we added exemptions. Part of those exemptions were an entity with an ongoing agreement with the City of San Benito for recreational services programs such as; Boys and Girls Club, San Benito Youth Baseball League, etc. These are exempt from permanent fees; however, they are covered. One of the additions we made is on page six and seven, is titled under B6, we added some more explanations as far as duration. We wanted to address the amount of permits that could be issued based on the type of event or vendor that is going to be coming to vend products. We do have differences between actual regular food vendor permit, holiday permits, we have some for example, that come in and want to sell stuff for Easter or others, those are covered as well later on in the ordinance. But the main one that are of most duration as far as temporary food vendors, they can get up to six per calendar year. We want to keep the calendar January thru December instead of doing within twelve month period because that could become a tracking nightmare. In order to keep it consistent, on January 1 of every year, it start all over again. If someone comes and exhaust all of those six permits before January, technically they had their bite at that apple so to speak. We do have that set up. We do have coverage to address the non-food, i.e., holiday vendors we do have it covered to address the non-profits who want to do the food fundraisers. There have been many discussions going between staff and city legal, many revisions and we think that we have addressed the issues that the Commission brought forth. I am ready to answer any questions that you may have. [City Manager Manuel De La Rosa](#), also on page seven, we have the vendor's requirements that also has exemptions, down near the bottom, page seven, section C, vendor requirements. [Assistant City Manager Fred Bell](#), yes, those can be as far as to establish pre-packaged food, one of the concerns was addressing food that is prepared at home and taken out, while we hope that the food is going to be safe. Unfortunately, there have been instances where people have gotten sick and in order to try to address it, we

want to make sure that it is pre-packaged food, chips and stuff like that is one thing. Bringing in food and let's say, for example, getting a sandwich tray from HEB or buying rice and beans from a local restaurant and selling them. We set up some certain criteria to address those and make sure that the food was prepared in accordance to what health standards are. We kind of incorporate some of those requirements, trying to make it not too restrictive but also trying to address the health and safety of the community. [City Manager Manuel De La Rosa](#), stated, so, for example, one of the vendors if they are going to have educational benign food and if we have those types of events, they are exempt. If they are selling food, we certainly want to know about it. If we have somebody and one of the vendor says, hey I want to have a fundraiser because I have an illness at the home and I have medical bills, the hours of training for the food handlers' certificates is about six or eight hours on-line. If you can get this, get it because the most important thing is that we are trying to treat everybody fairly. People that are doing it, they may have the best intentions but if you do not understand that there are certain protocols to follow under the health laws then you are going to get somebody sick. Get it online, plan your event, do your fundraiser and in this way if it is educational you are exempt. If you are going to have food, follow the safety protocols. What they do, when they do the run around, that is on their own conscious because we cannot be there on every event, on every weekend or every night when these things may be going on. But the whole intent that started this driving force was trying to protect those established businesses brick and mortar. We looked at those and then we just started getting all of these other requests to look at. We wanted to be allowed some flexibility, certainly not affect those organizations that are a benefit to the community. This is a good starting point and like Mr. Bell said, we have been reviewing this with legal and everybody else. I am sure we missed something along the way. No ordinance is perfect and this is certainly not perfect. I had a conversation today with Martha McClain, we are going to look, if we ever establish when we have these foodies or these food trucks, I can't think of another name for them, but these vendors that come up, if we provide a place for them, as they are getting popular in other cities, if we have that, they will have certain type of permitting, maybe land, maybe something but we will set those and we will look at those as they become more popular in our area. But right now, it was to certainly understand who is here, who is selling what, follow the rules so that our ordinance would never supersede a state requirement or a federal requirement. In other words, if you are non-profit or if you have to be in compliance with the state comptroller's office for tax purposes or the IRS to base on that, that is on them not on us. We are just trying to regulate what we can and make sure that whatever food is sold, prepared or the Texas Cottage Law that comes from home, they already have some requirements that they are supposed to follow, that we are still protecting the public's health, safety and welfare. That is what we are trying to address with this ordinance. [Assistant City Manager Fred Bell](#), I would like to add one thing, one of the things that we started recently within the last couple of years, Mayor Gomez, I think that you were a part of it before you were elected, some of our churches when they have their festivals, instead of going and hitting every single booth, we will have somebody who would be willing to sign up and not just become a food handler but an actual food handler manager and they would be tasked with working with our staff to make sure that they are in compliance with our own ordinances. Again, try to encourage fundraising if it is done in the right way and still protect the interests of the city and not come across as too heavy handed. I think that is something that is beneficial. We are taking the steps. [City Manager Manuel De La Rosa](#), again, it is not protecting the interests of the city but protecting the public's health and welfare. We are here to also protect those folks that when they are getting food, that it has been properly prepared and that is what we are trying to do. In churches, we

