



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

On June 15, 2021 the City Commission met for a Regular Meeting at the San Benito Municipal Building, Cesar Gonzalez Meeting Hall, 401 North Sam Houston Boulevard, San Benito, Texas.

City Commission Members Present: Ricardo Guerra, Mayor; Rene Garcia, Commissioner, Place 1; Rene Villafranco, Commissioner, Place 2; Pedro A. Galvan, Commissioner, Place 3; Mark Sossi, City Attorney. City Commission Member Absent: Carol Lynn Sanchez, Mayor Pro Tem.

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.

[Mayor Ricardo Guerra and all present](#) recited the pledge of allegiance to the U.S. Flag and to the Texas Flag.

### ITEM 3: INVOCATION.

[David Favila, Public Relations Director](#) led the invocation.

### ITEM 4. ANNOUNCEMENTS: ITEMS OF COMMUNITY INTEREST.

[Mayor Ricardo Guerra](#) announced the RGV Food Bank free produce give away on July 21 at 9 a.m. at the parking lot on the corner of the East Batts and Reagan Street, additional information will be posted on City's website and Facebook. [Commissioner Rene Garcia](#) reminded that July 4<sup>th</sup> is approaching and Resacafest being held on July 3<sup>rd</sup> at the Heavin Trail. [Commissioner Pedro A. Galvan](#) thanked everyone for coming out tonight. I think we are seeing more of community interests and community input so I appreciate everyone's presence today, thank you.

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

[Ruth McGinnis, City Secretary](#), announced [Mr. Rick Miendiondo, Funeral Homes Representative](#), addressed the City Commission on behalf of Albert Vega, Managing Director of Thomae Garza Funeral Home, Juan Sierra, Funeral Director and Embalmer, and Mike Cabrera, friend and associate, requesting City to reconsider accepting checks for City cemetery services from funeral homes, for them in turn can serve the families of San Benito. This is not about the cost of plot or grave, a liner, opening, closing, or setups, this is about serving the community, serving the families. At Thomae Garza we want to be part of the solution by working together with our humble servants and working with our families, in order to do this we need to have the best practices. We cannot go out there and say here is a family, we can give you money, we want to be allowed so that we can pay their check to the city, we can collect later on from the insurance company, but we are willing to do that for the families, and we are asking for your help in helping us help the people of San Benito, in the community so we need to use the check and we need to use accountability for accountability purpose that is just best practice, all other cemeteries allow us to use checks and that is all we are asking. We can take a ball and bounce it, if you take one of our checks it is not going to bounce, we are going to honor the check, thank for your time and considerate ad we are looking for working together and hopefully we can have a committee

sometime in the near future. Thank you very much, God Bless. [Ruth McGinnis, City Secretary](#), announced [Dora Martinez, Executive Director of CASA](#), address City Commission, CASA is special advocates has served the children in San Benito for the past 27 years, we are an agency that supports the advocacy efforts of the community volunteers to represent children who have experience abuse or neglect, these children have endured trauma, often unimaginable trauma. CASA works to address their well-being needs and equally important ensure they are in a safe home. Our goal is to return the child to a home that is free from abuse, our agency has applied for CDBG funding for the upcoming fiscal year and we appreciate the funding that we received this fiscal year which allowed us to provide a portion of a salary for a volunteer supervisor, we have served a total of 46 children from San Benito this fiscal year, this includes five children who were returned home, six children who custody was granted to a relative and one child who was adopted. This was all possible due to your support and the work of the community volunteers and six of those from San Benito. We are requesting \$20,000 to continue to do this work. As you know the pandemic has affected everyone, including the non-profits. This pandemic it also revealed to us that these children when they are confined to remote learning they did not have someone to report suspected abuse and other suffer, numbers have decrease, but we do expect the numbers to increase once children go back to school. We want to be prepared to serve these children, to serve every San Benito child that enters the CPS system. It takes funding, support, and the collaboration to stand together as a community to address the ongoing issue of child abuse and neglect in San Benito. In closing I ask that you consider the work of CASA has been able to achieve with you support, the need for the children in your community to be raised in a healthy and safe home and the positive outcomes that we share with you. Thank you for your time. [Ruth McGinnis, City Secretary](#), announced no more public comments.

ITEM 6. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE MAY 18, 2021 REGULAR CITY COMMISSION MEETING.

[Commissioner Pedro A. Galvan](#) stated for the record, on item six, consideration and possible action to appoint a Mayor Pro Tem, I believe I was the only one that voted Nay on this. I just wanted to make it clear, for, it may seem to some that why I would say names, I just want to make it public, that because I think a Mayor Pro Tem needs to hold the seat with little more tact and as far as not being on the cell phone the full time of the meeting and also attending the meetings is very huge importance, that's why I voted no. [Mayor Ricardo Guerra](#) announced to the public, the Mayor Pro Tem is not here, she did call me and she did sound very, very sick and I did tell her to take care of herself and stay home and that's why she's not here. [Mayor Ricardo Guerra](#) requested a motion to approve the minutes with correction to agenda item six as requested by Commissioner Pedro Galvan. [Commissioner Rene Villafranco](#) moved to approve. [Commissioner Rene Garcia](#) seconded the motion. Voting Aye: [Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco, and Commissioner Pedro A. Galvan](#). Motion carried to [APPROVE THE MINUTES OF THE MAY 18, 2021 REGULAR CITY COMMISSION MEETING WITH CORRECTION TO AGENDA ITEM SIX.](#)

ITEM 7. DISCUSSION AND POSSIBLE ACTION TO NAME THE PARK CURRENTLY REFERRED TO AS "SOUTH PARK," LOCATED AT 1151 SOUTH SAM HOUSTON BOULEVARD, BEHIND FIRE STATION NUMBER 1.

[David Favila, Public Relations Director](#), addressed the City Commission stating on May 19, 2021 the City asked residents, especially children, to help suggest names for the City's newest park, currently referred to as South Park. Those interested were encourage to submit their submissions through e-mail by Friday, June 4. Several submission were e-mailed in, some from the parents of children and several adults also submitted suggestions. In you packet is the list of submissions staff recommends review. [Mayor Ricardo Guerra](#) asked if the names provided was posted for the

public on the city page and requested the names be posted on city website. **City Manager Manuel De La Rosa**, addressed the City Commission and stated we are in the process of putting up a monument sign, you have already seen it at the center island, you enter the Fire Station 1 location and the Splash Pad is directly behind the new soccer field, the phase one has been completed the contractor built the monument sign, but it is missing a name. Prior to elections in November about a year ago, we had hoped to get a corporate sponsor name for it and the commission voted on it as well, that did not occur, nobody's interested since it is in its early stage of being a major complex for us. We found some minutes that actually Commissioner Villafranco and Commissioner Joe D. Gonzales commented that this is not going to be the permanent name the dialogue went like this that we do not want to name it based on its location on town, it needs a more permanent name. I instructed David Favila to reach out to the kids, in never dawn on us that we would be getting names of so many of citizens in the community that are no longer alive, veterans, elected officials that have done something good for the community, but the problem with that is without our criteria on naming a park, a street, a building, a bench, a plaque it has to have some type of criteria, it has to have some meaning and here is the what makes your job very tough, how do you find any one person worthy over another. There are street all over the United States that have 2nd Street, but also known as this other street, not as the official name right, it still has its original name, example Freeway has its name and another roadway name, it very common practice. It is very difficult, now let me tell you about names and we have all seen all across the United States, very historic name in our history that are now being challenge. We are looking at the quality of the person, not what got them recognize but what was their character before they were characterized as being great or sometimes their conduct afterwards. I am very leery as a public administrator recommending any name that has not been properly vetted and we look at from the cradle to the grave, because when people start looking at those they start looking for a reason not to have somebody name on parts on streets and other areas. There are several ex-city official that would like to have their name on it and I am sure they deserve it, they did a lot for the community, but again you are going to have to set criteria. So if you can't choose a name from this, my recommendation is that you table it, give us directions to what you want to do again, I am not recommending one or the other, I am just trying to deal with some of the issues you may face in the future. Many worthy names were presented and Mr. Favila will make available tomorrow, what I am suggestion is that the park is something for the community and as generic as we can keep, make it mean something, but try to keep it where it does not become controversial in the future. **Commissioner Rene Garcia** commended I see one that really sticks out to me, "First Responders Community Park". The location of the park I guess maybe kind of leans me to that, of course it is right next to the fire station, there of course responders have been doing a tremendous job especially through COVID 19, whether it be our military forces, our first responders, police, fire, EMS, the Coast Guard, you know, I feel like there is some type of connection between that park and the first responders that serve our people. If we send it back because we do not agree on something today, I feel we would have to create some type of criteria so we can have adequate information in which is just your explanation it will make it difficult process to pursue. I would like to make a recommendation to select "First Responders Community Park" which will honor all our first responders, all our branches of military, all police, all firefighters, EMS, and the list goes on. **Mayor Ricardo Guerra** commented that over the weekend a couple of phone calls from citizens of San Benito that some were a little bit disappointed that they wanted more names on there. I thought at first it would be a good idea having "Honorary Park" on top and names would be added at the bottom, through the criteria we would be creating would have a list of people on it, meaning then we will take a couple from here and put them, example Judge Guadalupe Ayala, Jim Moody Family, and Rosalinda Gomez, Honorary Park will go on top and names bottom, that was something that other citizens came up with. If we cannot come up with something until we get the criteria then I would like to maybe

