

**ECONOMIC DEVELOPMENT
CORPORATION BOARD OF DIRECTORS**



Location:
City of Edinburg, City Hall-Council Chambers 415
W. University Drive, Edinburg, Texas
VIA ZOOM

FEBRUARY 23, 2021

**REGULAR MEETING AGENDA
4:00 PM**

1. CALL TO ORDER, ESTABLISH A QUORUM

2. CERTIFICATION OF PUBLIC NOTICE

3. PUBLIC COMMENTS

A specific portion of the meeting shall be dedicated to allowing Public Comments which will be limited to three (3) minutes. Because of the state of emergency due to the COVID-19 pandemic, public comment may be provided in-person abiding to the occupancy limits or by telephone. In-person requests shall be requested by completing the Public Comment Form available at City Council Chambers. Telephone requests shall be completed by (a) sending an email to publiccomment@cityofedinburg.com or (b) calling 956-388-8204.

All requests must be received beginning at 9am and end immediately before the start of the meeting. Your request should include your name, address, and telephone number. We ask for everyone's cooperation in following this procedure.

4. DIRECTOR'S REPORT

5. REGULAR AGENDA ITEMS

- A. Consider approval of minutes for board meeting on January 26, 2021.
- B. Consider approval of financial report for January 2021.
- C. Consider accepting the Fixed Asset Schedule as of 9/30/2020 to include in FY2020 Audit.
- D. Consider approval of term waiver for incentive payments to TP UT RGV, LLC, due to experienced hardship resulting from the COVID-19 pandemic and declared state of disaster.

6. EXECUTIVE SESSION

The EEDC will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Statutes and Codes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirement that Meetings be Open. The EEDC May Elect To Go Into Executive Session On Any Item Whether Or Not Such Item Is Posted As An Executive Session Item At Any Time During The Meeting When Authorized By The Provisions Of The Open Meetings Act.

- A. Discussion and possible action regarding the purchase, exchange, lease, or value of real property. (§551.072. Deliberation Regarding Real Property; Closed Meeting)

7. OPEN SESSION

The EEDC will convene in Open Session to take necessary action, if any, in accordance with Chapter 551, Open meetings, Subchapter E, Procedures Relating to Closed Meeting, §551.102, Requirement to Vote or Take Final Action in Open Meeting.

8. ADJOURNMENT

I hereby certify this Notice of an EEDC Meeting was posted in accordance with the Open Meetings Act, at the City Offices of the City of Edinburg, located at the 415 West University entrance outside bulletin board visible and accessible to the general public during and after regular working hours.

This notice was posted on 2/19, 2021 at 12:53 am / pm.

By:

Signature:

Name: Ron Garza, City Manager
City of Edinburg, Texas



City of Edinburg Economic Development Department Status Report

Board of Directors Regular Meeting

February 23, 2021

EEDC 2020 Audit

The Economic Development Department has been in communication with the Auditor's Assistants, EEDC CPA, and City of Edinburg Finance Director.

Economic Development staff and City finance department have gathered documents needed to ensure completion of the EEDC 2020 audit.

A fixed asset schedule will be presented to the EEDC Board of Directors for consideration of approval.

The EEDC 2020 audit is expected to be presented to the EEDC Board of Directors early March 2021.

Incentive Application

The Incentive Application documents the information needed from applicants for the EDC and the City Council to consider incentive requests, establishes criteria for eligibility, including minimum number of 15 jobs, types of jobs, and level of capital investment, describes the types of incentives available, and describes the process for reviewing applications.

Guiding principles, eligibility criteria, application process, and [incentive application](#) was posted on the City website February 1, 2021.

Staff developed a checklist including steps and due diligence follow-up questions to assist in determining incentive eligibility.

The Economic Development Department has received three applications. Staff has reviewed the applications and scheduled meetings with applicants to discuss follow-up questions.

Programs

Health Science Institute at Renaissance (HSIR)

The Medical Assistant Certificate Program began on January 6, 2021. Staff receives monthly attendance records confirming all students continue to participate in the program.

- 5 Edinburg residents were funded through EEDC out of 10 enrolled students.
 - 3 full tuition (EEDC)
 - 2 partial tuitions (EEDC & WFS)

Marketing Services RFP

The EEDC Board approved authorizing City Manager and Economic Development staff to negotiate and enter into an agreement with Development Counsellors International (DCI) on January 26, 2021.

Agreement will be presented to the City Council for consideration and approval on March 2, 2021.

Payment Protection Program - Webinars

The first [Payment Protection Program](#) webinar took place on February 4, 2021 at 10:00 AM. It served as an informative discussion to provide Edinburg businesses with details on how to apply for the Payment Protection Program and learn about resources available. There were a total of 30 attendees and a total of 640 views of the live zoom on Facebook.

[Payment Protection Program Webinar Part 2](#) is scheduled for March 4, 2021, at 10:00 AM. The webinar will feature Senior Accountant James A. Ibarra, speaking on topics such as: Deductibility of the PPP funds, Employee Retention Credit, and Families First Coronavirus Response Act Credit. The webinar will include other updates on programs for small businesses and reminder of the approaching deadline of March 31, 2021 to apply for the PPP.

Request for Qualification (RFQ) - Real Estate Firm Services

The Economic Development Department will solicit Request for Qualifications (RFQ's) for a Real Estate Firm to provide Real Estate Broker/Agent Services including management of real estate properties for acquisition, lease, financial and/or strategic planning and other informational interests and purposes by the City and EEDC.

The Real Estate Firm RFQ packet is expected to be submitted to the Finance Procurement Division on February 24, 2021.

Estimated Timeline for RFQ:

RFQ Issued	March 5, 2021
RFQ 1st Publication Date	March 5, 2021
RFQ 2nd Publication Date	March 12, 2021
RFQ Bid Opening Date	March 22, 2021 at 3:00 PM.
Evaluation Committee Review	March 22 – 26, 2021

Projects

Business Retention & Expansion

The City of Edinburg Economic Development Department continues to reach out to businesses to provide guidance and assistance to attain expansion. The Business Retention and Expansion (BRE) survey is sent to businesses after every meeting. Responses are confidential.

Staff has reached out to:

- 80 businesses through emails and phone calls
- Met with over 19 business

Industries include:

- Manufacturing
- Healthcare
- Education
- Information
- Accommodation and food service

Staff continues to connect and create relationships with retail businesses in the Shoppes (TIRZ I).

Staff sent the BRE survey to 10 businesses to gather information regarding business opportunities for expansion.

Properties

The City of Edinburg Economic Development has two properties under contract to sell.

- **1710-1714 S. 28th Street, Edinburg, TX 78541:** entered into an agreement effective date of 12/15/2020. Pending a contract amendment. Closing date to be determined.
- **7310 N. Liberty Dr., Edinburg, TX 78541:** entered into an agreement effective date of 11/18/2020. The property appraisal and survey were performed on the week of February 1, 2021. Estimated closing date is mid to end February 2021.

Prospects

Staff is in contact with the following businesses about startup, expansion or relocation.

- Full service restaurant
- Limited services restaurant
- Snack and no alcoholic beverage bars
- Large vehicle service center
- Warehousing and storage
- Power generation and supply
- Food manufacturer
- Lessors of other real estate property



Edinburg Economic Development Corporation

Meeting Date: February 23, 2021

Consider approval of minutes for board meeting on January 26, 2021.

1. Agenda Item:

Consider approval of minutes for board meeting on January 26, 2021.

2. Description/Scope:

Board meeting minutes are reviewed and approved on a monthly basis.

3. Estimated Timeline:

N/A

4. Budget:

N/A

5. Procurement/Selection Process:

N/A

6. Staff's Recommendation:

N/A

7. Justification:

N/A

Blanca Davila
Director of Economic Development

ATTACHMENTS

Attachment A: January 26, 2021 Minutes

Approved:	_____
Not Approved:	_____
Tabled:	_____
No Action:	_____



MINUTES OF THE
EDINBURG ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

LOCATION:

City of Edinburg, City-Hall Council Chambers
415 W. University Drive. Edinburg, Texas
VIA ZOOM

REGULAR MEETING
JANUARY 26, 2021
4:00 PM

PRESENT: Hiren Govind, President
Roland Gomez, Vice President
Daniel “Dan” Diaz, Secretary
Aaron “Ronny” Rivera, Treasurer
Veronica Gonzales, Director
Sabrina Walker-Hernandez, Director
Raul Resendez, Director

ABSENT:

STAFF: Ron Garza, City Manager
Brian Kelsey, Assistant City Manager/EDD
Blanca Davila, EDD Director
Nidian Elizondo, EDD Coordinator
Christian Monterrubio, EDD Coordinator
Leticia Pantoja, EDD Administrative Assistant
Omar Ochoa, City Attorney
Cris Villarreal, CPA

PUBLIC: Javier Peresbarbosa, TP UT RGV, LLC

1. CALL TO ORDER, ESTABLISH QUORUM

President, Hiren Govind, called the meeting to order at 4:02 PM.