make one person responsible for the whole event while they are there instead of having one at every site. We want somebody to make sure that they are the eyes and ears trying to protect the community's interest. **Commissioner Rene Villafranco**, basically, what we are saying, as long as we have a food handler's certification we are good to go. **City Manager Manuel De La Rosa**, we have been and we have been working with churches for a number of years and all of our elected officials, I think Mayor Gomez is one. I mean, we have had elected that say, I am going to be participating can I be it. Bless you, yes do it. We appreciate it. **Mayor Pro Tem Carol Lynn Sanchez**, I have a question, on page 7, **Mayor Benjamin Gomez**, the vendor requirement exceptions? **Mayor Pro Tem Carol Lynn Sanchez**, number two, no push car nor non-motorized car sales would be allowed nor permitted within the corporate city limits of San Benito. How about our parades and our events? **City Manager Manuel De La Rosa**, those are our events and we have been allowing them and it is a safety issue because we control the environment, we allow them within our own events. To allow them up and down, it is a traffic issue, right? When you just have them is one thing, when we allow them in our parades, at our music events, it's a controlled environment and that is how we have been looking at this. Do we want them up and down the streets? Most of our roadways are state roadways, speed limits are 35mph, those kind of things. Getting those types of activities, unless we wrote it in that it has to be off ground, and do we want them up and down our trails? When you start working thru those logistics, you are like yeah, we are opening another issue, not that we can't but we just have to think it thru how that works for us. If I wanted to address, Mr. Bell, I think I saw one concern and Mayor and Commissioners, I think it was in the last page, where it says no barbeque fundraisers. Mayor and Commissioners, I would like to remove the word barbeque with your permission, and it says any fundraisers, because they are not all barbeque, they are not all chicken, fundraisers in general, right, you see that word in that last past, so it is going to be 8C, any commercial business. Here is the thing, there are vendor who are providing services to the community, that are educational, informative at no charge, we have a lot of social type groups. We also have groups that are selling items, if they are doing fundraising it is one thing, if they are selling, it is the idea that there is no fee, but if you make a donation it is a fundraiser, right. You can call it anything, we get to interpret our ordinances. With your permission, the recommendation is that you adopt this ordinance with that change. Mayor and Commissioners, that is the recommendation. **Mayor Benjamin Gomez** requested a motion. **Commissioner Ricardo Guerra** moved to approve. **Commissioner Antonio Gonzales** seconded the motion. Voting Aye; **Mayor Benjamin Gomez**, **Mayor Pro Tem Carol Lynn Sanchez**, **Commissioner Antonio Gonzales**, **Commissioner Rene Villafranco** and **Commissioner Ricardo Guerra**. Motion carried to **APPROVE, WITH REQUESTED CHANGES, THE SECOND AND FINAL READING OF ORDINANCE NUMBER 2385-C, AN ORDINANCE OF THE CITY OF SAN BENITO AMENDING ORDINANCE NUMBER 2385-B, REQUIRING ALL VENDORS, BEING HOLIDAY, NON-PROFIT, EVENT, PRODUCE, GENERAL PRODUCT, MOBILE FOOD, STREET PEDDLER, DOOR TO DOOR SALESMAN, AND SPECIAL EVENTS TO APPLY FOR A VENDOR PERMIT FOR OPERATION WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN BENITO, ADOPTING BY REFERENCE THE TEXAS FOOD ESTABLISHMENT RULES, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Antonio Gonzales, asked if the schools are also included. **Mayor Pro Tem Carol Lynn Sanchez** advised we made an exception for that. I brought it up last time. **City Manager Manuel De La Rosa**, confirmed the schools were exempt. **Mayor Pro Tem Carol Lynn Sanchez**, yes, we made an exempt for our schools and our kids fundraisers,

organizations related to them. [Commissioner Antonio Gonzales](#) said he was wondering. [City Manager Manuel De La Rosa](#), stated, yes sir, and we have three school districts and we want to make sure that all three abide. We have not seen abuse from the three school districts and generally we have not seen abuse by the school system, here, generally, they follow the rules. It is what I would consider the outsiders that are pushing the envelope and it is a good time for us to address it. [Commissioner Rene Villafranco](#) advised before you came here there was abuse. [City Manager Manuel De La Rosa](#), I appreciate the comment Commissioner. [Commissioner Antonio Gonzales](#), stated we needed to ask because we had a lot of problems, I just had to ask that question. [City Manager Manuel De La Rosa](#), responded yes, thank you.

ITEM 12. CONSIDER FIRST READING OF ORDINANCE NUMBER 2558 TO REZONE 501 WHALEN ROAD, THE CORNER OF WHALEN AND ALDEN STREET, ALSO BEARING A LEGAL DESCRIPTION OF ABST 16-S B L & W CO 110 X 110' BLOCK 149 PTSW, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, SAN BENITO, CAMERON COUNTY, TEXAS FROM SINGLE FAMILY ONE (SF-1) ZONE TO MULTI-FAMILY RESIDENTIAL (FM) ZONE. APPLICANT: MR. ARTURO MEDINA.

[Bernard Rodriguez, Planning and Development Director](#) addressed the Commission advising this is a first reading on this request so no action is required. The applicant is requesting to re-zone the property to a multi-family development with approximately 100 X 100 parcel land. The property is surrounded by single family one zone to the north, south and east side and the city limits to the west. Existing commercial zone and development exists to the south of the property. The featured land map and the character map within the city's comprehensive plan designates the proposed use as agricultural open space designation. If the request to re-zone is approved, the developer must comply with the following: the parcel of land will be required to be subdivided per the City of San Benito ordinance and proposed utilities will be reviewed for available capacity. The submitted conceptual site plan will follow the review process of public works, planning department and the fire department code of compliance. Basically the developer is looking to see if you entertain the notion to go ahead and re-zone the property and if so then he would go and follow the rest of the process which, again, is re-zoning and looking at the property for compliance on what he intends to do which would be multi-family. Per ordinance, property owners within a 200-foot radius, as indicated by the Cameron County Official Appraisal District map of record were notified of the request. Staff received no comments regarding the re-zone request. A public hearing was held and the re-zone request was presented and approved by the Planning and Zoning Commission on April 28, 2019. Again, this is first reading and no action is required. No Motion carried **PRESENTATION ONLY.**

ITEM 13. CONSIDER FIRST READING OF ORDINANCE NUMBER 2559 TO REZONE 400 WEST HIGHWAY 77, ALSO BEARING A LEGAL DESCRIPTION OF HINKLEY NORTH SHORE PARK SUBDIVISION, LOT 1 SAVE & EXCEPT 0.0297 BLOCK 8, SAN BENITO, CAMERON COUNTY, TEXAS FROM SINGLE FAMILY ONE (SF-1) ZONE TO COMMERCIAL RETAIL BUSINESS (C-2) ZONE. APPLICANT: MR. RAUL GARZA.