table it. **Commissioner Rene Villafranco** asked where would you stop at honorary, how many honors are going to be put on that list and **Mayor Ricardo Guerra** responded remember that we will need to find a criteria of what name would go up there. **Commissioner Pedro A. Galvan** asked was this ever brought up to the Parks and Recreation Committee or they have any input, **City Manager Manuel De La Rosa** responded no it was not. **Commissioner Rene Villafranco** asked when we sent this out to the public, were they meeting the criteria we asked for, **City Manager Manuel De La Rosa** responded yes sir, we added the attached posting that we put on Facebook and again we were no trying to limit anyone, but we were encouraging that we wanted children to participate which is why we put it that in such a matter because we look at parks when kids play, it is a splash pad, soccer field. We have cemeteries, wall memorials where people recognize veterans at, we can have something that recognizes individuals that is why we have bricks and walls and stuff. There are people that need to be recognize, but we didn't because we need to have this dialogue when it was decided some time ago that first name that was temperate, city commission talked about the corporate, we are that stage again it very open. In today's world we need to make sure to vet any name prior to naming anything. The intent was, it is phase one, let start moving forwards with more permanent name rather than referring it base on what part of town it is in. **Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Garcia** motioned to name the park "First Responders Community Park". **Commissioner Rene Villafranco** seconded the motion. Voting Aye: **Commissioner Rene Garcia** and **Commissioner Rene Villafranco**. **Mayor Ricardo Guerra** moved to table. **Commissioner Pedro A. Galvan** seconded the motion. Voting to Table: **Mayor Ricardo Guerra** and **Commissioner Pedro A. Galvan**. **Mayor Ricardo Guerra** announced the item dies and will be brought back. Motion **DIES ON AGENDA ITEM 7 TO NAME THE PARK CURRENTLY REFERRED TO AS "SOUTH PARK," LOCATED AT 1151 SOUTH SAM HOUSTON BOULEVARD, BEHIND FIRE STATION NUMBER 1.**

**ITEM 8. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF 15 NEW ZEBRA TC72 TICKET WRITERS IN THE AMOUNT OF \$29,833 FROM TYLER TECHNOLOGIES.**

**Police Chief Mario Perea** addressed City Commission to approve 15 new Zebra TC72 Ticket Writers to be purchase under the Court Technology Fund, ticket writers will replace the ticket writers purchased five years ago. They were displayed to the City Commission members. **Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Villafranco** moved to approve. **Commissioner Rene Garcia** seconded the motion. Voting Aye: **Mayor Ricardo Guerra**, **Commissioner Rene Garcia**, **Commissioner Rene Villafranco**, and **Commissioner Pedro A. Galvan**. Motion carried to **APPROVE THE PURCHASE OF 15 NEW ZEBRA TC72 TICKET WRITERS IN THE AMOUNT OF \$29,833 FROM TYLER TECHNOLOGIES.**

**ITEM 9. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE LAW ENFORCEMENT APPLICATION FOR PARTICIPATION IN THE STATE PLAN OF OPERATION BETWEEN THE SAN BENITO POLICE DEPARTMENT AND THE STATE OF TEXAS.**

**Police Chief Mario Perea**, addressed the City Commission requesting to consider and approve Law Enforcement Application for the City of San Benito and the State Plan Operations that is renew on yearly bases, it needs to be signed my Mayor and Chief of Police. **Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Garcia** moved to approve. **Commissioner Rene Villafranco** seconded the motion. Voting Aye: **Mayor Ricardo Guerra**, **Commissioner Rene Garcia**, **Commissioner Rene Villafranco**, and **Commissioner Pedro A. Galvan**. Motion carried to **APPROVE THE LAW ENFORCEMENT APPLICATION FOR PARTICIPATION IN THE STATE PLAN OF OPERATION BETWEEN THE SAN BENITO POLICE DEPARTMENT AND THE STATE OF TEXAS.**

ITEM 10. CONSIDERATION AND POSSIBLE ACTION TO RATIFY PAYMENT TO HOLT CAT, ON EMERGENCY REPAIRS TO WATER TREATMENT PLANT NUMBER 2 GENERATOR IN THE AMOUNT OF \$19,972.22.

**Adan R. Gonzalez, Public Works Director**, addressed City Commission requesting approval on emergency repairs to Holt CAT generator acquired from the Harlingen Border Patrol eight years ago that is under repair. **City Manager Manuel De La Rosa** addressed the City Commission concerns regarding warranty lasting about a year and only for the parts. It is fairly sizable equipment and it would be use as the backup generator for Water Treatment Plant 2. **Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Villafranco** moved to approve. **Commissioner Rene Garcia** seconded the motion. Voting Aye: **Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco, and Commissioner Pedro A. Galvan**. Motion carried to APPROVE RATIFY PAYMENT TO HOLT CAT, ON EMERGENCY REPAIRS TO WATER TREATMENT PLANT NUMBER 2 GENERATOR IN THE AMOUNT OF \$19,972.22.

ITEM 11. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT WITH CAMERON COUNTY TO PROVIDE ROAD IMPROVEMENTS TO A PORTION OF PENNSYLVANIA ROAD, ESTIMATED COST TO CITY OF \$92,147.49.

**Mayor Ricardo Guerra** requested this item which is being presented by **Adan R. Gonzalez, Public Works Director**, who address the City Commission stating it is part of approximately 2,570 linear feet from Sherer Road, old FM 732 to Thompson Road, the new FM 732, the county is asking for you approval. **City Manager Manuel De La Rosa** addressed City Commission and commented that he drove out there and had a conversation with the Public Works and asked for them to walk it. It is great that the county is reaching out to us, but my concern with county making these type of agreements with the City when our own citizens pay county taxes, every one of you pays county taxes, not to disparage anybody that lives on there, but we have five residents on Pennsylvania Avenue, we looked at the properties, how much we get in and here is what I am thinking, I do not know why Cameron County and this is not the first time I have said this. I was not an agreement when they did the San Jose Roadway and we were invoiced by them for relocating a water line. It was a county project and the citizens pay taxes so here are our citizens paying not only city taxes, school district taxes, but county taxes. We looked at the distance just to make sure, it is the 45 cents a linear. I just still believe that Cameron County whether is our Precinct Commissioner or Cameron County as a whole as long as you are in the area, they are small sections, they are already collecting taxes from our own citizens, why not just do the job right roadway to roadway right from Sam Houston to 732 and old 732 and stop this you pay your portion. I appreciate Cameron County willing to work with us. **Commissioner Rene Garcia** asked where is the funding for this coming from, the \$92,000, in which **Adan G Gonzales** responded from Street Fund. **Commissioner Rene Garcia** commented I have a before me a list of 76 streets that we have identified of having problems in this community. If it is coming from the fund, I am not comfortable with allocating \$92,000 from there when we have a list of 76 streets that need repair and we have streets that are in dire need. They are citizens as well and you have a good point, I am not saying that you do not, but if we do have to do something up there, you said from new 732 to the old 732, that is a small section. \$92,000 dollars is a lot on money that we are going to take from our road repairs fund, we already have a list of our dire needs streets and I just do not feel comfortable taking money from there and allocating it out there when like what Mr. Del La Rosa mentioned, maybe we can work some type of agreement with them, I like working with higher entities, at this time I feel we have major project and we need additional funds to be able to complete our own projects, entering into local agreement with the county would take \$92,000 critical from our street repair fund. **Mayor Ricardo Guerra** asked confirmations as to where is the