EDD Director, Blanca Davila, proceeded to roll call and established quorum.

All board members were present.

2. CERTIFICATION OF PUBLIC NOTICE

EDD Director, Blanca Davila, confirmed the public notice was posted in accordance with the Texas Open Meetings Act, on January 22, 2021 at 5:15 PM.

3. PUBLIC COMMENTS

A specific portion of the meeting shall be dedicated to allow Public Comments which will be limited to three (3) minutes. Because of the State of Emergency due to the COVID-19 Pandemic, public comments may be provided in-person abiding to the occupancy limits or by telephone. InÂ person requests shall be requested by completing the Public Comment Form available at the City Council Chambers. Telephone requests shall be completed by (a) sending an email to publiccomment@cityofedinburg.com or (b) calling (956) 388-8204.

All requests must be received beginning at 9am and end immediately before the start of the meeting. Your request should include your name, address, and telephone number. We ask for everyone's cooperation in following this procedure.

No public comments were submitted.

4. DIRECTOR'S REPORT

EDD Director, Blanca Davila mentioned the Director's Report will be included in the agenda monthly to brief the board on the Economic Development Department, EEDC, and City activity.

The first update presented was the Legislative Workshop with the City Council on January 28, 2021, at noon in the City hall chamber. City Manager, Ron Garza, invited the EEDC board to attend and provide public comment.

The second update presented was on the EEDC 2020 Audit status. Economic Development staff is working closely with the auditor Luis C. Orozco and EEDC CPA Cris Villarreal to ensure a complete audit is presented to the board on February 23, 2021. The board was notified of a nepotism survey they will receive to complete as an audit requirement.

The third update presented was the incentive application, which was approved by the City Council on January 19, 2021. Economic Development staff is working on a factsheet to attach to the incentive application. The incentive application will be posted on the City's website on February 1, 2021.

Assistant City Manager, Brian Kelsey, presented the last update regarding business prospects. Economic Development staff is in contact with businesses concerning startups, expansion, or relocation. Industries include full-service restaurants, limited services restaurants, snack and no alcoholic beverage bars, large vehicle service centers, warehousing and storage, and power generation and supply.

5. REGULAR AGENDA ITEMS

A. Consider approval of minutes for the board meeting on December 16, 2020.

**MOTION TO APPROVE
MINUTES FOR BOARD
MEETING ON DECEMBER 16,
2020 WAS MADE BY DIRECTOR
SABRINA WALKER
HERNANDEZ AND SECONDED
BY SECRETARY DAN DIAZ.
MOTION CARRIED
UNANIMOUSLY.**

B. Consider approval of financial reports for December 2020.

Cris Villarreal, CPA, presented the Statement of Cash Receipts, Disbursements, and Cash Balances – Unrestricted Cash for the period ending Fiscal Year 2021. A total of \$556,767.00 was collected in cash receipts. There was a total of \$ 232,814.00 of cash disbursements. There was a net increase in unrestricted cash of \$323,953.00. The ending unrestricted cash balance was \$ 6,744,227.00.

A Statement of Net Assets – Supplemental Information was presented, which included \$42,211,785.32 in total assets and 27,839,097.00 in total liabilities, with a net equity of \$14,372,688.32.

The A/R Aging Summary – Supplemental Information as of December 31, 2020 was presented including the receivables from City of Edinburg half cent sales tax, tenant rent, and Santana Textiles interest accumulation.

Secretary, Dan Diaz, inquired on the McIntyre Promenade property expense. Cris Villarreal, CPA, mentioned the expense may be reflected in the January 2021 financial reports. City Manager, Ron Garza, clarified the city is covering the expense. The EEDC will then reimburse the city for half of the total project cost.

Secretary, Dan Diaz, inquired on the Arena Shortfall bond payment. EDD Director, Blanca Davila, mentioned the City has remitted the bond payment and will invoice the EEDC for reimbursement.

**MOTION TO APPROVE
FINANCIAL REPORTS FOR
DECEMBER 2020 WAS MADE BY
SECRETARY DAN DIAZ AND
SECONDED BY VICE
PRESIDENT ROLAND GOMEZ.
MOTION CARRIED
UNANIMOUSLY.**

C. Consider approval of memorandum of understanding (MOU) with Vanguard Academy Beethoven, Edinburg Economic Development Corporation, and City of Edinburg.

City Manager, Ron Garza, presented the agenda item and mentioned it is a three party MOU with Vanguard Academy Beethoven, City of Edinburg, and EEDC. It is in regards to building an inclusive and accessible playground equipment on property currently owned by Vanguard Academy Beethoven on 2215 S. Veterans Boulevard.

City Manager, Ron Garza, mentioned the process of creating an inclusive and accessible park has framed the City's strategy to ensure every park in the City has inclusive and accessible equipment. The City has 7 parks with inclusive and accessible equipment.

Vanguard Academy is dedicating the land, will maintain the grounds, will work with the City to set park operating hours, bathroom facility, crosswalk facility, and fencing. Additionally, Vanguard Academy will include an 8ft concrete walking loop, outside of the fence line. This will create another amenity and asset for the community. As well, as a result of the collaborative partnership with the City, Vanguard Academy will move their administrative headquarters from Pharr into the City of Edinburg.

City Manager, Ron Garza, mentioned this is a relatively short-term project. If approved by the board and City Council, the groundbreaking will be within 60 days and the project will be completed by summer 2021. The total project cost is \$1.7M with no more than \$700,000 contributed to the park and \$1M contributed to the water park portion.

Director, Veronica Gonzales, inquired on the parks' hours of operations. City Manager, Ron Garza, mentioned the City will work with Vanguard Academy's school schedule to lapse any PE or recess class. It is estimated the park will be open to the public after 2:00 PM and the closing time will be set in alignment with other City parks between 8:00 – 10:00 PM.

Director, Raul Resendez, stated essentially the park will be private property during school hours and only open for city resident use after 2:00 PM. Director, Raul Resendez, expressed his concern over the park's location as he believes it will limit the kids' use.

City Manager, Ron Garza, mentioned that is the arrangement the City has with other City school parks. The school district, ECISD, wants to entertain one or two more of the school park arrangements.

Director Sabrina Walker-Hernandez, mentioned there was a similar agreement with the Boys & Girls Club and the City. The park was used by the school during the day and was public use at night. This never presented a major problem since the public uses parks more in the evening and night time.

Director, Veronica Gonzales, inquired whether the hours of operation will change during the summer, considering kids are no longer in school. City Manager, Ron Garza, stated the park will be open throughout the day during the summer, understandably since more people will use the park during the summer.

Vice-President, Roland Gomez, questioned whether the walking trail outside of the school will be lighted. City Manager, Ron Garza, stated the first phase will not include lighting. As Vanguard Academy develops other facilities, they will double mark the lights. Vanguard Academy had previously dedicated the right of way to extend Dawson St. from Veterans Blvd. The City will ensure to include light in the roads in the subdivision phase.

Secretary, Dan Diaz, questioned whether the grounds for the park will be wood chips. Mr. Diaz expressed his concern for wood chip grounds and also inquired on the flooding area in the park. Mr. Diaz recommended all parks from now on be a retention pond in efforts to aid areas prone to flooding.

City Manager, Ron Garza, stated the park grounds will not be wood chips rather, a play pour playground surface. Regarding the flooding of the park, Mr. Garza mentioned Vanguard Academy has oversized the detention requirement and is creating a second detention facility on the north side of the park. In reference to the detention ponds, Mr. Garza mentioned he will work with the City's engineering department to see if an underground inlet can be created. The underground inlet would drain water to the detention facility and serve as additional capacity.

**MOTION TO APPROVE
MEMORANDUM OF
UNDERSTANDING (MOU) WITH
VANGUARD ACADEMY
BEETHOVEN, EDINBURG
ECONOMIC DEVELOPMENT
CORPORATION, AND THE CITY
OF EDINBURG WAS MADE BY
VICE PRESIDENT ROLAND
GOMEZ AND SECONDED BY
DIRECTOR VERONICA
GONZALES. MOTION CARRIED
UNANIMOUSLY**

**D. Consider approval of term waiver for incentive payments to TP UT RGV, LLC,
due to experienced hardship resulting from the COVID-19 pandemic and
declared state of disaster.**

EDD Director, Blanca Davila, explained the EEDC has an incentive agreement with TP UT RGV, LLC for two locations: (1) Taco Palenque: 1414 W. University Dr., Edinburg Texas 78539 and (2) Palenque Grill: The Shoppes at RGV, Lot 11 Edinburg Texas 78539. The agreement stipulated three annual payments of \$25,000 for each location after certain conditions were met.