[Bernard Rodriguez, Planning and Development Director](#) addressed the Commission advising the applicant is requesting to re-zone a partial land to coincide with existing use of medical office. Although the property the property is located on the outskirts of an established residential subdivision, the established medical office has existed since approximately 1960. The property is surrounded by single family 1 zone to the north and east business 77 and commercial business district to the south and Resaca and commercial general retail

businesses to the west and has vehicular access off of business Highway 77 and North Shore Dr. The feature land using character map within the City's comprehensive plan designates the proposed use as general commercial for the parcel land in question. A public hearing was held to re-zone the request and was presented and approved by the Planning and Zoning Commission on March 28, 2019. Per ordinance property, property owners within a 200-foot radius indicated by the Cameron County Appraisal District map of record were notified of the request. Four property owners were notified and staff received one written petition and objection to the request. Per state statues section 1211.006 City Ordinance Number 2252 Section 3.04C, the written petition triggers 20% rule and the re-zone request must receive four votes to become effective by the City Commission. Again, this is first reading so no action is required. No Motion carried **PRESENTATION ONLY.**

ITEM 14. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SERVICE AGREEMENT WITH CROSS CHURCH TO HOLD A 5K RUN TO BE HELD ON MAY 18, 2019 AND THE TEMPORARY CLOSURE OF SEVERAL CITY STREETS, U.S. 83 FRONTAGE ROADS, AND THE USE OF HEAVIN PARK & RESACA TRAIL.

Bernard Rodriguez, Planning and Development Director addressed the Commission advising Cross Church held a similar event last year at this time. They are requesting to hold a 5K Run on May 18, 2019 from 7am to 10am. For the safety and welfare of the participants, The City of San Benito own service crew has been tasked for consideration. Staff has worked with Cross Church both in planning, Police Department, Parks and Recreation. We coordinated the event, they will start at Cross Church, go to Heavin Park and then back. They have hired both Police Department and Constable to assist them in the development of this. Staff has recommended approval. **Mayor Benjamin Gomez** requested a motion to approve. **Commissioner Rene Villafranco** moved to approve. **Mayor Pro Tem Carol Lynn Sanchez** seconded the motion. Voting Aye; **Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco and Commissioner Ricardo Guerra.** Motion carried to **APPROVE A SERVICE AGREEMENT WITH CROSS CHURCH TO HOLD A 5K RUN TO BE HELD ON MAY 18, 2019 AND THE TEMPORARY CLOSURE OF SEVERAL CITY STREETS, U.S. 83 FRONTAGE ROADS, AND THE USE OF HEAVIN PARK & RESACA TRAIL.**

ITEM 15. CONSIDERATION AND POSSIBLE ACTION TO APPROVE DEFINITION OF EASEMENT LOCATION TO ORIGINAL EASEMENT DATED 18 NOVEMBER 1936 BY GRANTOR, F.T. PHILLIPS, TO GRANTEE, CITY OF SAN BENITO, RECORDED IN VOLUME 269, PAGE 606-607 LAND RECORDS, CAMERON COUNTY, TEXAS.

Assistant City Manager Fred Bell addressed the Commission advising the property being discussed is located at 1160 Combes Street, and is also known as Block 32 of the Combes Reserved Subdivision. The subdivision was created in 1927 and in 1936 the owner Block 32 was F.T. Phillips who dedicated a perpetual easement to the City of San Benito. The document provides linear feet measurements from what was identified as State Highway Number 12, of which is now known was Combes Street. Multiple sewer lines that have been in the property for decades were relocated and condensed into a single sewer line that connects existing sewer lines extending from Virginia Street and Calle Caoba. In your packet you will see a document prepared by the City Attorney, this document contains some meets and bounds descriptions that identifies the easement that contains the recently relocated sewer line. Also included is a copy of the 1936 document dedicating that easement across the same property. The last item in your packet is a meet and bounds survey that defines the easement across the property that contains this new sewer line. In