moneys are coming from **City Manager Manuel De La Rosa** responded yes sir it is earmarked, it is out of that total from \$450,000 and the \$550,000, \$450,000 pays the maintenance on where we get a lot of other supplies and then the \$550,000 totally dedicated to our street improvements. **Commissioner Rene Villafranco** asked is there only 10 streets that were approve, which **City Manager Manuel De La Rosa** responded yes sir. **Commissioner Rene Garcia** reiterated that our moneys are tied up for quite a bit of time, we have to look for additional funding. If we do intent to do something out there well surely we can add it to the list and we can find a place for the section of Pennsylvania on this list, but I do not feel that we should jump over anyone in this community, for interlocal agreement, I would want to look at it a little bit further, I want to make sure that if we are going to be getting into interlocal agreements with the county the state or anybody that we get the best for San Benito and I don't think that this its right now. **Mayor Ricardo Guerra** comments that we can always come up with excuses, and that Mr. Del La Rosa is right, we pay city taxes and county taxes, but we also have citizens here in San Benito that pay taxes, and every time they are going to do an improvement in their home they pay city charges. I just talked to a lady, she is going to build a house and that is something I am going to talk with code enforcement, she pays taxes here, she has a business here and she pays taxes. Now we are going to charge her to put a water hydrant, fire hydrant close by, it's the same thing. You are right, we have a list of streets that we came up with, when I talked to the county and I brought this item up, I thought was a good idea to have because Pennsylvania leads to and from San Benito, people use it, it is a very damaging street, they reached out and to me to say let's try to fix this not only for the county, but also for the city. I brought this item up, but all you had to tell me was that that was going to come from the million dollars allocated, but that was not told to me. Yes, we voted on some streets that the citizens here in San Benito that are in dire need, I agree that citizens streets first, I do not want to take nothing away from the city right now, we can well try to work with them and they can help us out and maybe we can pay them later on or something so we can come up with a type of local agreement, I do not know, but like I said, the street are in need and we should not take anything away right now. **Commissioner Pedro A. Galvan** asked about the traffic volume and do a lot of citizen comes to and from Los Indios into town and **City Manager Manuel De La Rosa** responded the traffic that travels up and down Sam Houston and 732 is greater for us that what going across. They are coming into town going across to residential neighborhood either east or west of 732 or Sam Houston. There would be no reason for us to a traffic count going east west. **Commissioner Pedro A. Galvan** asked clarification about the road improvements location and **City Manager Manuel De La Rosa** commented that the road improvement is Pennsylvania starting from Sam Houston and it would go eastward to new 732 to the old 732, Shere Road. **Commissioner Pedro A. Galvan** asked if the improvement consist of it being one way, no shoulder, open lanes on two sides, curving gutters, and medium, it does not really explain it and **City Manager Manuel De La Rosa** stated that the description is not much, it looks more like an overlay, it's been scraped, an overlay, they is no curve, no gutter, no improvements, it say it is widening, I do not see it. **Commissioner Rene Garcia** commended I believe it leads from La Paloma to el Ranchito, for \$92,000 dollars no curve no gutter and it is not even widening, it is a lot of money. Mayor, I want to recommend that first we need to know where the money is coming from, do we have the moneys to do this, do we want enter an interlocal agreement, before we do anything like this even in entering into conversation I recommend that you find out exactly where everything is coming from and know what we have and what we can do, before we talk to anyone out there, I do not want to go out there and say we can do this and we can do that and enter into interlocal agreement an then come back here and we do not have any money for that. **Mayor Ricardo Guerra** commented that he was informed about the amount that was part of the city limits, it enters from 732 as you go towards the east like fifty feet or hundred feet is the county and them it comes in into city and then it goes into the county again that is where the \$92,000, is the portion of the city limits. **Commissioner Rene Garcia** commented

I know where that stretch, is it is all the way to the Elementary, it is just protecting our ETJ, I am just saying that before we entertain any type of agreement with anybody we need to know what we have. **Commissioner Pedro A. Galvan** commented I thank the mayor at least for trying to go out and try to make some type of agreement with the county, I can see the benefit it might have for that side of the town to come into the town, a make it a little easier or to promote more development off that road, is there potential for incorporation of that, I guess we are paying 25 percent of the total cost of the project, but is there potential for incorporation of Pennsylvania Road into the city limits where we can tap into more property tax revenue. **City Manager Manuel De La Rosa** responded no sir, annexation is very difficult because state legislature. Most of that area does not fall within our certificate areas, water, sewer therefore we would not generate revenue in its water side and the sewer does not produce revenue. The road way is a very narrow strip probably not more than 200 feet on either side of it, the other side of the Sam Houston is about 200 feet along Sam Houston and 732, if you know our city maps it got legs that go down 509 and Sam Houston, it's a very narrow area, they are outside the city so because we already provide water and sewer you cannot leverage that to come into the city. When you got certificated areas for water and sewer, annexations are nearly impossible and to do voluntary annexations in those types of agreement is very cumbersome. **Mayor Ricardo Guerra** requested a motion. No motion received. **Mayor Ricardo Guerra** requested a motion to deny. No motion received. **Commissioner Rene Garcia** commented just for the record it's not that there isn't a need out there, I am just saying it's not an urgent need at this time. We can come back to it some other day and that is why it is best if it just dies. **City Manager Manuel De La Rosa** commented we will reach out to the county again and yes we do have a list of ten streets and we got 70 plus streets, we do have inner local agreements with county, but this is the roadway we have, the county gets materials at a better pricing since they buy in bulk, we can say hey these are our street can you help us with this 10, what is that pricing. We have funds that have been allocated. Mr. Gonzalez already has bids out there. We will meet with the contractor Thursday of this week, but if the county can help us with the streets that the City Commission has chosen at those same rates, they may be competitive and you can do that through an interlocal agreement, payment up front. It is the not the first agreement with the city, but it should be what this City Commission chooses as its roads and not with the projects they are on and let us take it from that task, say we will have that conversation and that ten roads maybe twenty roads because you all choose them, but it is always going to come out of the budget now we always got reserve funds, any elected official want to talk to us we will look at it. We are not broke, we have unassigned funds, but we are also on in hurricane season. We got funding if we need it, we can certainly pay for it, but you have given instructions as a commission to hit those 10 road and then we will add more, if we can find another contractor and it can be the county. These are the roads, can you help us and this is what we need, what is your price. **Mayor Ricardo Guerra** announced no motions received. No Motion carried **DIES ON AGENDA ITEM 11 CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT WITH CAMERON COUNTY TO PROVIDE ROAD IMPROVEMENTS TO A PORTION OF PENNSYLVANIA ROAD, ESTIMATED COST TO CITY OF \$92,147.49.**

**ITEM 12. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE APPOINTMENT OR RE-APPOINTMENT OF A SAN BENITO ECONOMIC DEVELOPMENT CORPORATION, INC., BOARD OF DIRECTOR TERM TO EXPIRE ON MAY 31,2021. NEW APPOINTMENT OR RE-APPOINTMENT TERM WILL EXPIRE ON MAY 31, 2023:**

**A) PLACE 4.**

**City Manager Manuel De La Rosa**, addressed the City Commission stating that **Mayor Pro Tem Carol Lynn Sanchez** called in and provided the name of reappointment and item can be tabled. **Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Garcia** moved to table.

Commissioner Rene Villafranco seconded the motion. Voting Aye: Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco, and Commissioner Pedro A. Galvan. Motion carried to TABLE THE APPOINTMENT OR RE-APPOINTMENT OF A SAN BENITO ECONOMIC DEVELOPMENT CORPORATION, INC., BOARD OF DIRECTOR TERM TO EXPIRE ON MAY 31,2021. NEW APPOINTMENT OR RE-APPOINTMENT TERM WILL EXPIRE ON MAY 31, 2023: A) PLACE 4.

ITEM 13. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE APPOINTMENTS OF THE COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE (CDCAC). TERMS WILL EXPIRE JULY 31, 2023 OR 2024 DEPENDING ON PLACE

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

B) PLACE 2 (EXPIRATION: JULY 31, 2023)

C) PLACE 3 (EXPIRATION: JULY 31, 2024)

D) PLACE 4 (EXPIRATION: JULY 31, 2024)

E) PLACE 5 (EXPIRATION: JULY 31, 2023 MAYOR'S APPOINTMENT)

Fred Bell, Assistant City Manager, addressed the City Commission, this agenda items is being presented in order for you to nominate a committee member for the CDBG, Community Development Citizens Advisory Committee. Each commissioner may nominate a resident from your designated area to the rest of the commission for consideration and appointment, each of you have your perspective zones, the mayor's nomination is at large.

Commissioner Rene Garcia moved to table Place 1. Commissioner Rene Villafranco seconded the motion. Voting Aye: Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco, and Commissioner Pedro A. Galvan. Motion carried to TABLE PLACE 1 APPOINTMENT OF THE COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE (CDCAC).

Commissioner Rene Villafranco moved to table Place 2. Commissioner Rene Garcia seconded the motion. Voting Aye: Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco, and Commissioner Pedro A. Galvan. Motion carried to TABLE PLACE 2 APPOINTMENT OF THE COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE (CDCAC).