The first deliverable was met, upon issuance of the certificate of occupancy on September 20, 2019 for Taco Palenque and December 17, 2019 for Palenque Grill.

The second deliverable regarding the employment of 50 full-time employees was not met for the Taco Palenque location. Taco Palenque staffed 32 employees. This was reportedly due to the continuous hardship of the COVID-19 pandemic and the declared state of disaster. The incentive is for \$25,000 per location.

Palenque Grill met the deliverable with 60 full-time employees.

Director Raul Resendez, questioned whether TP UT RGV, LLC has received Paycheck Protection Plan (PPP) funding from the U.S. Small Business Administration (SBA). Should the company have received PPP funding, Director Raul Resendez,

believes there is no ground for funding since the PPP funding should have been used to retain employees.

President, Hiren Govind, shared his experience with receiving PPP funding for his hotels. The PPP funding received was used to rehire employees needed. Mr. Govind mentioned this could have been a similar situation for TP UT RGV, LLC. The company could have used PPP funds to pay employees needed for a longer period of time.

Director, Raul Resendez, questioned how the board will determine who will receive incentive waivers due to the COVID-19 pandemic. Director, Veronica Gonzales, asked whether there are other requests for other incentive waivers. EDD Director, Blanca Davila, mentioned there was another request for an incentive waiver. However, the company is still within their time to meet their contract deliverable. Economic Development staff will revisit and reevaluate with the company once their deliverable time frame is complete.

Secretary Dan Diaz, asked how the parameters of 50 full-time employees were established. Assistant City Manager, Brian Kelsey, mentioned staff cannot answer the question since staff was not part of the deliberation at the time. The 50 full-time employee deliverable is stated in the contract.

Javier Peresbarbosa, in representation for TP UT RGV LLC, attended the meeting. The board inquired whether Taco Palenque and Palenque Grill received PPP and asked Mr. Peresbarbosa to elaborate whether there has been a dramatic decrease in gross revenue in both locations, and how many employees were hired back.

Mr. Peresbarbosa was unable to answer the questions asked by the board. The board decided to pass on this action item to allow Mr. Peresbarbosa gather and provide the board with information requested.

No action was taken on this item. The board decided to pass on this item.

E. Consider authorizing City Manager and Economic Development staff to negotiate and enter into an agreement with Development Counsellors International (DCI).

Director Veronica Gonzales, mentioned the City and Chamber of Commerce are working on Explore Edinburg (ETX) and inquired whether the EEDC's selected marketing firm can provide an additional quote for the Chamber. City Manager, Ron Garza, addressed the inquiry and stated one company is helping the City develop ETX. The City will utilize the City's IT department to connect all entities.

Director, Veronica Gonzales, asked whether the EEDC will own the products produced by the marketing firm. Assistant City Manager, Brian Kelsey, clarified the City takes ownership of all deliverables, as per the City's procurement policy. City Attorney, Omar Ochoa confirmed.

EDD Director, Blanca Davila, demonstrated the PDF presentation DCI presented to the evaluation committee. President, Hiren Govind, provided an overview of the presentation. It was stated DCI was the only marketing firm to provide a presentation specifically for Edinburg based on their research and findings. DCI provided a detailed timeline on how the firm will proceed in working with the EEDC.

Director, Veronica Gonzales, asked whether the material delivered by the marketing firm will be translated to Spanish. EDD Director, Blanca Davila, mentioned it can be discussed with the marketing firm in the negotiation phase.

Director, Raul Resendez, questioned whether the marketing firm has worked on a project including several entities (such as the City, Chamber, and EEDC) due to the difference in propositions. Assistant City Manager, Brian Kelsey, stated each entity has their own value propositions and it is important to ensure they all align.

President, Hiren Govind, explained the firm will create collateral and an entire campaign to rebrand the EEDC including social media, website, search engine optimization, among other features. The marketing firm will help the EEDC articulate the City's local value proposition.

Treasurer, Aaron Rivera, questioned whether the marketing firm has represented other cities along the border in the United States. It was mentioned staff can request a full client list from DCI to provide to the board for informational purposes. President Hiren Govind mentioned DCI has worked with the Texas Economic Development Corporation hence, they are familiar with the South Texas region.

Treasurer, Aaron Rivera, stated it is important to determine whether the marketing firm has worked for other border cities to see how successful they have been. This will help the EEDC target Mexico in bringing Mexican Investors to the City. President, Hiren Govind, mentioned DCI was open to suggestions. City Manager, Ron Garza, stated staff can ensure to include and address concerns in scope of the final contract.

Secretary, Dan Diaz, inquired whether the Edinburg Chamber of Commerce has access to this type of marketing. Mr. Diaz suggested a collaboration with UTRGV's marketing department to save costs. Director, Veronica Gonzales, mentioned a project of this significance will take time and need professional services. UTRGV's collaboration could potentially delay the process.

Director, Raul Resendez, inquired whether DCI offered supporting data such as business development, business attraction, population increase, or any statistical information as a result of their marketing. It was discussed the information can be requested from DCI for informational purposes.

Vice President, Roland Gomez, inquired on who will distribute the information provided by the marketing firm. It was discussed it will be a combination of Assistant City Manager Brian Kelsey, EDD Director Blanca Davila, EDD staff, and the City's media department.

Director, Raul Resendez, asked whether the marketing firm will administer the EEDC's website. Regarding the inquiry, it was mentioned the marketing firm will administer the EEDC's website for the contract term. Once the contract term is complete, the City's IT department will maintain the website and content management. Mr. Resendez also inquired whether the Chamber, City of Edinburg, and EEDC will split the cost. It was clarified the marketing firm cost will be strictly for the EEDC.

Director, Raul Resendez, inquired whether there is an opportunity to sublet the costs by highlighting UTRGV, DHR, and hoteliers through the marketing in efforts to offset the costs. President, Hiren Govind, mentioned the marketing firm is solely for Economic Development purposes and will be utilized to attract new businesses to Edinburg.

Secretary, Dan Diaz, suggested the City and EEDC split the cost of the marketing firm to not fully expense the EEDC's marketing budget. EDD Director, Blanca Davila, clarified the board's marketing budget concern and stated the total marketing budget is \$200,000 and the budget for the marketing services effort is up to \$100,000.

Secretary, Dan Diaz, inquired who will travel to meet prospects, should the EEDC have potential business prospects that may require traveling. Assistant City Manager, Brian Kelsey, stated it will be Economic Development staff's responsibility. However, board members will be a part of the traveling and conversations with prospects, if they please.

Treasurer, Aaron Rivera, questioned who will approve the content delivered by the marketing firm. It was stated Economic Development staff will serve as project managers and will seek feedback from board members.

The contract term will be for 12 months. Economic Development staff will negotiate to condense the contract time frame.

**MOTION TO APPROVE
AUTHORIZING CITY MANAGER
AND ECONOMIC
DEVELOPMENT STAFF TO
NEGOTIATE AND ENTER INTO
AN AGREEMENT WITH
DEVELOPMENT COUNSELLORS
INTERNATIONAL (DCI) WAS
MADE BY TREASURER AARON
RIVERA AND SECONDED BY
DIRECTOR VERONICA
GONZALES. MOTION CARRIED
UNANIMOUSLY**

6. **EXECUTIVE SESSION**

The EEDC will convene in Executive Session, in accordance with the Texas Open Meetings Act Vernon's Texas Statutes and Codes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirement that Meetings Be Open. The EEDC May Elect to Go Into Executive Session On Any Item Whether Or Not Such Item Is Posted As An Executive Session Item At Any Time During The Meeting When Authorized By The Provisions Of The Open Meetings Act.

The EDC Board entered Executive Session at 5:43 PM.

**MOTION TO ENTER
EXECUTIVE SESSION WAS
MADE BY DIRECTOR
VERONICA GONZALES AND
SECONDED BY DIRECTOR
SABRINA WALKER
HERNANDEZ AT 5:43 PM.
MOTION CARRIED
UNANIMOUSLY.**

During further review of the items in Executive Session, any of the items will be brought back into Open Session if necessary, for open discussion.

7. **OPEN SESSION**

The EEDC will convene in Open Session to take necessary action, if any, in accordance with Chapter 511, Open meetings, Subchapter E, Procedures Relating to Closed Meeting §551.102, Requirement to Vote or Take Final Action in Open Meeting.

The EDC Board reconvened for open session at 6:11 PM.