order to accurately define and record the easement, protect the interest of City infrastructure and to improve the current property owner's ability to develop property in the future. Staff requests Commission approve the definition of easement to this property which will be recorded with the Cameron County Clerk's Office. I am ready to answer any questions you may have. **Commissioner Antonio Gonzales**, asked is this where you said we had trouble the last time with the tool running very close to their house. **Assistant City Manager Fred Bell**, yes, sir. We have been dealing with this property for years. **Commissioner Antonio Gonzales**, asked if re-routed. **Assistant City Manager Fred Bell** confirmed. **City Manager Manuel De La Rosa**, stated we did not re-route the whole thing, the house still sits on another lot, this is the vacant lot. This has been in the family, both lots, have been in the family for a long time. The house is on a separate lot, not this one specifically. Why lines were laid somewhere else. I do not know. But it was supposed to be in that general description, if you look at the alignment that you see this real survey, it follows that alignment, it should have stayed within that alignment, we made sure it stayed with that alignment but rather to have generally out in that area. We had it surveyed to make sure that we knew exactly where is at for all time. We do not believe that there is a negative impact to the property, it is recorded by instrument, they were supposed to be in that area. All we have done is define the location. **Commissioner Antonio Gonzales**, like I said, last time it was in the middle of the property and not up front. Is there still like a meter in the front? San Benito was going to build a fire station there. **Assistant City Manager Fred Bell**, this will clean it up and if we have to address any of our infrastructure instead of having to go and guess, north, south, east, west way. This is one straight shot thru this easement. **Commissioner Antonio Gonzales**, said it wouldn't hurt if they want to build in front right? **Assistant City Manager Fred Bell**, no, sir. **Commissioner Antonio Gonzales**, asked on the other side of the fence? **Assistant City Manager Fred Bell** stated that is correct. **City Manager Manuel De La Rosa**, advised you can build on the front, on this sanitary sewer line. Really, it follows, it can be commercial on the roadside on Combes and behind that sewer line easement would be residential which follows the rest of the neighborhood. That is uniformed and consistent with our development. It follows the comprehensive plan that has been adopted by the City. **Mayor Benjamin Gomez**, asked if there were any more questions. **Commissioner Antonio Gonzales** motioned to approve. **Commissioner Ricardo Guerra** seconded the motion. Voting Aye; **Mayor Benjamin Gomez**, **Mayor Pro Tem Carol Lynn Sanchez**, **Commissioner Antonio Gonzales**, **Commissioner Rene Villafranco** and **Commissioner Ricardo Guerra**. Motion carried to **APPROVE DEFINITION OF EASEMENT LOCATION TO ORIGINAL EASEMENT DATED 18 NOVEMBER 1936 BY GRANTOR, F.T. PHILLIPS, TO GRANTEE, CITY OF SAN BENITO, RECORDED IN VOL. 269, PAGE 606-607 LAND RECORDS, CAMERON COUNTY, TEXAS.**

ITEM 16. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN ARTWORK LOAN AGREEMENT FOR EXHIBITION OF *HANDSOME PEPPER: A REFLECTION OBSERVATION*, BEGINNING MAY 27, 2019 THROUGH AUGUST 9, 2019 AT THE SAN BENITO CULTURAL HERITAGE MUSEUM.

Mr. Luis Contreras Cultural Arts Director addressed the Commission advising, as we continue with our exhibition schedule at the San Benito Cultural Heritage Museum, this item is so that thru this exhibit loan agreement, Guillermina Gomez, she is the owner of a special collection of artwork, paintings and sculpture that will come to the San Benito Cultural Heritage Museum. She agrees to the terms and conditions of the loan agreement. This exhibit will be featured as a short term visiting exhibition of artwork at the San Benito Cultural Arts Museum. **Mayor Benjamin Gomez**, requested a motion to approve.

Commissioner Rene Villafranco moved to approve. Mayor Pro Tem Carol Lynn Sanchez seconded the motion. Voting Aye; Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco and Commissioner Ricardo Guerra. Motion carried to APPROVE AN ARTWORK LOAN AGREEMENT FOR EXHIBITION OF HANDSOME PEPPER: A REFLECTION OBSERVATION, BEGINNING MAY 27, 2019 THROUGH AUGUST 9, 2019 AT THE SAN BENITO CULTURAL HERITAGE MUSEUM.

ITEM 17. CONSIDERATION AND POSSIBLE ACTION ON RESOLUTION NUMBER 2019-0006 PERTAINING TO POSSIBLY SUPPORTING AND PARTICIPATING IN A COUNTY-WIDE FLOOD PROTECTION STUDY FUNDED PARTIALLY BY A GRANT FROM THE TEXAS WATER DEVELOPMENT BOARD AND POSSIBLY CONTRIBUTE \$10,500.00 TOWARDS THE LOCAL MATCHING FUNDS.

City Manager Manuel De La Rosa, addressed the City Commission advising he is unsure how to address this agenda item and requesting their consideration on this agenda item. There is a letter addressed by the County Judge to the Mayor and Commission regarding a grant that the county has applied for and it says that it is an anticipated \$900,000.00 in project cost, that is in the second paragraph. That means that it could be more or it could be less. The City portion that is being asked that we participate in is \$10,500.00. You will see that there are other cities drainage systems in the county. My concern was and this is what at least for you to digest and maybe we could table it tonight and not take action but maybe reach out to our colleagues in Cameron County and find out why? We have citizens that pay taxes, that the county taxes, drainage district taxes and city taxes. In my view, our citizens are paying three times. So, if you live outside the city limits but you are in the same drainage system, you are paying, the drainage is subtracting taxes and county taxes. We do know that the county has an unincorporated area, that there are no cities and no drainage district, probably forty percent of the county is on that area which tells me that we are subsidizing their areas. I do not mind partnership; I think that they are great and that it benefits us all and if we understand how the flooding that occurs along the interstate from west of Weslaco, Mercedes floods and goes into Harlingen and further south. They are our neighbors; this is a regional issue. We received a letter before we were ever notified that there was going to be an application for a grant. I think that maybe if I had known upfront or if maybe you knew and you all were aware of it. I think that for now, I know that some of my colleagues, I know two other city managers got the same letter and they do not know what they are going to do with it either yet. I think that we all are thinking that this is kind of unique, right? We are being ask to pay for something that we were not asked to participate on. At the end of the day, we all want to be partners and I think that I would like to digest this more, we should all digest this and maybe at the next meeting reconsider it. We can also reach out to our elected officials and we can certainly talk to our colleagues and administrative officials and ask a question. But what do we ask first, and how does this benefit us all and what are the more details of this study. There has been some legislation presented for a county-wide flood district. I know that because I have been following up what is going on in Austin. If that is the case, maybe that new control flood district that is county-wide or takes in the drainage district in other areas maybe they should handle it and pay for that expense and us. I just do not have enough information to make a recommendation, that is why I didn't. I did want to present it to you. I wanted to present at least what my thoughts on the subject were and go on record and I certainly wanted to reach out to my counterparts at Cameron County and get some more information but I did not want this to be a delay by the day when it came in and discuss it. It is your decision, if