Commissioner Pedro A. Galvan moved to appoint Rogelio D. Nunez for Place 3. Commissioner Rene Villafranco seconded the motion. Voting Aye: Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco, and Commissioner Pedro A. Galvan. Motion carried to APPROVE ROGELIO D. NUNEZ TO PLACE 3 FOR THE COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE (CDCAC).

Mayor Ricardo Guerra announced being that Mayor Pro Tem Sanchez is not present, requesting motion to table. Commissioner Rene Villafranco moved to table Place 4. Commissioner Rene Garcia seconded the motion. Voting Aye: Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco, and Commissioner Pedro A. Galvan. Motion carried to TABLE PLACE 4 FOR THE COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE (CDCAC).

Mayor Ricardo Guerra moved to nominate Iris De La Rosa Garcia for Place 5. Commissioner Rene Villafranco and 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 APPROVE IRIS DE LA ROSA GARCIA TO PLACE 5 OF THE COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE (CDCAC).

Fred Bell, Assistant City Manager, addressed the City Commission informing them they will make record of it and that item will brought back for Place 1, 2, and 4 and that we will not be setting up meetings until place filled.

ITEM 14. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FISCAL YEAR 2021-2022 DRAFT ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING, AND AUTHORIZE THE MAYOR TO SIGN THE CORRESPONDING APPLICATION FOR FEDERAL ASSISTANCE.

Fred Bell, Assistant City Manager, stated this is a draft of the CDBG award year for year number 47 which covers fiscal year beginning October 1<sup>st</sup>, 2021, the total award is \$390,501 dollars of the amount \$212,741 is pre-allocated to street improvements debt payment, \$39,996 is pre-allocated to the soccer trail property payment, and we allocated \$78,700 which is a 20 percent of the award for the overall administration of the award leaving a balance of \$62,064 available for allocations to sub-recipients requesting funding. Three non-profit organizations requesting funding this year as you can see on the excel spreadsheet which is in your packet. Amigos Del Valle is requested \$55,000, Maggie's house requested \$8,000 and CASA requested \$20,000. In your packages and excel spreadsheet detailing the total award including the pre-allocating amounts and Staff recommendations for sub-recipients. This year Staff is recommending awarding the three organizations an equal amount of funding, Maggie's House requested the least amount of \$8,000 therefore staff is recommending awarding each of these nonprofits \$8,000, Staff further recommends allocating the remaining amount in the amount of \$38,064 to general park improvement. Park and Recreations Director, Ramon Rodriguez would be able to utilize these funds to replace equipment and approve the grounds and many of our city parks. Staff is recommending approval, I am prepared to answer questions. Commissioner Rene Villafranco asked since when has the money been allocated for the streets and Fred Bell, Assistant City Manager responded it will expire in 2024 and it was a 20 year note, in theory in 2025 you will have a lot of money to do a lot of things. Mayor Ricardo Guerra asked for a motion. Commissioner Pedro A. Galvan asked about the less than 20 percent that can be used for administration and who is being paid from this fund. Fred Bell, Assistant City Manager, responded that it pays for the full time coordinator, Ms. Pedraza, and a small portion of it for his salary, a five percent is allocated from the CBDG to his salary because he provides an oversight, provides for publications, and provides for materials and supplies for the program. Commissioner Pedro A. Galvan asked is that common practice the grant be used for those employees? Fred Bell, Assistant City Manager, responded the way the award is setup by HUD guidelines, the receiving agency are not allow to put more than 20 percent of the administration considering material cost, it also provides fund if a computer fries and we have to replace it, it comes out those funds. Mayor Ricardo Guerra asked if allocating those funds will the improve the parks in which Fred Bell, Assistant City Manager, responded yes sir, we have a re-occurring general park improvement account, at the end of the year once all the awards has be award, debt payment done, and once we reconcile and account for overall administration, we generally have some money left over, then we come back and request those funds to be moved to the general park improvement fund. Mr. Rodriguez has been assigned the task of assessing all of our parks and they do fall in the lower moderate income areas and it allows improvement for those parks. Commissioner Rene Villafranco recommended that CASA gets \$12,000, Maggie's House get \$10,000, and Amigos Del Valle gets \$8,000 that gives the City \$30,000. Fred Bell commented the Maggie cannot be award more than what was requested. Commissioner Rene Garcia recommended increasing

Amigos Del Valle and CASA, 12 thousand for CASA, and 12 thousand for Amigos and Maggie remain the same, that adds up to 32 and Fred Bell confirm the rest will be moved for general park improvements. Commissioner Pedro A. Galvan commented he appreciates the requests, but that it would be best for a fair allocation for each non-profit and the rest for general park improvements, granted the park improvements happen and that they are visible. Mayor Ricardo Guerra commented that we do not have enough for the parks, as much as we want to give everyone, the parks need to be upgraded, started and finished. My recommendation is to keep as the Staff has advised us, \$8,000 each across the board. Commissioner Rene Villafranco asked how much moneys was left last year or the two previous years, Fred Bell responded that he do not have the previous year, but he said that in research, previous commissions have earmarked for certain funds for certain projects like \$20,000 for restrooms at the Landrum Park, but that is not enough, once the monies were allocated we cannot use the \$20,000 at any other project thus we have to draw back into the general park improvements. Right now staff is wrapping up the excess fund from 2014 and 2016 then we will start going into 2018 because we have some available funds and we will be back shortly because we have available funds that is the advantage in moving them into the general park improvements is that we are able to use them for different parks as long as it meets the HUD requirements. What staff has to do now is whenever the parks departments utilize those funds they have to communicate with CDBG staff because CDBG has to allocate for every single dollar of whatever that awarded is. We know where every CDBG dollar is since we need to submit to a federal reporting system else we get a red flag and notification from San Antonio HUD. Commissioner Rene Garcia commented that we currently have parks improvement payment of \$39,000 or almost \$40,000 coming from CDBG yearly that is to make payments for that park so then you want the remaining funds left over to go to the parks improvements allocation, but then you are saying that if there are any additional moneys later you are going to fund those into parks also. Fred Bell, Assistant City Manager, responded the \$39,000 is a debt payment. Commissioner Rene Garcia asked we have a park improvement fund and right here it say \$38,000, but then you said that in the end there will be some money's left over from where, in which Fred Bell, Assistant City Manager, responded it typically comes out of the administrative because we do not want to underestimate when we do the annual action plan and if we cut it short of say only \$50,000 for administration, if we exceed that we need to do some amendments, publications and go through the entire public hearing process again, so historically we go right at 20 percent so we do not violate those rules, but it kind of creates to make sure we cover the administrative aspect of the award and then typically at the end you know some years we have pretty good amounts \$10,000 to \$15,000, \$20,000 or leaner. Commissioner Rene Garcia asked if there is a certain percentage that it recommended how much can be allocated to the non-profit and Fred Bell, Assistant City Manager, responded that San Benito is unique because we have this large 20 year debt payment and that was a concern the HUD has when we went through the lovely ten month audit we had to explain it, this and was approved by HUD and once the bond gets paid off, different percentages are going to kick in and then more will have to go to the community type events, the overall park system and transportation system. Commissioner Rene Garcia commented in regards to the bond, for now the recommendation from Staff are based on something that would be safe to do in which Fred Bell, Assistant City Manager, confirmed that they submit an annual action plan every year and then at the end of the year we submit a caper which is basically says this is what we do with the money and we have to allocate every penny and San Antonio and other areas review it. As we get close to paying off this 20 year note, it is going to open up a lot of opportunities and I have no doubt we will have Maggie's house and others. Commissioner Rene Garcia commented that the earliest would be 2024 and 2025 and agree with Commissioner Galvan in leaving the allocation recommended at \$8,000, and motion to approve as recommended by Staff. 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 APPROVE THE FISCAL YEAR 2021-2022 DRAFT ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING, AND AUTHORIZE THE MAYOR TO SIGN THE CORRESPONDING APPLICATION FOR FEDERAL ASSISTANCE.**

**ITEM 15. CONSIDERATION AND POSSIBLE ACTION TO APPROVE TASK ORDER NUMBER 1 WITH HANSON PROFESSIONAL SERVICES, INC., FOR ENGINEERING DESIGN, CONSTRUCTION, AND CONSTRUCTION MANAGEMENT OF THE LIFT STATION REHABILITATION PROJECT AT THE PUBLIC WORKS CITY YARD ON STENGER ROAD.**