**MOTION TO OPEN SESSION
WAS MADE BY DIRECTOR
SABRINA WALKER
HERNANDEZ AND SECONDED
BY VICE PRESIDENT ROLAND
GOMEZ AT 6:11 PM. MOTION
CARRIED UNANIMOUSLY.**

- A. Discussion and possible action regarding the purchase, exchange, lease, or value of real property. (§551.072. Deliberation Regarding Real Property; Closed Meeting)

**MOTION FOR STAFF TO
PROCEED AS DISCUSSED IN
EXECUTIVE SESSION WAS
MADE BY DIRECTOR
VERONICA GONZALES AND
SECONDED BY VICE
PRESIDENT ROLAND GOMEZ.
MOTION CARRIED
UNANIMOUSLY.**

8. ADJOURNMENT

There being no further business to consider, the meeting was adjourned at 6:11 PM.

**MOTION TO ADJOURN
MEETING WAS MADE BY
TREASURER AARON RIVERA
AND SECONDED BY VICE
PRESIDENT ROLAND GOMEZ
AT 6:11 PM. MOTION CARRIED
UNANIMOUSLY.**

Minutes Transcribed by: Leticia Pantoja



Edinburg Economic Development Corporation

Meeting Date: February 23, 2021

Consider approval of financial report for January 2021.

1. Agenda Item:

Consider approval of financial reports for January 2021.

2. Description/Scope:

Cris Villarreal, CPA, will provide a financial report for January 2021.

3. Estimated Timeline:

Monthly.

4. Budget:

N/A

5. Procurement/Selection Process:

N/A

6. Staff's Recommendation:

N/A

7. Justification:

N/A

Blanca Davila
Director of Economic Development

ATTACHMENTS

Attachment A: January 2021 Financial Report

Approved:	_____
Not Approved:	_____
Tabled:	_____
No Action:	_____

Management Report

Edinburg Economic Development Corporation
For the period ended January 31, 2021



Prepared on
February 18, 2021

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Edinburg Economic Development Corporation
Statement of Cash Receipts, Disbursements, and Cash Balances - Unrestricted Cash
For the Period Ending Fiscal Year 2021

	October	November	December	January	February	March	April	May	June	July	August	September	Year-to- Date Actual	Annual Budget	% to Date	Remaining Budget Balance
CASH RECEIPTS:																
1/2 Cent Sales Tax Revenue	\$ -	\$ 1,178,534	\$ 548,456	\$ 566,005	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,292,995	\$ 6,500,000	35%	\$ (4,207,005)
Lease Payments	5,286	8,609	8,087	8,486	-	-	-	-	-	-	-	-	30,468	48,000	63%	(17,532)
Sale of Property and Other Revenue	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-
Investment Interest	1,714	1,872	1,573	1,508	-	-	-	-	-	-	-	-	6,667	25,000	0%	(18,333)
Transfer in TexStar Bond Projects, net	-	-	-	-	-	-	-	-	-	-	-	-	-	4,139,638	0%	(4,139,638)
Interest Earned in Restricted Funds	(1,714)	(1,505)	(1,349)	(1,277)	-	-	-	-	-	-	-	-	(5,845)	-	0%	(5,845)
TOTAL CASH RECEIPTS	5,286	1,187,510	556,767	574,722	-	-	-	-	-	-	-	-	2,324,285	10,712,638	22%	(8,388,353)
CASH DISBURSEMENTS																
Personnel Expenses																
Salaries, Benefits & Taxes	-	-	-	250,000	-	-	-	-	-	-	-	-	250,000	300,000	83%	(50,000)
Taxes and Benefits	-	-	-	-	-	-	-	-	-	-	-	-	-	80,000	0%	(80,000)
Vehicle Allowance	-	-	-	-	-	-	-	-	-	-	-	-	-	5,000	0%	(5,000)
Total Personnel Expenses	-	-	-	250,000	-	-	-	-	-	-	-	-	250,000	385,000	65%	(135,000)
Contractual & Maintenance Services																
Professional Services	-	100	5,820	-	-	-	-	-	-	-	-	-	5,920	300,000	2%	294,080
Administrative Services FY20	-	-	126,582	-	-	-	-	-	-	-	-	-	126,582	126,582	100%	-
Printing	-	-	-	-	-	-	-	-	-	-	-	-	-	25,000	0%	25,000
Travel,Training, Conference	500	-	-	-	-	-	-	-	-	-	-	-	500	80,000	0%	79,500
Membership Dues/Subscriptions	-	32	100	-	-	-	-	-	-	-	-	-	132	30,000	0%	29,868
File Storage Expense	-	-	-	-	-	-	-	-	-	-	-	-	-	20,000	0%	20,000
Equipment Leasing	(323)	1,355	989	320	-	-	-	-	-	-	-	-	2,341	40,000	6%	37,659
Total Contractual & Maintenance Services	177	1,487	133,491	320	-	-	-	-	-	-	-	-	135,475	621,582	22%	486,107
Supplies																
Office Supplies	-	-	88	-	-	-	-	-	-	-	-	-	88	10,000	1%	9,912
Computer Software Expense	1,559	-	(1,281)	-	-	-	-	-	-	-	-	-	278	15,000	2%	14,722
Continuing Education	-	-	-	-	-	-	-	-	-	-	-	-	-	30,000	0%	30,000
Food	-	-	-	-	-	-	-	-	-	-	-	-	-	15,000	0%	15,000
Office Equipment & Furniture	-	-	-	-	-	-	-	-	-	-	-	-	-	30,000	0%	30,000
Equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	20,000	0%	20,000
Total Supplies	1,559	-	(1,193)	-	-	-	-	-	-	-	-	-	366	120,000	0%	119,634
Programs																
Workforce Training	-	-	-	5,258	-	-	-	-	-	-	-	-	5,258	200,000	3%	194,742
Marketing	89	178	3,000	178	-	-	-	-	-	-	-	-	3,445	200,000	2%	196,555
Sponsorship/Donations	-	1,500	25,000	-	-	-	-	-	-	-	-	-	26,500	75,000	35%	48,500
Legislative	-	-	-	-	-	-	-	-	-	-	-	-	-	90,000	0%	90,000
Research, Feasibility Studies, Reports	-	-	-	40,250	-	-	-	-	-	-	-	-	40,250	100,000	40%	59,750
Small Business Grants Program	-	-	-	-	-	-	-	-	-	-	-	-	-	200,000	0%	200,000
Total Programs	89	1,678	28,000	45,686	-	-	-	-	-	-	-	-	75,453	865,000	9%	789,547
Properties																
Property Taxes	-	-	70,541	-	-	-	-	-	-	-	-	-	70,541	100,000	71%	29,459
Purchase of Property	-	-	-	-	-	-	-	-	-	-	-	-	-	50,000	0%	50,000
Utilities	(132)	3,150	1,975	1,179	-	-	-	-	-	-	-	-	6,172	25,000	25%	18,828
Existing Buildings - Improvements/Repairs	-	-	-	-	-	-	-	-	-	-	-	-	-	40,000	0%	40,000
Secruity Expense	-	-	-	-	-	-	-	-	-	-	-	-	-	2,000	0%	2,000
Industrial Park & Property Maintenance	722	995	-	-	-	-	-	-	-	-	-	-	1,717	10,000	17%	8,283
Total Properties	590	4,145	72,516	1,179	-	-	-	-	-	-	-	-	78,430	227,000	35%	148,570

[illegible]

COMPARATIVE MONTHLY SALES TAX REVENUES - ACCRUAL BASIS - SUPPLMENTAL INFORMATION

*****CASH IS RECEIVED TWO (2) MONTHS AFTER THE PERFORMING MONTH*****

Month	Fiscal Year Ending 2021	Fiscal Year Ending 2020	Favorable (Unfavorable)	% Change
OCT.	\$ 548,456	\$ 539,764	\$ 8,692	2%
NOV.	566,005	517,839	48,166	9%
DEC.	754,719	673,924	80,795	12%
JAN.		475,560		
FEB.		453,935		
MAR.		574,164		
APR.		497,295		
MAY		550,235		
JUN.		591,024		
JUL.		538,033		
AUG.		530,880		
SEP.		647,655		
TOTAL	\$ 1,869,180	\$ 6,590,308	\$ 137,653	8%