you think it is fair and you want to move forward in approving it now. I would probably recommend that we do not take action by not approving. I think that we really need to think about it. Certainly, approving it tonight, I do not think that we need to. **Mayor Benjamin Gomez**, that was my concern when I first read it, remember, I addressed it to you and I will go out in a limb too and you know, I have partnerships too but when you go out and do something without a consent or something like that, I told you the day that I read that letter, it is like me going to go buy a car and then being told that I have to pay so much for a car, no we do not do that. They need to speak to us first and let us know what is going on. They always keep San Benito in the dark and me, myself personally, I am down with being kept in the dark, I am here for San Benito and San Benito only. I am not here for Cameron County; I am here for San Benito. If they are going to do that to us, I do not like playing that sneaky game. To me, we can table it and see what we can work out with them or what because they never took us into consideration, they never even asked if we wanted to be part of it. I do not know how you all feel but that is the way I feel. **City Manager Manuel De La Rosa**, there is a summary, a scope, I do not really know if that is all of it. We have studies and it is a lot of money. **Commissioner Antonio Gonzales**, I know that there are studies but what are we going to get out of that study? **City Manager Manuel De La Rosa**, my concern is, is \$900,000.00 going to the study, I think that is a lot of money for a study. I do not get a full idea of how it is being spent and I would like to recommend something that means how money is going to be spent. So much for the study, so much for engineering, exactly what areas you are going to do. Again, how besides it affecting our regional partners, how does it affect the City of San Benito. I do believe we were not the only ones kept in the dark, I am sure we weren't. Colleagues of San Benito were also kept in the dark. Maybe, this is going to be great, maybe I just haven't been informed enough to be able to recommend that yet. **Mayor Benjamin Gomez**, requested a motion to table. **Commissioner Ricardo Guerra** moved to table this item. **Commissioner Antonio Gonzales** seconded the motion. Voting Aye; **Mayor Benjamin Gomez**, **Mayor Pro Tem Carol Lynn Sanchez**, **Commissioner Antonio Gonzales**, **Commissioner Rene Villafranco**, **Commissioner Ricardo Guerra**.

Motion carried to **TABLE RESOLUTION NUMBER 2019-0006 PERTAINING TO POSSIBLY SUPPORTING AND PARTICIPATING IN A COUNTY-WIDE FLOOD PROTECTION STUDY FUNDED PARTIALLY BY A GRANT FROM THE TEXAS WATER DEVELOPMENT BOARD AND POSSIBLY CONTRIBUTE \$10,500.00 TOWARDS THE LOCAL MATCHING FUNDS.**

ITEM 18. PRESENTATION AND ACCEPTANCE OF THE CITY OF SAN BENITO INVESTMENT REPORT FOR THE SECOND QUARTER ENDED MARCH 31, 2019.

Belen Pena, Finance Director, addressed the Commission advising in their packet is the Investment Report for the Second Quarter of Fiscal Year 2019, as of March 31, 2019. On the first page, you are going to see that as of March 31, 2019, we have \$22,284,275 dollars in our books. The quarterly interest income we earned is \$107,734.00 Compared to the previous year of the same period it was \$71,847.00. So, we have an increase of \$36,000.00. The year-to-date for this fiscal year is \$213,475.00. The previous year, the same period, we earned \$124,827.00. We have an increase of \$89,000.00 this period on year-to-date. If you go to page number 3, you will see the different banks that we are using right now. The first one is First Community Bank which we get around 1% revenue income. Southside Bank is 2.57%. Green Bank 2.56%. TexPool 2.42%. Third Coast 2.40% and Southside Bank 2.68%. Do you have questions on that report? **Mayor Benjamin Gomez**, requested a motion. **Mayor Pro Tem Carol Lynn Sanchez** moved to approve. **Commissioner Rene Villafranco** seconded the motion. Voting Aye; **Mayor Benjamin Gomez**, **Mayor Pro Tem**

Carol Lynn Sanchez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco, and Commissioner Ricardo Guerra. Motion carried to **ACCEPT THE CITY OF SAN BENITO INVESTMENT REPORT FOR THE SECOND QUARTER ENDED MARCH 31, 2019.**

ITEM 19. PRESENTATION OF THE CITY OF SAN BENITO FINANCIAL STATEMENTS FOR THE PERIOD ENDED MARCH 31, 2019.