**Fred Bell, Assistant City Manager**, addressed City Commission in regards to Lift Station, the city shop is one of the stations in need of dire attention, the lift station is an open top and has a history of overflowing when we receive a lot of rain. Also there are constant issues with the foul odor due to the open top design. The plan is to take this Lift Station out of service and built a new one without an open top. The attachment is the first task order for engineering services pertaining to design, construction, and construction management of this project. Hanson Professional Services will design the lift station, assist with land acquisition of it necessary and serve as a construction manager on this project. Inside your packages is the detailed task order which includes the overall scope of work, the cost of hands and scope of work detailed in the order not to exceed \$165,000 and those detailed are on page seven of the task order. Staff is recommending approval and in attendance tonight is a Ms. Iris Cantu from Hanson Professional Services, if we have any specific questions for the firm. **Mayor Ricardo Guerra** asked if it is going to be moved. **Fred Bell, Assistant City Manager**, stated that is the intent and that they already started assessing and recognize that it is not in ideal location and can better used that space for other areas that the public works and city shop needs. There may be the need to consider land acquisition so we want to incorporate that, it is one of the major main forces so it is a very critical and sensitive area so we have to make sure that we acquire, we put it in the right spot, and keep ourselves prepared in the event that down the road we may need to do some expansions. We are trying to make sure we create that now so we are not stuck like some of the other lift stations that we have land and accessibility issues. **Commissioner Pedro A. Galvan** asked are we questioning the integrity of the system or do we just want a closed system, is it failing. **Fred Bell, Assistant City Manager** responded it is not failing. **Commissioner Pedro A. Galvan** asked what the life expectancy of the lift station and where are we at with this one. **City Manager Manuel De La Rosa** stated that it is not failing it is undersized, therefore every little rainy event you have sewage overflowing the top and then we report ourselves to the state that we had a sewage spill which means we now have a violation of sewage of spill. **Commissioner Pedro A. Galvan** asked is there a design before we approve this, or at least where is it going to be moved to, the location, the view is it beautified. **City Manager Manuel De La Rosa** responded that this part of it, it is part of the design and part of the assessment is where can it be relocated, whether on site or acquire property adjacent to the area, you cannot work on this lift station while it is an active lift station, it's got too much sewage coming in so basically you have to move it away from it in the area. It could be acreage, I mean we got acreage and there is also acreage next to us not owned by the city, we built it there, get it prepared and then when they are ready, we start switching everything over to the new side and then we abandon the old station. **Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Villafranco** moved to approve. **Commissioner Rene Garcia** seconded the motion. Voting Aye: **Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco and Commissioner Pedro A. Galvan. Motion carried to APPROVE TASK ORDER NUMBER 1 WITH HANSON PROFESSIONAL SERVICES, INC., FOR ENGINEERING DESIGN, CONSTRUCTION, AND CONSTRUCTION MANAGEMENT OF THE LIFT STATION REHABILITATION PROJECT AT THE PUBLIC WORKS CITY YARD ON STENGER ROAD.**

**ITEM 16. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTRACT FOR DISPLAY OF FIREWORKS BY LIBERTY MJ FIREWORKS, LLC, FOR RESACAFEST 2021.**

**Nikky Serrano, Parks and Recreations Special Projects Planner**, address the City Commission requesting to approve the terms outlined in the contract for the fireworks display with Liberty MJ Fireworks LLC for ResacaFest 2021. The city continues to plan the event scheduled for Saturday July 3<sup>rd</sup>, it is free for the public and contributes to enhancing the quality of the life for residents and visitors alike. The family, friendly events features live music, food arts, and craft vendors and fun for all and it customarily capped off with a firework display. ResacaFest fest continues the tradition of celebrating the spirit of San Benito, city staff recommends approval. **Commissioner Rene Garcia** asked what site are you using for the display, in the past the Resaca Village was used, **Nikky Serano**, responded we have three proposed sites one that we are considering the most is the little deck, the that is across, closer to 77 by the basketball courts on the opposite side, yes the little fishing pier and it's 140 feet away for the nearest resident so it does clear the specified recommended area for the drop off. **Commissioner Rene Garcia** commented his concern since we are moving closer to the neighborhoods, **Nikky Serano** responded that the technician that works for the company provided the option and a few others, but that one is what was recommended. **Commissioner Rene Garcia** asked what happened in the event of rain and **Nikky Serano** responded that the technician will review that and it is up to their consideration if they think they can't perform the firework display they will give us another date at our liking. **City Manager Manuel De La Rosa** made reference to page four the Hold Harmless Summary and commented to the City Commission in regards firework display and that the operator does not hold the city liable in the event that something goes bad and vice versa we do not hold them liable. This is fairly standing when dealing with these fireworks and it does have a \$1 million coverage, hopefully we never have this, and operators are certified with State Fire Marshal's Office. The rain date, there's a fifty percent payment was done upfront and should it be unsafe it is their decision. Should we not have it, then they will move to the music festival which we are planning in September the South Texas Music, but we are in the middle of hurricane season, anything can happen. **Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Villafranco** moved to approve. **Commissioner Rene Garcia** seconded the motion. Voting Aye: **Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco and Commissioner Pedro A. Galvan**. Motion carried to **APPROVE A CONTRACT FOR DISPLAY OF FIREWORKS BY LIBERTY MJ FIREWORKS, LLC, FOR RESACAFEST 2021.**

**ITEM 17. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A PROPOSAL FROM A/C A'S SERVICE MECHANICAL CONTRACTOR FOR THE REPLACEMENT OF AN AIR CONDITIONING CONDENSER UNIT AT 355 WEST BUSINESS 77, THE STRUCTURE COMMONLY REFERRED TO AS THE "OLD AEP BUILDING."**

**Ramon Rodriguez, Park and Recreation Director**, addressed City Commission and requested approval of the proposal by A/C A Service Mechanical contractor to replace a condenser unit at the Old AEP building, the unit has reached the end of its life cycle and we must replace it to get the building back to one hundred percent. **Commissioner Pedro A. Galvan** asked what the building is being used for and **Ramon Rodriguez** responded that it is currently used as studio for video recording, city meetings, blood donation drives, training police testing, and it is multi-use purpose building. **Commissioner Rene Garcia** asked which vendor, **Ramon Rodriguez** responded it is a local vendor, A/C A Service Mechanical contractor from San Benito and three bids were done and that replacement will be the same type of unit we have there. **Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Villafranco** moved to approve. **Commissioner Rene Garcia** seconded the motion. Voting Aye: **Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco and Commissioner Pedro A. Galvan**. Motion carried to **APPROVE A PROPOSAL FROM A/C A'S SERVICE MECHANICAL CONTRACTOR FOR THE**

**REPLACEMENT OF AN AIR CONDITIONING CONDENSER UNIT AT 355 WEST BUSINESS 77, THE STRUCTURE COMMONLY REFERRED TO AS THE "OLD AEP BUILDING."**

**ITEM 18. PUBLIC HEARING: TO SOLICIT INPUT REGARDING A REQUEST TO REZONE A PROPERTY LOCATED AT THE INTERSECTION OF LASBY PARK ROAD AND STOOKEY ROAD, BEARING A LEGAL DESCRIPTION OF 16.034 ACRES OF LAND MORE OR LESS COMPRISED OF 7.644 ACRES OUT OF LOT SEVEN (7) AND 8.39 ACRES OUT OF LOT EIGHT (8) LASBY PARK PLACE IN CAMERON COUNTY, TEXAS, ACCORDING TO MAP THEREOF RECORDED IN VOLUME 4, PAGE 12, MAP RECORDS OF CAMERON COUNTY, TEXAS, FROM AO "AGRICULTURE AND OPEN SPACE" TO SF-1 "SINGLE FAMILY ONE". APPLICANT: CITADEL DEVELOPMENT, LLC.**

- (A) OPEN PUBLIC HEARING**
- (B) CLOSE PUBLIC HEARING.**

**Bernard Rodriguez, Planning and Development Director** address the City Commission that applicant is requesting to rezone an agricultural open space to single family residential to facilitate proposed 77 lot subdivision. It is a mix zone of property surrounding the project site including significant family one, multifamily residential and commercial general retail. The comprehensive plan future land use plan reflects the use of general residential which is the same as single family residential. Staff has not received any comments for or against the request zone change. The rezone request is in concurrence with the city's comprehensive plan, this is a public hearing. **Mayor Ricardo Guerra** announced the time is 7:03 p.m. and the floor is opened to the public. **Mayor Ricardo Guerra** announced no public comments were received and the time is 7:03 p.m. and the floor is now closed to the public. No motion carried **PUBLIC HEARING ONLY.**

**ITEM 19. CONSIDERATION AND POSSIBLE ACTION, AFTER PUBLIC HEARING, ON A REQUEST TO REZONE A PROPERTY LOCATED AT THE INTERSECTION OF LASBY PARK ROAD AND STOOKEY ROAD, BEARING A LEGAL DESCRIPTION OF 16.034 ACRES OF LAND MORE OR LESS COMPRISED OF 7.644 ACRES OUT OF LOT SEVEN (7) AND 8.39 ACRES OUT OF LOT EIGHT (8) LASBY PARK PLACE IN CAMERON COUNTY, TEXAS, ACCORDING TO MAP THEREOF RECORDED IN VOLUME 4, PAGE 12, MAP RECORDS OF CAMERON COUNTY, TEXAS, FROM AO "AGRICULTURE AND OPEN SPACE" TO SF-1 "SINGLE FAMILY ONE". APPLICANT: CITADEL DEVELOPMENT, LLC.**