Statement of Net Assets-Supplemental Information

As of January 31, 2021

	Total
ASSETS	
Current Assets	
Bank Accounts	
1000 Operating	
1001 4899-PCB-Operating	990,991.70
1002 8602-PCB-Sweep Account-Int Bearing	5,414,766.30
Total 1000 Operating	6,405,758.00
1005 Restricted	
1004 4700-PCB-New Series 2019 Bond Debt Service Fund	184,957.95
1007 2281-PCB-Debt Service Account	1,276,473.28
1008 9056-PCB-Revenue Account	549,402.12
1010 TX National Bank	800,000.05
1013 Greater State Bank Money Market	1,495,685.59
1019 TexSTAR New Series 2019 Debt Service Reserve Fund	775,020.25
1020 TexSTAR New Series 2019 Construction Fund	8,343,985.64
Total 1005 Restricted	13,425,524.88
Total Bank Accounts	19,831,282.88
Accounts Receivable	
1200 Accounts Receivable	2,568,659.26
Total Accounts Receivable	2,568,659.26
Other Current Assets	
1499 Undeposited Funds	566,004.90
Total Other Current Assets	566,004.90
Total Current Assets	22,965,947.04
Fixed Assets	
1505 Buildings	2,036,528.06
1525 Furniture & Equipment	41,061.96
1545 Land	4,686,580.56
1595 Accumulated Depreciation	-834,661.21
Total Fixed Assets	5,929,509.37
Other Assets	
1610 N/R - Santana \$5MM	4,205,592.73
1620 N/R - Santana \$10MM	9,434,410.73
1630 Allowance for Uncollectibles	-1,176,347.91
1980 Deferred Outflow with Pension	167,952.00
Total Other Assets	12,631,607.55
TOTAL ASSETS	\$41,527,063.96

LIABILITIES AND EQUITY**Liabilities****Current Liabilities****Other Current Liabilities**

2113 2014A Ebony Hills Current	240,000.00
2117 2014B Parks & Rec Current	475,000.00
2123 2015 Bonds Current	110,000.00
2135 Series 2019 Bond	130,000.00
2250 Deferred Inflows Related to Pensions	38,957.00
2350 Accrued Payroll & Benefits	10,858.00

Total Other Current Liabilities	1,004,815.00
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Total Current Liabilities	1,004,815.00
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Long-Term Liabilities

2513 2014A Ebony Hills Long Term	765,000.00
2517 2014B Parks & Rec Long Term	1,520,000.00
2523 2015 Bonds Long Term	13,125,000.00
2530 New Series 2019 Bond	10,710,000.00
2595 Net Pension Liability	612,383.00
2597 Net OPEB Liability	101,899.00

Total Long-Term Liabilities	26,834,282.00
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Total Liabilities	27,839,097.00
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Equity

3005 Net Investment & Capital Assets	3,392,796.00
3100 Fund Balance	9,366,606.79
3200 Retained Earnings	-413,543.76
Net Income	1,342,107.93

Total Equity	13,687,966.96
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TOTAL LIABILITIES AND EQUITY	\$41,527,063.96
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A/R Aging Summary-Supplemental Information

As of January 31, 2021

	Current	1 - 30	31 - 60	61 - 90	91 and over	Total
City of Edinburg	754,718.71					754,718.71
Mercurio Semiconductor			900.00			900.00
Nu-Co Tool					127,633.60	127,633.60
Santana Textiles						0.00
Santana 10		37,056.06	36,925.29	36,794.97	954,757.89	1,065,534.21
Santana 5		16,545.82	16,487.43	16,429.24	433,251.12	482,713.61
Santana Late Fees		4,337.43	4,337.43	4,337.43	124,146.84	137,159.13
Total Santana Textiles		57,939.31	57,750.15	57,561.64	1,512,155.85	1,685,406.95
TOTAL	\$754,718.71	\$57,939.31	\$58,650.15	\$57,561.64	\$1,639,789.45	\$2,568,659.26



Edinburg Economic Development Corporation

Meeting Date: February 23, 2021

Consider accepting the Fixed Asset Schedule as of 9/30/2020
to include in FY2020 Audit.

1. Agenda Item:

Consider accepting the Fixed Asset Schedule as of 9/30/2020 to include in FY2020 Audit.

2. Description/Scope:

The 2019 EEDC Audit's advisory comments included recommendations on Capital Assets.

Condition: The EDC's fixed asset schedule includes items that are old/obsolete and may no longer be owned or under the control of the EDC.

Effect of Condition: Most of the items in the listing are fully depreciated causing the potential effect on the financial statements to be minimal.

Recommendation: The EDC should review and update their fixed asset schedule and remove any items that are no longer owned by the EDC.

Auditee's Response: The EDC will review and update the fixed asset schedule within the course of fiscal year 2020- 2021 and will remove any items that are no longer owned by the EDC to ensure information is up to date.

3. Estimated Timeline:

This is included in the Audit.

4. Budget:

N/A

5. Procurement/Selection Process:

N/A

6. Staff's Recommendation:

Staff recommends approval of the Fixed Asset Schedule.

7. Justification:

Staff has worked with the EEDC CPA and Auditor's Assistant to ensure the fixed asset schedule is updated and remove any items that are no longer owned by the EDC.

Blanca Davila
Director of Economic Development

ATTACHMENTS

Approved:	_____
Not Approved:	_____
Tabled:	_____
No Action:	_____



Edinburg Economic Development Corporation

Meeting Date: February 23, 2021

Consider approval of term waiver for incentive payments to TP UT RGV, LLC, due to experienced hardship resulting from the COVID-19 pandemic and declared state of disaster.

1. Agenda Item:

Consider approval of term waiver for incentive payments to TP UT RGV, LLC, due to experienced hardship resulting from the COVID-19 pandemic and declared state of disaster.

2. Description/Scope:

On January 21, 2019, the EEDC agreed to contribute up to \$150,000.00 in financial incentives, paid for through sales tax revenue, to TP UT RGV, LLC, for site improvements and employment of 50 full-time employees in each of two locations:

Location 1: Taco Palenque: 1414 W. University Dr., Edinburg Texas 78539

Location 2: Palenque Grill: The Shoppes at RGV, Lot 11 Edinburg Texas 78539

The agreement stipulated three annual payments of \$25,000 for each location after certain conditions were met.

Location 1

The first installment of \$25,000.00 was paid on October 25, 2019, upon issuance of the Certificate of Occupancy on September 20, 2019. TP UT RGV, LLC, is requesting the second installment of \$25,000.00. However, the company has not met the conditions of the contract because they do not have 50 full-time employees at that location, reportedly due to the continuous hardship of the COVID-19 pandemic and the declared state of disaster.

Location 2

The first installment of \$25,000.00 was paid on January 17, 2020, upon issuance of the Certificate of Occupancy on December 17, 2019. TP UT RGV, LLC, is requesting the second installment of \$25,000.00. Conditions of the contract have been met for this location because they have provided documentation of 50 full-time employees.

3. Estimated Timeline:

N/A

4. Budget:

The incentive payments of \$25,000 for each location were budgeted in FY 2021.

5. Procurement/Selection Process:

N/A

6. Staff's Recommendation:

Staff recommends approval of the \$25,000 payment for each location.

7. Justification:

Given the ongoing challenges related to operating a restaurant in the COVID-19 environment, and particularly the mandated closure under executive order, staff recommends approving payments for Location 1 and Location 2. The attached spreadsheet shows more than 50 full-time employees at Location 1 before the onset of the pandemic and it is reasonable to assume that the company could have met the terms of the contract at that location, if not for these extraordinary circumstances resulting from the pandemic.

Blanca Davila
Director of Economic Development

ATTACHMENTS

Attachment A: 2019-01-21 Dev Agreement TP UT RGV Executed
Attachment B: Compliance Form
Attachment C: Taco Palenque Presentation

Approved:	_____
Not Approved:	_____
Tabled:	_____
No Action:	_____

STATE OF TEXAS § DEVELOPMENT AGREEMENT BETWEEN
COUNTY OF HIDALGO § EDINBURG ECONOMIC DEVELOPMENT
CITY OF EDINBURG § CORPORATION AND TP UT RGV, LLC

This Development Agreement is made by and between the Edinburg Economic Development Corporation (hereinafter the "EEDC"), a non-profit Development Corporation created under the Texas Development Corporation Act, Texas Local Government Code Chapter 501 et seq, as amended (hereinafter "the Act") whose principal place of business is located at 415 W. University Dr., Edinburg, Texas 78541, and TP UT RGV, LLC whose business is located at 6999 McPhearson Rd. Ste 328, Laredo, TX 78041.