Belen Pena, Finance Director, addressed the Commission advising in their packet is the March 31, 2019 balance sheet. As of that month, we have \$11, 776,003.00 in the general fund. \$2,898,471.00 in liabilities which gives us a fund balance of \$8,877,560.00. Any questions in the first page. No. The second page is a statement of revenues, expenditures and changes in fund balance. For the month of March, we have revenues of \$896,355.00, expenditures of \$831,501.00 which gives us revenues over expenditures of \$64,854.00. Year-to-date, we have \$7,769,782.00 in revenues. \$5,661,487.00 in expenditures which gives us revenues over expenditures of \$2,108,295.00. On the right side, you are going to see, since it is the six-month of the fiscal year, our target is 50%. On the revenues, we are 60.34% and expenditures is 46.50%. Any questions? **Mayor Benjamin Gomez** advised no questions and thanked Ms. Pena for the presentation. No Motion carried **PRESENTATION ONLY.**

ITEM 20. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE EXPENDITURE OF TYPE B FUNDING FOR THE FISCAL YEAR 2019 SMALL BUSINESS INVESTMENT PROGRAM.

Rebecca Castillo, Executive Director, San Benito Economic Development Corporation, addressed the City Commission requesting approval for the Small Business Investment Program. It is known as Rent Subsidy and Façade Grants. There are still two grants that the EDC has, we just re-packaged them in the format that is under our program so that we can incorporate a little bit more of our economic development lingo and it looks more in how we are supportive of small businesses. Under this particular program, what we are looking at is having a small business investment program allocating \$83,000.00 for Fiscal Year 2019. To be effective from October 2018 to September 30, 2019. The requested funds will be used to offer financial assistance to businesses that would like to open or relocate their operations or expand their operations into downtown designated corridor. The designated corridor expands from the expressway up to a little bit past 77, heading towards Rio Hondo and is all Sam Houston. From those parameters Sam Houston, Reagan and Travis is part of the designated corridor. In terms of that, the Small Business Investment Program supports the following grants which as I mentioned, is commercial façade improvement grant which will provide financial assistance to property owners or businesses tenants in the San Benito Downtown Corridor, seeking to renovate or restore store fronts, façades, signage or paint. The Rent Subsidy Program will provide assistance for key business activities; retail, dinning, arts, entertainment that choose to locate within the San Benito Downtown corridor. The goals of the small business program are to encourage property investment that directly relates to improving the aesthetics of the building in places of designated areas of San Benito, Texas, expand business and employment opportunities in existing and deteriorated structures. It will enhance the visitor's experience within our city attractions that are within the designated eligible corridor. It will help new and existing businesses succeed by enhancing their curb appeal, increase commercial property values and increase sale and or revenue for the property owner or tenant. We had a public hearing on April 25th, there were no positive or negative comments. We have not gotten any concerns for the public. We were able to streamline the process that instead of going thru

the 60 days comment period and then opened the call for projects for applications. We did it concurrently. We accepted applications subjected to the commission approving this program. If you approve today, what we will do be able to next week present to our board the applicants that have applied for rent subsidy and for façade and in the next City Commission I will bring them in for consideration of approval as well. We have been able to streamline the process about two to three months. We are not doing just once or twice year cycles but we will be considering applications on a monthly basis. As new businesses are considering San Benito we will make the effort of accommodating them and ensuring that we are having them utilize the grants that we have available. Currently, it is 83 thousand dollars. We did agree to look at the guidelines. What you have in your packets are the guidelines and the application that we give to the businesses as well as that, we did incorporate some language that state that in a case by case we will consider businesses outside the downtown corridor. If they are looking in bringing in job creation, bringing eight to ten employees, we will treat them in a case by case basis to see how much impact it has. The board was considering opening it to the whole city but we decided to continue evaluating the downtown corridor and if we see a trend of request, we will be able to expand to additional areas and corridors in the city. One that is predominately getting requests is a little bit from 77 corridor or the Oscar Williams corridor. We are getting a little bit of demand. We will treat those requests in a case by case basis and we will bring it to the board and to the Commission for consideration. Do you have any questions? **Mayor Pro Tem Carol Lynn Sanchez**, I do, just on the area, how about right after the highway, let's say where McDonald's is at off of Sam Houston. **Rebecca Castillo**, is that part of the ordinance as to the corridor, as to the designated downtown. But we are speaking to businesses that are within that McDonald's corridor and we are working with them in terms of the application process and again we will just go a little bit more deeply in a case by case basis as to the stability they have and the location, the request that they are looking at and also the employees and the potential of expanding that they have. But we are open to the opportunity to consider that area as well. **Mayor Pro Tem Carol Lynn Sanchez**, that will be good especially as we have the South Park opening. **Rebecca Castillo**, yes, definitely. To make it look nicer and bring more businesses. **Rebecca Castillo**, absolutely. **Mayor Benjamin Gomez** requested a motion. **Commissioner Antonio Gonzales** moved to approve. **Mayor Pro Tem Carol Lynn Sanchez** seconded the motion. Voting Aye; **Mayor Benjamin Gomez**, **Mayor Pro Tem Carol Lynn Sanchez**, **Commissioner Antonio Gonzales**, **Commissioner Rene Villafranco**, and **Commissioner Ricardo Guerra**. Motion carried to **APPROVE THE EXPENDITURE OF TYPE B FUNDING FOR THE FISCAL YEAR 2019 SMALL BUSINESS INVESTMENT PROGRAM.**

ITEM 21. PRESENTATION OF THE PROPOSED EXPENDITURE OF TYPE B FUNDING FOR THE SAN BENITO CENTER FOR ECONOMICS AND BUSINESS DEVELOPMENT PROJECT.