**Bernard Rodriguez, Planning and Development Director**, address the City Commission requesting agricultural open space to single family residential. The proposed development is located off the Lasby Park Road and Stookey Road. Is it in Subdivision Phase, the rezoning of 16.034 acre property to just single family will facilitate a proposed 77 lot subdivision. The developers currently in the design phase of the subdivision process. The rezone request is favorable and conducive with the surrounding areas. The proposed development will increase our current residential lot inventory available to the general public. The zoning map displays the site, it is a multifamily commercial development, residential, and residential development. The second map displays future land use which does call for single family residential. The third map shows the aerial view of the map of the proposed development. It shows Lasby and Stookey and you can see the residential surrounds the area for single family residential, right now there are only requesting for rezone they are in the process of subdividing, they will come back before you and they will address all the issues pertaining to subdivisions. Staff recommends approval. **Commissioner Rene Garcia** asked about the 77 lots, what are the size of the lots. **Bernard Rodriguez** responded that they average about 55 frontage to about 125, they are still in the process right now, we have seen the preliminary view that they need to change up a little so

nothing is set right now, but it will coincide with our minimum lot requirements, 50 by 125. This is just a request for your approval to change the zone that will trigger the next event which would be subdividing and again that will come before you. **Commissioner Pedro A. Galvan** asked the minimum requirements is that a city ordinance or a state statute, you said 50 by 125. **Bernard Rodriguez** responded it is a city ordinance. **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, Commissioner Rene Villafranco** and **Commissioner Pedro A. Galvan**. Motion carried to **APPROVE AFTER PUBLIC HEARING, ON A REQUEST TO REZONE A PROPERTY LOCATED AT THE INTERSECTION OF LASBY PARK ROAD AND STOOKEY ROAD, BEARING A LEGAL DESCRIPTION OF 16.034 ACRES OF LAND MORE OR LESS COMPRISED OF 7.644 ACRES OUT OF LOT SEVEN (7) AND 8.39 ACRES OUT OF LOT EIGHT (8) LASBY PARK PLACE IN CAMERON COUNTY, TEXAS, ACCORDING TO MAP THEREOF RECORDED IN VOLUME 4, PAGE 12, MAP RECORDS OF CAMERON COUNTY, TEXAS, FROM AO "AGRICULTURE AND OPEN SPACE" TO SF-1 "SINGLE FAMILY ONE". APPLICANT: CITADEL DEVELOPMENT, LLC.**

**ITEM 20. PUBLIC HEARING: TO SOLICIT INPUT REGARDING A REQUEST TO REZONE A PROPERTY LOCATED AT 1835 SOUTH SAM HOUSTON BOULEVARD, BEARING A LEGAL DESCRIPTION OF 5.00 ACRES OF LAND OUT OF THE SOUTHWEST ONE QUARTER (SW. V\*) OF BLOCK THIRTY FOUR (34), OF THE SAN BENITO LAND AND WATER COMPANY SUBDIVISION, AS RECORDED IN VOLUME 1, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS AND FURTHER CONSISTING OF ALL OF A CERTAIN 2.00 ACRE TRACT RECORDED IN VOLUME 8741, PAGE 243 OF THE OFFICIAL RECORDS, CAMERON COUNTY, TEXAS; ALL OF CERTAIN 2.63 ACRE TRACT RECORDED IN VOLUME 125, PAGE 163 OF THE MISCELLANEOUS DEED RECORDS, CAMERON COUNTY, TEXAS; AND ALL OF A 0.37 ACRE TRACT RECORDED IN VOLUME 7017, PAGE 139 OF THE OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS, FROM SF-1 "SINGLE FAMILY ONE" TO C-2 "COMMERCIAL GENERAL RETAIL BUSINESS". APPLICANT: MS. SABRINA LARA.**

- (A) OPEN PUBLIC HEARING**
- (B) CLOSE PUBLIC HEARING.**

**Bernard Rodriguez, Planning and Development Director**, address the City Commission and stated that applicant is requesting rezone from single family to commercial development, a commercial general retail business. The property from Sam Houston Boulevard which is predominantly an existing commercial corridor commercial land use has been in effect starting approximately 1988. The properties surrounded by spotted commercial activity. Staff has not received comments for or against the proposal change, this is a public hearing. **Mayor Ricardo Guerra** announced the time is 7:09 p.m. and the floor is opened to the public. No public comments received. **Mayor Ricardo Guerra** announced the time is 7:09 p.m. and the floor is closed. No motion carried **PUBLIC HEARING ONLY.**

**ITEM 21. CONSIDERATION AND POSSIBLE ACTION, AFTER PUBLIC HEARING, TO REZONE A PROPERTY LOCATED AT 1835 SOUTH SAM HOUSTON BOULEVARD, BEARING A LEGAL DESCRIPTION OF 5.00 ACRES OF LAND OUT OF THE SOUTHWEST ONE QUARTER (SW. %) OF BLOCK THIRTY FOUR (34), OF THE SAN BENITO LAND AND WATER COMPANY SUBDIVISION, AS RECORDED IN VOLUME 1, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS AND FURTHER CONSISTING OF ALL OF A CERTAIN 2.00 ACRE TRACT RECORDED IN VOLUME 8741, PAGE 243 OF THE OFFICIAL RECORDS, CAMERON COUNTY, TEXAS; ALL OF CERTAIN 2.63 ACRE TRACT RECORDED IN VOLUME**

125, PAGE 163 OF THE MISCELLANEOUS DEED RECORDS, CAMERON COUNTY, TEXAS; AND ALL OF A 0.37 ACRE TRACT RECORDED IN VOLUME 7017, PAGE 139 OF THE OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS, FROM SF-1 "SINGLE FAMILY ONE" TO C-2 "COMMERCIAL GENERAL RETAIL BUSINESS". APPLICANT: MS. SABRINA LARA. Bernard Rodriguez, Planning and Development Director, address the City Commission and brief that the applicant is requesting re-zone from single family one to commercial general retail business, the applicant is currently in the subdivision phase of the development, she is looking to rezone the property to facilitate the subdivision the region, request is conducive with the current commercial property use the current office facility is constructed in 1988 according to Cameron County appraisal district and historically the property has been used for commercial use. The property fronts the Sam Houston Boulevard which is predominately in existing commercial corridor. Applicant is requesting a resume the property to comply with chapter 10 subdivision regulations section 10.02.004, special provision which states that for subdivision within the city limits no final flats shall be approved unless the property is owned in accordance with a city zoning ordinance that permits the use that is intended. In this case its classification is single family, but the intended use or its tended use has been for quite a while that of commercial activity. This is the location of the site as displayed to the commission, the Expressway, McDonald's and Sam Houston, as you can see there is spotted or heavy commercial development in this area. This is the fire station, they are looking at the right, this development is open, it is vacant land, but we do have some preliminary discussions on developing it into a convenience store, there is some businesses right here, this is the location that we are talking about, right here is Liberty Estates. The close up displayed spotted commercial development and therefore we consider this corridor that is that of commercial activity. The close-up of the site has a parking lot, office space, and is being used for commercial activity as well. The future land use displays as family residential however you do spot areas of commercial down the corridor. Staff has not received any opposition to the zone changes and does recommend approval. Commissioner Rene Garcia asked about the type of activity in the rear in which Bernard Rodriguez responded retail sales. Mayor Ricardo Guerra asked about the front part of the building and Bernard Rodriguez responded that it is the office of a home health agency and Commissioner Rene Garcia commented that it used to be a home health in the past. Bernard Rodriguez confirmed that it was a home health and that the new resident again is running as a home health as well. It's established as a commercial development as a result of our subdividing the land, she needs to do zone changes to comply with the zone subdivision process. Commissioner Pedro A. Galvan asked how are they allowed to run a commercial business in a residential and the permit was needed to open a place of business so how was it possible? Bernard Rodriguez responded that it should of changed a long time ago and that's how it transpired he is not sure, and that it could have been in use before it was annexed into the city, possibly, I do not have that answer but again what they are doing is clean house, bringing it up to par in accordance to compliance, and as a result of subdividing this is a requirement. Mayor Ricardo Guerra requested a motion. Commissioner Rene Garcia moved to approve. Commissioner Rene Villafranco seconded the motion. Voting Aye: Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco and Commissioner Pedro A. Galvan. Motion carried to APPROVE AFTER PUBLIC HEARING, TO REZONE A PROPERTY LOCATED AT 1835 SOUTH SAM HOUSTON BOULEVARD, BEARING A LEGAL DESCRIPTION OF 5.00 ACRES OF LAND OUT OF THE SOUTHWEST ONE QUARTER (SW. %) OF BLOCK THIRTY FOUR (34), OF THE SAN BENITO LAND AND WATER COMPANY SUBDIVISION, AS RECORDED IN VOLUME 1, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS AND FURTHER CONSISTING OF ALL OF A CERTAIN 2.00 ACRE TRACT RECORDED IN VOLUME 8741, PAGE 243 OF THE OFFICIAL RECORDS, CAMERON COUNTY, TEXAS; ALL OF CERTAIN 2.63 ACRE TRACT RECORDED IN VOLUME 125, PAGE 163 OF THE MISCELLANEOUS DEED RECORDS, CAMERON COUNTY, TEXAS;

AND ALL OF A 0.37 ACRE TRACT RECORDED IN VOLUME 7017, PAGE 139 OF THE OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS, FROM SF-1 "SINGLE FAMILY ONE" TO C-2 "COMMERCIAL GENERAL RETAIL BUSINESS". APPLICANT: MS. SABRINA LARA.