RECITALS

WHEREAS, the EEDC seeks to provide economic incentives to TP UT RGV, LLC, a restaurant/food service establishment whose corporate address is 6999 McPhearson Rd. Ste 328, Laredo, TX 78041; and

WHEREAS, TP UT RGV, LLC endeavors to make substantial improvements at its two project locations: the first location, a Taco Palenque restaurant, to be constructed at 1414 W. University Dr., Edinburg, TX, 78539, which including the cost of the land, the construction of the necessary infrastructure, and the construction of the restaurant at the first location, shall result in an investment amount of approximately THREE MILLION SIX HUNDRED THOUSAND AND 00/100^{THS} (\$3,600,000.00), and, the second location, a Palenque Grill restaurant, to be constructed at The Shoppes at RGV, Lot 11, Edinburg, TX 78539 which including the cost of the land, the construction of the necessary infrastructure, and the construction of the restaurant at the second location, shall result in an investment amount of approximately FOUR MILLION SIX HUNDRED THOUSAND AND 00/100^{THS} (\$4,600,000.00) (hereinafter "Sites")

WHEREAS, TP UT RGV, LLC by the efforts described herein is making a significant investment in the City of Edinburg; and,

WHEREAS, TP UT RGV, LLC is also providing significant employment opportunities for residents of the City of Edinburg, Texas; and

WHEREAS, TP UT RGV, LLC is seeking economic incentives from the EEDC in the amount of ONE HUNDRED FIFTY THOUSAND AND 00/100^{THS} DOLLARS (\$150,000.00) for certain site improvements being constructed by TP UT RGV, LLC, as part of the Development, including land acquisition, construction of building, signage, parking lot paving, infrastructure, outside lighting, and landscaping, as outlined on the construction budget attached hereto as Exhibit "A", (hereinafter collectively the "Site Improvements");

WHEREAS, on November 13, 2018, the board of directors of the EEDC approved the terms of this agreement and found that the Site Improvements are necessary for the development of new or expanded business enterprises in the City of Edinburg and agrees to contribute

economic incentives to TP UT RGV, LLC for said Site Improvements, up to the amount of ONE HUNDRED FIFTY THOUSAND AND 00/100THS DOLLARS (\$150,000.00); and

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, and agreements set forth in this agreement, the EEDC and TP UT RGV, LLC have agreed and do hereby agree to the following:

SECTION I IMPROVEMENTS, FEES AND TERMS

- A. TP UT RGV, LLC agrees to complete the Site Improvements for the first location, a Taco Palenque restaurant, within twelve (12) months from the date of the execution of this agreement and agrees to complete the Site Improvements for the second location, a Palenque Grill restaurant, within fifteen (15) months from the date of the execution of this agreement. All Site Improvements are a portion of the work being completed as part of the two locations. The first location shall include construction of approximately 4400 sq.ft. Taco Palenque restaurant space, along with signage, parking lot paving, outside lighting, infrastructure, and landscaping as indicated in Exhibit "B" attached hereto. The second location shall include construction of approximately 7000 sq.ft. Palenque Grill restaurant space, along with signage, parking lot paving, outside lighting, infrastructure, and landscaping as indicated in Exhibit "B" attached hereto.
- B. TP UT RGV, LLC agrees and covenants that it will use commercially reasonable efforts to pursue the completion of the Site Improvements as good and valuable consideration for this agreement. TP UT RGV, LLC further covenants and agrees that all construction for the Site Improvements, will be in accordance with applicable federal, state and local laws and regulations, or valid waiver thereof.
- C. The EEDC shall reimburse TP UT RGV, LLC for a portion of the costs of the Site Improvements in an amount not to exceed ONE HUNDRED FIFTY THOUSAND AND 00/100THS DOLLARS (\$150,000.00). All costs of Site Improvements in excess of ONE HUNDRED FIFTY THOUSAND AND 00/100THS DOLLARS (\$150,000.00) shall be borne on TP UT RGV, LLC. Payments shall be made as set forth below.
- D. The EEDC shall reimburse TP UT RGV, LLC up to ONE HUNDRED FIFTY THOUSAND AND 00/100THS DOLLARS (\$150,000.00) for the cost of Site Improvements. Reimbursement by the EEDC to TP UT RGV, LLC for the Site Improvements shall be made based upon copies of receipts, invoices, and other evidence of actual costs incurred and paid as may be required by the EEDC and upon the timely completion of the Site Improvements. Payments shall be per location, as follows:
 - a. EEDC shall pay TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) upon the issuance of the Certificate of Occupancy for the first location, Taco Palenque restaurant, which must occur within twelve (12) months of the execution of this agreement. Thereafter, EEDC shall pay a second installment, for the first location, in the amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) on the first anniversary of the issuance of the Certificate of

Occupancy for the first location and the verification of fifty (50) full time employees at said location. Thereafter, EEDC shall pay a third installment, for the first location, in the amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) on the second anniversary of the issuance of the Certificate of Occupancy for the first location and the verification of fifty (50) full time employees at said location.

- b. EEDC shall pay TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) upon the issuance of the Certificate of Occupancy for the second location, Palenque Grill restaurant, which must occur within fifteen (15) months of the execution of this agreement. Thereafter, EEDC shall pay a second installment, for the second location, in the amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) on the first anniversary of the issuance of the Certificate of Occupancy for the second location and verification of fifty (50) full time employees at said location. Thereafter, EEDC shall pay a third installment, for the second location, in the amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) on the second anniversary of the issuance of the Certificate of Occupancy for the second location and verification of fifty (50) full time employees at said location.
- E. The maximum amount to be paid under this agreement shall be no more than \$50,000.00 in any 12 month period.
- F. If TP UT RGV, LLC fails to complete all requirements under this agreement, including the construction of both locations, within fifteen (15) months of the date of the execution of this agreement, TP UT RGV, LLC. agrees, and shall be required, to refund all payments made by EEDC under this agreement within thirty (30) days of any demand made.
- G. If TP UT RGV, LLC. permanently ceases to do business or sells either or both restaurants made the subject of this agreement within three (3) years of the last date of any payment made under this agreement, TP UT RGV, LLC shall reimburse EEDC for any and all payments made under this agreement within thirty (30) days of ceasing business or sale of the business or businesses, whichever event causes the reimbursement requirement.
- H. The construction of the Site Improvements is to be substantially complete on or before fifteen (15) months after the date of this agreement, provided that TP UT RGV, LLC shall have additional time to complete the construction of the Site Improvements, as may be required in the event of "force majeure", if TP UT RGV, LLC is diligently and faithfully pursuing completion of the Site Improvements. For this purpose "force majeure" shall mean an event beyond the reasonable control of TP UT RGV, LLC including, but not limited to, acts of God, earthquake, fire, explosion, war, civil insurrection, acts of the public enemy, act of civil or military authority, sabotage, terrorism, floods, lightning, hurricanes, tornadoes, severe snow storms or utility disruption, strikes, lockouts, major equipment failure or the failure of any major supplier to perform its obligations.

- I. TP UT RGV, LLC understands that all incentives agreed to by the EEDC, as set forth in this agreement, are subordinate to and subject to any outstanding bond agreements and/or obligations, as well as the availability of any funds for the incentives as described herein.

SECTION II RIGHT OF ACCESS

- A. TP UT RGV, LLC further agrees that the EEDC, its agents and employees, shall have reasonable right of access to the Sites in order to insure that the construction of the Site Improvements are in accordance with this agreement and with all applicable federal, state and local laws and regulations or valid waiver thereof. After completion of the Site Improvements the EEDC shall have the continuing right to inspect the Sites to insure that the Sites are thereafter maintained and operated in accordance with this agreement. The EEDC agrees to provide TP UT RGV, LLC with reasonable prior notice of any such access to or inspection of the Sites.

SECTION III INDEMNITY / THIRD PARTY CLAIMS

- A. It is understood and agreed between the parties that TP UT RGV, LLC in performing its obligations hereunder, is acting independently and the EEDC assumes no responsibility or liability in connection therewith to third parties and TP UT RGV, LLC agrees to indemnify and hold harmless the EEDC therefrom.

SECTION IV TERMINATION/DEFAULT

- A. This agreement may be terminated by the EEDC at its sole discretion and without prejudice to any other remedy to which it may be entitled at law or in equity or elsewhere under this agreement by giving written notice of termination to TP UT RGV, LLC if the latter shall:
- 1) Voluntarily file for bankruptcy protection or be adjudicated voluntary or involuntary bankrupt;
 - 2) Institute or suffer to be instituted any proceeding for a reorganization or rearrangement of its affairs;
 - 3) Make an assignment for the benefit of creditors;
 - 4) Become insolvent or have a receiver of its assets or property appointed;
 - 5) Allow any money judgment against it to remain unsatisfied for a period of thirty (30) days or longer; or
 - 6) Breach any of the terms or conditions of this agreement.