Rebecca Castillo, Executive Director, San Benito Economic Development Corporation, addressed the City Commission. This item is for presentation only; it is not for action. Currently, we have this project, it is a San Benito Center for Business and Economic Development Project. We have it undergoing a 60-day comment period. We opened that comment period on March 29th and it will continue to be open until May 27th, 2019. The public hearing was scheduled for April 25. Again, so far, we have not received any comments. We have shared this project with the small business community and they are very happy and interested on being able to bring those resources. What you have in your

packet is a presentation of what we did and what the board approved. I will give you a recap of what it is and then if you have any questions we can go specifically to the slides that you have. But in essence, the project for consideration for Expenditure of Type B sales tax dollars is for the following: it will be for a San Benito Center for Economic and Business Development. That is the proposed name right now as we are calling it but it is subject to, by the time we bring it for your consideration, that there can be consideration to changing that name slightly, we will go ahead and do that. But is a project that is being spearheaded by the San Benito Economic Development Corporation to serve as an ecosystem for entrepreneurship, small business and economic development. The 3,000 square feet center will house San Benito EDC offices, several small business development programs, third party small business micro lenders 501(c3), incubation spaces, conference room, a maker's space for product preparation and testing and office spaces for city departments or organizations that may assist with facilitating economic and business development programs. The facility's features and programming will construct a business pipeline to promote job creation, entrepreneurship, workforce development apprenticeship, business retention and expansion and other economic development rated efforts within San Benito, Texas. The Type B Funds will be used for the following purpose; for buildup and repairs, deep cleaning pressure washing of the property and building, internet communication installation to include phone systems, electro room and conference technical equipment, fire safety alarm, cameras and communication requirements and also to match for grant opportunities. The location that we are looking at is off of 701 North Bowie Street, by the Resaca and we are budgeting \$153,300.00 for this project. It may sound minimal but we are very confident that we can be able to do a lot with this amount of money. In the past, this project was shelved and it was budgeted a little bit over \$700,000.00 to \$800,000.00. We are not intending in getting any contractor to do the whole work but if we do every item from paint, from deep cleaning, from the parking and everything, we will be able to minimize the cost. Also, in terms of assorted resources that we might have from students or Army recruits, it might also be able to help with some of the labor. But, also in terms of the equipment and in terms of furniture for the building, we can use some of this funding as matched to be able to tap into funding to furnish and equip the building. Right now, there is a lot of funding available from the Workforce Commission and there is interest for it to be awarded to Cameron County. A lot of it has been awarded in Hidalgo and there is interest from the state to be able to award it to the county and we have a perfect project that is pretty much one of the trends that is going throughout the state. There are several going throughout the valley as well. The one that we are kind of mimicking is in Mission EDC. They have the seat building. We are doing of course is 56,000 square feet building. We are looking at 3,000 square feet where we will be having our offices. We will maximize the EDC staff because we will be manning the day to day operations and services of the building and the programming. But, in essence, what it will create is a mini scale of what that facility in Mission has. We are mimicking it and using it as a model the largest building in terms of incubator space that we have south of San Antonio. Definitely, at one point, we were discussing about that there are resources throughout the valley, there are resources throughout Cameron County that we can refer our small business community to, but at the same time, we do not have anything like this in San Benito. We personally think that it is ideal to do offer this here locally where our small business community does not have to

drive to Brownsville or to other communities to be able to tap into these resources. A lot of those resources, we have already identified and they are committing to come into San Benito to do programming, workshops, trainings, small business development plans, lenders. We can also now facilitate space to kind of have makers space, there are people who are going to Brownsville all the way to Mission to package their salsas, to brew beers and other items that they are doing. So, there is an opportunity to also have a makers' space for experimentation and for testing but also for product development. It is a mixed use facility that we will also be able to utilize as a location for workshops and even in turns for the city, for parks and recreation when there are events after hours. The permanent staff that will be at the EDC headquarters. This center will be the EDC staff. The rest of the programming and everything happening at this center will be people coming and going as trainees and trainers coming and going into this facility. But, in essence, after hours, the space will be available if we need to utilize it for any events that we have there by the Resaca if we need to have a space that is closed doors or for VIPs, sponsors or to have some equipment in there or if we need to do an indoor outside event, it will available for the city and other community partners to utilize. Again, if you look in your slide presentations, there are pictures of the current condition. The first page is the one that I want to emphasize from your cover. It is pretty much the essence in terms of shared space mix modern that will provide a location for shared space for an executive person that wants to have a one to one small executive office to deal with a customer, to a training space. Also, someone that instead of going to a local coffee shop or something can go and work on some project or some study. It will be an opportunity for many of those things. In essence, as to the programming that we are looking to having at the center, is having the San Benito EDC headquarter offices there, business incubation, global launch pads, student launch pads, community night, technology launch pad, rental incubator space, business planning and development, mentoring and development pads, marketing and research analysis, education speaking series, networking events, technology commercialization, market feasibility, mentoring network, global self-landing pads, small business boot camp, stream building academies, small business tool series workshops, one on one counseling for entrepreneurs, entrepreneuring residence, mentorship, building health fire and permit workshops as well as some other things that we can coordinate with the city, e-commerce, maker's space, financial literacy programming and other activities that foment economic development. In essence, that is the title of San Benito Center of Economic and Business Development name, which it can still be changed as we go. But the space has access to fifty to seventy parking spaces, it is mostly open space. The EDC staff will oversee the programming of the center's day to day activities. The existing conditions, it basically needs some TLC but we anticipate some deep cleaning, parking lot, some paint and fixing some of fixtures outside. But in essence, if we were to walk in tomorrow, the building is operational. AC units are brand new, there is tile, the carpet has been replaced and there is ceramic tile. The whole building is in pretty good condition and it is operational. I do not know if you have any questions in reference to this one. We will be bringing it back at the beginning of June. The 60-day comment period ends on May 27th, so we will be bringing it back as an actual item for your consideration at the end of that period. But if you have any questions today, we just wanted to give you an idea in terms of what we are working on and how this leads to the next agenda item that we have