ITEM 22. PUBLIC HEARING: TO SOLICIT INPUT REGARDING REQUEST FOR A CONDITIONAL USE PERMIT ON BEHALF OF SANTILLANA PROPERTIES, LLC, LOCATED AT THE INTERSECTION OF YOST ROAD AND FM 732 (SCAIEF RD.), BEARING A LEGAL DESCRIPTION OF 16.65 ACRES OF LAND OUT OF BLOCK TWENTY-EIGHT (28), OF THE SAN BENITO LAND AND WATER COMPANY SUBDIVISION, AS RECORDED IN VOLUME 1, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS, AND FURTHER BEING OUT OF CERTAIN 19.50 ACRE TRACT OF LAND RECORDED IN VOLUME 1984, PAGE 179 OF THE OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS. APPLICANT: SANTILLANA PROPERTIES, LLC.

- (A) OPEN PUBLIC HEARING
- (B) CLOSE PUBLIC HEARING

**Bernard Rodriguez, Planning and Development Director**, addressed the City Commission and briefed that the applicant is requesting a conditional use permit to allow for the construction of a freight truck terminal on the property that zone AO agriculture and open space. Staff reviewed the CUP application provider requirements. Staff has not received any comments for or against zone change, the CUP request is in concurrence of the city's comprehensive plan and the agricultural open space land use, this is a public hearing. **Mayor Ricardo Guerra** announced the time is 7:17 p.m and the floor is opened to the public. No comments were received. **Mayor Ricardo Guerra** announce the time is 7:18 p.m. and the floor is now closed. No motion carried **PUBLIC HEARING ONLY.**

ITEM 23. CONSIDERATION AND POSSIBLE ACTION, AFTER PUBLIC HEARING, ON A REQUEST OF A CONDITIONAL USE PERMIT ON BEHALF OF SANTILLANA PROPERTIES, LLC, LOCATED AT THE INTERSECTION OF YOST ROAD AND FM 732 (SCAIEF RD.), BEARING A LEGAL DESCRIPTION OF 16.65 ACRES OF LAND OUT OF BLOCK TWENTY-EIGHT (28), OF THE SAN BENITO LAND AND WATER COMPANY SUBDIVISION, AS RECORDED IN VOLUME 1, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS, AND FURTHER BEING OUT OF CERTAIN 19.50 ACRE TRACT OF LAND RECORDED IN VOLUME 1984, PAGE 179 OF THE OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS. APPLICANT: SANTILLANA PROPERTIES, LLC.

**Bernard Rodriguez, Planning and Development Director**, address the City Commission and brief in regards the Conditional Use Permit Request of freight truck terminal. It is in 16.65 acres, Yost Road & FM 732, the applicant is requesting the conditional use permit, CUP, to construct and operate a freight truck terminal. The property is zoned AO "Agriculture and Open Space". The Planning and Development Department shall ensure orderly growth through planning and review procedures that result in quality urban design and construction in accordance with City Ordinance. The CUP approval will allow for the construction of a freight truck terminal valued at approximately one million on a property zoned AO "Agriculture and Open Space". The proposed development will consist of a 5,590 square feet, 2 story administration facility, truck terminals, maintenance area, a warehouse facility. The truck will gain access off the FM 732 which will require TxDot approval, the developer proposes to initiate the subdivision process should they receive the CUP approval. The CUP request is in concurrence with City Comprehensive Plan of an AO "Agriculture and Open Space" land use. Staff review the CUP application recommends the following but not limited to, conditions such as comply will all applicable City San Benito Ordinance including Chapter 10 Subdivision Regulations, Chapter 13 Utilities, solid privacy fence

of not less than six feet in height constructive missionary shall constructed and maintained so as to enclose the project and shield adjacent areas from park and illumination headlights fumes heat blowing debris and dust, it will submit a traffic impact analysis for review and approval provided preliminary development plan for the proposed development areas this is the site in question this is FM 732 along this area and this is Yost, if you look this is the zoning map they are going to have a quick access off the FM 732 going to the expressway either going north or south, prime area for future use which calls for agricultural open space, this is an allowable use zero conditional use permanent give is the parameters to oversee it and control it and keep it, another alternative was try to rezone it to industrial use, but it will open the door to something bigger later down the line, they can do heavy manufacturing which is probably not what you want to do in this area so this is an alternative, it is safer zone, they can do what they want within the parameters and still the commission have to provide the guidelines this is a rendering of the property looking to construct. This is the entrance, for the trucks, administration building also view, should you approve it, we would start working with them in the subdivision process and again TxDot will be heavily involved as it is off the TxDot road. Tonight we are looking at a conditional use permit to allow them to move forward. Staff is recommending approval. **Mayor Ricardo Guerra** asked about the eighteen wheelers, the street is not wide enough for them to make turns. **Bernard Rodriguez** confirm the usage of eighteen wheelers, and that they will enter and exit on FM 732. **Evaristo Gamez, general contractor**, representing the developer Mr. Miguel Cardenas, we are not going to exit or enter on Yost Street. They are only using the FM 732 and then his trucks will go directly into the Highway 77 and 83 and they will go up north up to state as he has merchandise to deliver and vice versa they will be coming back into the terminal. **Commissioner Rene Garcia** asked how likely do you feel TxDot would approve your request simply because the distance from the intersection at the expressway or is that common. **Evaristo Gamez** responded that they will be submitting the paperwork permit to TxDot and await response back and if TxDot ask for the driveway to be on width or 24 feet or whatever the project will be compliant with the regulations. **Commissioner Rene Garcia** reaffirm that they will not be using Yost Road in which **Evaristo Gamez** confirmed that they will only use FM 732. **Mayor Ricardo Guerra** commented that Yost Road is not wide enough and it is not commercial use and has been torn apart. **Commissioner Pedro A. Galvan** asked what a freight truck terminal, temporary storage is or like a truck stop. **Evaristo Gamez** stated that it is mainly for boxes, for his trucks that is about 150 trucks. **Commissioner Pedro A. Galvan** questioned on it being within limits and **Bernard Rodriguez** responded that the conditional use permit will be within city and the city has control and when they develop their 16 acres, they will have to come before the commission. They are an establish company out of Brownsville, they have three locations and they hope to move to San Benito and make it its headquarters and travel nationwide. **Commissioner Pedro A. Galvan** asked if letters have been sent out to the residents within the 200 foot radius and **Bernard Rodriguez** responded that publication was register as per ordinance in the newspaper and we have not received any recommendation for or against to CUP. **City Manager Manuel De La Rosa** commented on the slides displayed that FM 732 has been in discussion and we have has this discussion for over a year that the west side continues to stay residential only because it already has homes there on the western side all the way to Yost Road and directly behind those homes is the future Performing Arts Center and the Natatorium for the school districts so we would like to keep that area pristine from FM 732 westward toward a street as residential not commercial. The east side of FM 732 more specifically from the Expressway down to Yost Road for potential commercial, this is a conditional use permit within an agricultural, this will likely be a catalyst for more commercial, we would like to maintain the cleaner type commercial the more industrial should be on the northern side of the Expressway 83, but you've made a very good point Mayor, my recommendation to your motion to this conditional use permit because the City Commission issue it, there shall not be any commercial vehicle utilize on Yost Road. I would suggest you put that

language because we will make that in the condition use permit. The business in operation the moment it went out of business, new owners purchase, they are no longer vested. The moment they sell and or decide not to use it for that and do something different it is no longer their conditional use permit. The traffic impact analysis is also a requirement, their professional consultant will review the traffic impact analyst and then the city's consulting engineers will review and deemed it safe and then approve it. So that way we are protecting everyone, we protect the business and we protect our visitors, and residents. **Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Villafranco** 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 **APPROVE AFTER PUBLIC HEARING, ON A REQUEST OF A CONDITIONAL USE PERMIT ON BEHALF OF SANTILLANA PROPERTIES, LLC, LOCATED AT THE INTERSECTION OF YOST ROAD AND FM 732 (SCAIEF RD.), BEARING A LEGAL DESCRIPTION OF 16.65 ACRES OF LAND OUT OF BLOCK TWENTY-EIGHT (28), OF THE SAN BENITO LAND AND WATER COMPANY SUBDIVISION, AS RECORDED IN VOLUME 1, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS, AND FURTHER BEING OUT OF CERTAIN 19.50 ACRE TRACT OF LAND RECORDED IN VOLUME 1984, PAGE 179 OF THE OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS. APPLICANT: SANTILLANA PROPERTIES, LLC.**