SECTION V
**ALTERNATE DISPUTE RESOLUTION/
NEUTRAL PARTY**

- A. Any controversy, claim or dispute between the parties arising out of or relating to the provisions of this agreement or the breach, termination or validity thereof shall, upon written request of either party, immediately be referred jointly for resolution of the controversy by mediation.
- B. The mediation must be concluded within any period mutually agreed upon by the parties but in no event no later than within forty-five (45) days after written notice is given by either party of its intent to proceed to mediation. Unless the parties expressly agree otherwise, each party shall bear its own costs, legal, expert fees, and mediator fees incurred in the mediation. If, after proceeding in good faith the parties, with the assistance of a mediator, do not resolve the dispute within the forty-five (45) day period, the parties may proceed in accordance with paragraph (C) below.
- C. After exhausting the procedures set forth above, either party may initiate litigation to resolve the dispute, under the provisions as set forth herein.

SECTION VI
GENERAL TERMS

- A. Assignment. The parties shall not assign this agreement without the written consent of the other party, which consent shall not be unreasonably withheld, conditioned or delayed.
- B. Successor and Assigns. This agreement shall bind and inure to the benefit of the respective parties and their respective permitted successors and assigns.
- C. Entire agreement. This agreement supersedes any and all other agreements, either oral or in writing, between the parties with respect to the subject matter of this contract, and contains all of the covenants and agreements between the parties with respect to the subject matter. Each party to this agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, that are not set forth in this contract, and that no agreement, statement, or promise not contained in this contract shall be valid or binding.
- D. Invalidity. If any term or provision of this agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of this agreement shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.
- E. Further Assurances. The parties shall execute, acknowledge and deliver any and all such further agreements and instruments as the other party may reasonably request from time to time in order to give full effect to this agreement.
- F. Notice. All notices, requests, demands, and other communications required or permitted

to be given hereunder shall be in writing and shall be either personally delivered or sent by registered or certified mail, return receipt requested, postage prepaid, by facsimile with facsimile generated confirmation of receipt, or by private overnight courier service to the appropriate party at the address set forth below:

If to the EEDC,	to: Edinburg EDC 415 W. University Dr. Edinburg, Texas 78541 Attn: Joey Treviño
With a copy	to: Aaron I. Vela, Attorney at Law VELA Law Firm 200 E. Cano Edinburg, Texas 78539
If to TP UT RGV, LLC	to: TP UT RGV, LLC ATTN: Juan Francisco Ochoa 6999 McPhearson Rd. Ste 328 Laredo, TX 78041

or to such other address as either party may hereafter give notice of in accordance with the provisions hereof. Notices shall be deemed given on the earlier of the date actually received or the third business day after sending.

- G. Waiver. The waiver by either party of a breach of any provision of this agreement shall not operate or be construed as a continuing waiver of any subsequent breach by either party. No waiver by either party of any provision or condition to be performed shall be deemed a waiver of similar or dissimilar provisions or conditions at the same time or any prior or subsequent time.
- H. Governing Law and Exclusive Venue. This agreement shall be governed by and construed in accordance with the laws of the State of Texas without giving effect to such State's conflicts of laws provisions. Venue for any dispute arising out of or concerning this agreement shall lie exclusively in a court of competent jurisdiction in Hidalgo County, Texas.
- I. Severability. Whenever possible, each provision and term of this agreement will be interpreted in a manner to be effective and valid, but if any provision or term of this agreement is held to be prohibited by law or invalid, then such provision or term will be ineffective only to the extent of such prohibition or invalidity without invalidating or affecting in any manner whatsoever the remainder of such provision or term or the remaining provisions or terms of this agreement.
- J. Counterparts. This agreement may be executed simultaneously in one or more original or facsimile counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS HEREOF, the parties hereto have executed this agreement on
this 21st day January, of 2019.

APPROVED:

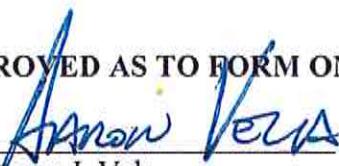
**EDINBURG ECONOMIC
DEVELOPMENT CORPORATION**

By: 
Plinio "Joey" Treviño,
Executive Director

TP UT RGV, LLC

By: 
Juan Francisco Ochoa, CEO

APPROVED AS TO FORM ONLY:

By: 
Aaron I. Vela,
Attorney for EEDC



INCENTIVE COMPLIANCE FORM

This document is used to assist the City of Edinburg Economic Development determine business incentive compliance with funding and required deliverables as per executed contract. Business incentives are subject to approval by the City of Edinburg Economic Development Corporation Board of Directors.

Business Information

Business Name: _____

Business Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email : _____

Point of Contact: _____ Title: _____

Contract Information

Contract Date: _____

Incentive Amount: \$ _____

Contract Terms:

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Contract Deliverable Compliance and Payments

Deliverable Description	Deliverable Completion Date	Provided Required Documentation	Payment Amount	Check Date	Notes

NOTE: Please ensure to include attachments as supporting documentation. Attachments may include but are not limited to pictures of project progress, employee information, employee payroll reports, certificate of occupancy, or any information relevant to the project as specified in the executed contract.

Evolución Edinburg

Febrero 2021



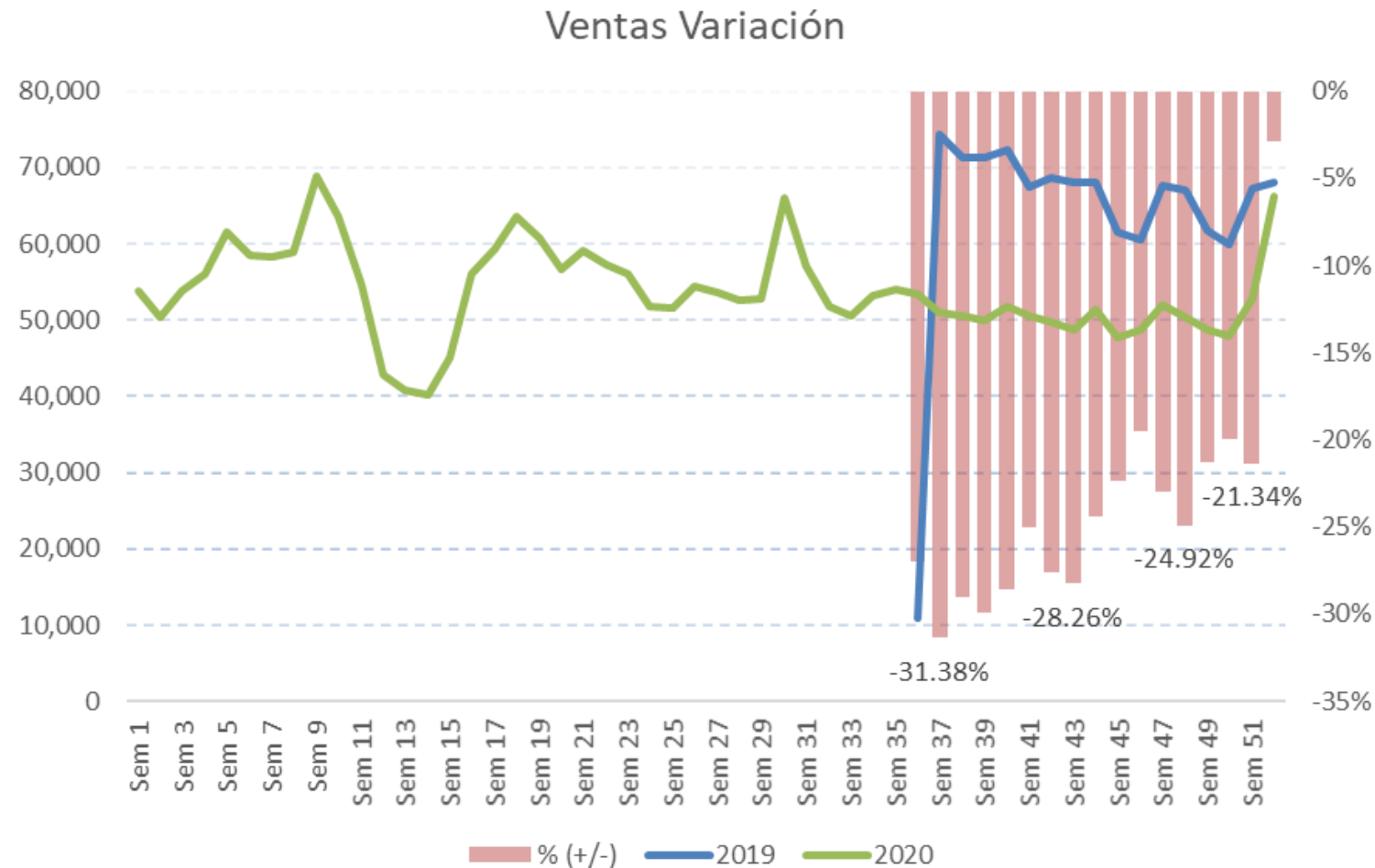
Ventas por Semana TP UTRGV

# Sem	Venta 2019	Venta 2020	% (+/-)
Sem 1		53,763.31	
Sem 2		50,369.78	
Sem 3		53,718.47	
Sem 4		55,948.09	
Sem 5		61,515.01	
Sem 6		58,444.72	
Sem 7		58,348.19	
Sem 8		58,828.99	
Sem 9		68,911.08	
Sem 10		63,647.26	
Sem 11		54,626.18	
Sem 12		42,923.67	
Sem 13		40,865.46	
Sem 14		40,264.20	
Sem 15		45,074.69	
Sem 16		55,959.37	
Sem 17		59,395.74	
Sem 18		63,517.74	
Sem 19		60,778.34	
Sem 20		56,653.32	
Sem 21		59,035.21	
Sem 22		57,334.91	
Sem 23		56,132.19	
Sem 24		51,742.35	
Sem 25		51,527.71	
Sem 26		54,483.60	