on City Commission agenda today. Mayor Benjamin Gomez, asked if anyone had any questions. None received. No Motion carried **PRESENTATION ONLY.**

ITEM 22. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE SAN BENITO ECONOMIC DEVELOPMENT CORPORATION'S BY-LAWS AMENDMENT.

Rebecca Castillo, Executive Director, San Benito Economic Development Corporation, addressed the City Commission. As it relates to the last item that we just presented, what you will find in your packet is a revised version of the amended bylaws that was approved by EDC board on April the 25th. It was approved for the highlighted changes to take effect subject to your consideration. What you will find on the first page of your bylaws; one of the changes is the principal office. The principal office of the corporation is currently located at 401 North Sam Houston. We are asking for you all to consider the approval for it to be changed to 701 North Bowie St., which is the location that we are talking about having the headquarters of EDC and it being the San Benito Center for Economic and Business Development. On page seven of your By-Laws, you will find the highlighted section is in terms of attendance. On the attendance section, if a board member is absent for more than three consecutive meeting may have his absences excused if he/she provides justification, letter from employer, medical excuse for their absence and may soon after their absence maintain regular attendance to the EDC Board of Directors Meetings. In terms of that, we understand that there is a policy for no more than three absences. They are subject for removal from the EDC Board but at the same time, we do understand that there are circumstances that are beyond our control that we may encounter and we want to have something in place that if there is a situation, as long as there is a doctor's excuse, or an impediment from an employer for this person that needs to be traveling, that needs to be somewhere, they will still be subject to missing the three absences but thereafter, we will be requiring an excuse so that it can justify any additional absences subject to it being temporary and that once that situation passes, they will be attending the regular EDC meetings. That is our request for your consideration today. Mayor Benjamin Gomez stated he thinks that is good because people are volunteers just like us, so you know what, we do need to give them some slack sometimes because of family and work. We do this as a public service for the community, at least I do, I do it from my heart and I know that if you are involved in any board or anything that you do for free is because you want to do because you want to make a difference. I think that we should vote on this and requested a motion. Commissioner Rene Villafranco moved to approve. Mayor Pro Tem Carol Lynn Sanchez seconded the motion. Voting Aye; Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco, and Commissioner Ricardo Guerra. Motion carried to **APPROVE THE SAN BENITO ECONOMIC DEVELOPMENT CORPORATION'S BY-LAWS AMENDMENT.**

Mayor Benjamin Gomez announced moving to Agenda Item Number 6.

ITEM 23. EXECUTIVE SESSION:

- A) **DISCUSSION PURSUANT TO TEXAS GOVERNMENT CODE §551.087(2), TO DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS**

RECEIVED FROM A BUSINESS PROSPECT THAT THE GOVERNMENTAL BODY SEEKS TO HAVE LOCATE, STAY OR EXPAND IN OR NEAR THE TERRITORY OF THE GOVERNMENTAL BODY AND WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS. BUSINESS PROSPECT 2019-007.

THE CITY COMMISSION CONVENED INTO EXECUTIVE SESSION AT 6:59 P.M. AND ADJOURNED AT 7:24 P.M.

GENERAL SESSION:

ITEM 24. DISCUSSION AND POSSIBLE ACTION ON ITEM DELIBERATED UNDER EXECUTIVE SESSION 23(A).

Mayor Benjamin Gomez announced as discussed on Executive Session, subject to these changes, three years on the road, one year on water line, and no lights. Request a motion to approve. Commissioner Rene Villafranco moved to approve. Commissioner Antonio Gonzales seconded the motion. Voting Aye; Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco, and Commissioner Ricardo Guerra. Motion carried to approve ITEM DELIBERATED UNDER EXECUTIVE SESSION 23(a), SUBJECT TO THESE CHANGES, THREE YEARS ON THE ROAD, ONE YEAR ON WATER LINE, AND NO LIGHTS.

ITEM 25. ADJOURNMENT.

Mayor Benjamin Gomez requested a motion to adjourn. Commissioner Antonio Gonzales moved to approve. Commissioner Rene Villafranco seconded the motion. Voting Aye; Mayor Benjamin Gomez, Mayor Pro Tem Carol Lynn Sanchez, Commissioner Antonio Gonzales, Commissioner Rene Villafranco, and Commissioners Ricardo Guerra. Motion carried to ADJOURN AT 7:25 P.M.

Note: The City of San Benito does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the City Secretary at (956) 361-3800, Extension 103, by Monday, no later than 5:00 P.M., to make proper arrangements.

CITY OF SAN BENITO

BENJAMIN "BEN" GOMEZ
MAYOR

ATTEST:

RUTH MCGINNIS
CITY SECRETARY