**ITEM 24. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE STREET CLOSURE OF ROBERTSON STREET FROM TRAVIS STREET TO BOWIE STREET FOR MARKET DAYS DURING THE TIME OF 7:00 A.M. TO 4:00 P.M. ON THE THIRD SATURDAY OF THE MONTH FOR THE MONTHS OF JUNE THROUGH DECEMBER 2021.**

**Bernard Rodriguez, Planning and Development Director**, address the City Commission and requested approval of Market Days that have occurred in the past, it was very successful, brought in a lot of people downtown, it is back and supported by businesses within the downtown area. The City is responsible for setting up barricades for the area and to enclose the streets for safety purposes. Again the Market Days will consist of music entertainment, food craft, and again it is supported by the downtown area merchants and the staff's recommends approval. **Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Villafranco** moved to approve. **Commissioner Rene Garcia** seconded the motion. Voting Aye: **Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco and Commissioner Pedro A. Galvan.** Motion carried to **APPROVE THE STREET CLOSURE OF ROBERTSON STREET FROM TRAVIS STREET TO BOWIE STREET FOR MARKET DAYS DURING THE TIME OF 7:00 A.M. TO 4:00 P.M. ON THE THIRD SATURDAY OF THE MONTH FOR THE MONTHS OF JUNE THROUGH DECEMBER 2021.**

**ITEM 25. CONSIDERATION AND POSSIBLE ACTION ON THE SAN BENITO ECONOMIC DEVELOPMENT CORPORATION FISCAL YEAR 2020-2021 ANNUAL BUDGET AMENDMENT NUMBER 3.**

**Rebecca Castillo, EDC Executive Director**, address the City Commission and request adjusting two line items. What you have is in reference to the agenda item is a fiscal year 2020-2021 annual budget for the EDC, there is an amendment under the contracted services, we are looking to adjusting two line items, one of them will be for legal and engineering services. We are in transition as to a legal service there is some bills that were paid out and there was less estimated from what was billed in closing their invoices so we are asking for an amendment and that line item to factor in paying out prior attorney, the temporary attorney and factoring enough funds in the line item to finish the fiscal year that will end on September 30<sup>th</sup>. In that particular line item we are asking for an adjustment of that line item to go from \$17,500 to \$29,718 that will be paid out to the prior attorney, the temporary services and to secure the permanent attorney that will be

able to finish the fiscal year. The other line item there, we are also looking at adjusting is the factoring in the CEO services with a service agreement that was recently approved last week by the City Commission for the remainder of the fiscal year, the line item is budgeted at \$18,000 for that particular line item it will need adjust to finish up to the fiscal year, we now budgeting it at \$18,750 for that particular line item, it is a little bit over budget when we were looking at the numbers we estimated the cost from May to September the 30<sup>th</sup>, the service agreement will be effective July the first so that will be three months out of the fiscal year which we are looking more at \$11,250 so they will be still savings on those line items that a funding. We asking to be brought in from the fund balance that has approximately about \$2.7 million and the total for this budget amendment we are asking for your approval for \$30,868. **Commissioner Rene Garcia** asked about the legal engineering services you went from \$15,000 to \$29,618. **Rebecca Castillo, EDC Executive Director**, responded that a total like item is \$17,500, it was \$15,000 for legal services and \$2,500 is actually still under legal services but to pay any court orders any filing from the loan services that we provide. The \$17,500 is to factor in the temporary attorney and permanent attorney, we are looking at possibly higher rate than what was being paid to the prior attorney. **Commissioner Rene Garcia** asked if there were late invoices in which **Rebecca Castillo, EDC Executive Director**, responded that it was lasting invoices from the former attorney for \$7,128, at one time they said they would do it pro-bono, but when they went their separate ways they send invoice. **Commissioner Rene Garcia** recommended to be careful with RFQs and to factor periodically month to month bases. **Rebecca Castillo, EDC Executive Director** did comment that they did discuss this with the new attorney. **Commissioner Rene Villafranco** asked Attorney in regards the pro-bono and **Mark Sossi, City Attorney**, responded that he was not sure if there was a contract, there seems to be some confusion, the question is if services were provided for a fee or regular fee they should not have been describe as being pro-bono. **Commissioner Rene Garcia** comment that is the point, ensure that we get it in writing as to those are going to be the charges, theirs fees, and we are going to bill us and **Rebecca Castillo, EDC Executive Director**, responded for this fiscal year we have paid those invoices, we opted not to pay them out for the prior fiscal year until we did go through this amendment to make sure that there was funding enough to be able to pay out so they have had to wait a possible a little bit of a month for us to get here today and yes we have the money to pay. **Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Villafranco** moved to approve. **Commissioner Rene Garcia** seconded the motion. Voting Aye: **Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco and Commissioner Pedro A. Galvan**. Motion carried to **APPROVE ON THE SAN BENITO ECONOMIC DEVELOPMENT CORPORATION FISCAL YEAR 2020-2021 ANNUAL BUDGET AMENDMENT NUMBER 3.**

**ITEM 26. PRESENTATION OF THE CITY OF SAN BENITO FINANCIAL STATEMENTS FOR THE PERIOD ENDED APRIL 30, 2021.**

**Belen Pena, Finance Director**, address City Commission and stated in your packets you have the financial statement for the City of San Benito for the period ended April 30, 2021., The first page is the Balance Sheet that shows assets of \$15,904,921 for the month of April 2021, for April 2020 has a balance of \$12,622,529 assets, for the liabilities were have \$3,797,571 for April 20, 2021, April the 30<sup>th</sup> it is \$2,478,541 which give us a total Fund Balance of \$12,107,350 for the month of April 2021. **Commissioner Pedro A. Galvan** asked about the large increase from last year to this year in the total assets. Which is good, but do you have an idea where that is coming from. **Belen Pena, Finance Director**, responded well the previous years we had revenue on the interest which that were high. Also we were conservative from expenses at the end of the year, in the audit report, the auditor presented a large amount that we put in the Fund Balance of 2020 and that added the fiscal year close to \$2 million. The next page is the statement of revenue, expenditures, and changes in fund balance, for the month of April we had \$901,709 in revenue, expenditures

\$1,198,183 which gives us revenues under expenditures of \$296,474. The year to date is \$9,636,782, with the expenditures \$6,822,741, which give us a revenue over expenditures of \$2,814,040 for the year to date. The change in the fund balance you can see is those \$2,814,040 for the year date. The target for the seven month period is 58.33%, the revenue we had 68.28% and 50.58% in expenditures for the month April. **Commissioner Pedro A. Galvan** asked what is capital outlay and **Belen Pena, Finance Director**, responded it is any equipment you purchase. We purchase police vehicles and recently excavator. No motion **PRESENTATION ONLY.**

ITEM 27. EXECUTIVE SESSION.

- A) CONSULTATION WITH CITY ATTORNEY PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1) TO RECEIVE LEGAL ADVICE ON FACILITY USE AGREEMENTS.

**City Manager Manuel De La Rosa**, addressed the City Commission advising to postpone the Executive Session due to **Mayor Pro Tem Carol Lynn Sanchez** not present. **Mayor Ricardo Guerra** announced moving to next agenda item.

ITEM 29. ADJOURNMENT.

**Mayor Ricardo Guerra** requested a motion. **Commissioner Rene Villafranco** moved to approve. **Commissioner Rene Garcia** seconded the motion. Voting Aye: **Mayor Ricardo Guerra, Commissioner Rene Garcia, Commissioner Rene Villafranco, and Commissioner Pedro A. Galvan.** Motion carried to **ADJOURN AT 7:47 P.M.**

CITY OF SAN BENITO

\_\_\_\_\_  
HONORABLE RICARDO GUERRA  
MAYOR

ATTEST:

\_\_\_\_\_  
RUTH MCGINNIS  
CITY SECRETARY