# Sem	Venta 2019	Venta 2020	% (+/-)
Sem 27		53,671.39	
Sem 28		52,496.92	
Sem 29		52,716.66	
Sem 30		66,045.66	
Sem 31		57,084.22	
Sem 32		51,718.66	
Sem 33		50,528.61	
Sem 34		53,273.14	
Sem 35		54,050.85	
Sem 36	10,988.91	53,474.97	-27.01%
Sem 37	74,341.64	51,016.14	-31.38%
Sem 38	71,219.45	50,539.45	-29.04%
Sem 39	71,202.01	49,917.18	-29.89%
Sem 40	72,383.56	51,710.80	-28.56%
Sem 41	67,401.33	50,531.17	-25.03%
Sem 42	68,610.94	49,647.70	-27.64%
Sem 43	68,002.27	48,787.96	-28.26%
Sem 44	68,044.08	51,428.53	-24.42%
Sem 45	61,517.44	47,777.33	-22.34%
Sem 46	60,596.96	48,799.04	-19.47%
Sem 47	67,566.97	52,067.33	-22.94%
Sem 48	67,084.05	50,367.22	-24.92%
Sem 49	61,783.88	48,656.94	-21.25%
Sem 50	59,981.24	47,990.41	-19.99%
Sem 51	67,156.66	52,824.54	-21.34%
Sem 52	68,124.74	66,141.46	-2.91%

Total	1,086,006.13	2,797,073.86	-23.90%
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TP UTRGV Ventas por Semana 2019 – 2020



-23.9%

TP UTRGV Personal

Personal en Nómina Mensual Taco Palenque UTRGV

Septiembre 2019 a Septiembre 2020

Fuente: Reporte de Nómina ADP

Período	Personal	Promedios	
Septiembre 2019	81	65	Promedio de personal antes de la pandemia
Octubre 2019	76		
Noviembre 2019	65		
Diciembre 2019	74		
Enero 2020	49		
Febrero 2020	46		
Marzo 2020	41	39	Promedio de personal después de la pandemia
Abril 2020	36		
Mayo 2020	44		
Junio 2020	42		
Julio 2020	39		
Agosto 2020	36		
Septiembre 2020	37		
		51	Promedio de personal durante el año de operaciones

-40.0%

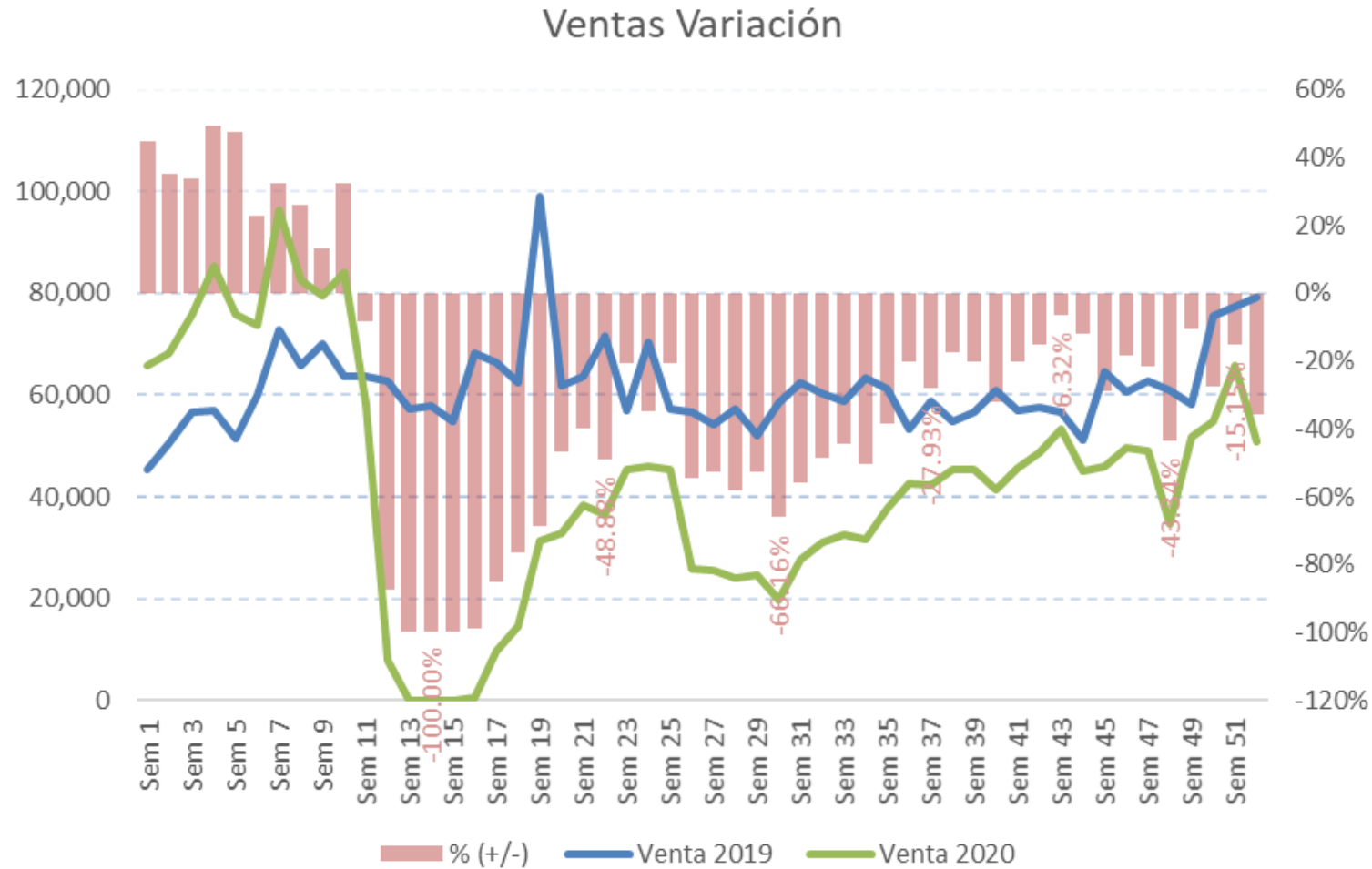
Ventas por Semana PG Edinburg

# Sem	Venta 2019	Venta 2020	% (+/-)
Sem 1	45,481.42	65,914.56	44.93%
Sem 2	50,569.93	68,310.77	35.08%
Sem 3	56,591.31	75,807.94	33.96%
Sem 4	56,955.70	85,154.98	49.51%
Sem 5	51,510.29	75,914.03	47.38%
Sem 6	59,927.28	73,702.54	22.99%
Sem 7	72,900.47	96,368.12	32.19%
Sem 8	65,679.09	82,649.82	25.84%
Sem 9	69,982.26	79,363.22	13.40%
Sem 10	63,539.88	84,067.82	32.31%
Sem 11	63,585.12	58,273.73	-8.35%
Sem 12	62,789.53	7,928.24	-87.37%
Sem 13	57,294.26	-	-100.00%
Sem 14	57,777.60	-	-100.00%
Sem 15	54,775.21	-	-100.00%
Sem 16	68,218.70	653.95	-99.04%
Sem 17	66,307.45	9,779.39	-85.25%
Sem 18	62,292.82	14,655.06	-76.47%
Sem 19	99,164.46	31,211.34	-68.53%
Sem 20	61,670.12	32,872.05	-46.70%
Sem 21	63,489.92	38,316.76	-39.65%
Sem 22	71,520.96	36,559.91	-48.88%
Sem 23	57,022.36	45,357.48	-20.46%
Sem 24	70,220.95	45,822.84	-34.74%
Sem 25	57,161.51	45,436.35	-20.51%
Sem 26	56,702.48	25,860.60	-54.39%

# Sem	Venta 2019	Venta 2020	% (+/-)
Sem 27	54,223.66	25,635.38	-52.72%
Sem 28	57,217.55	23,988.59	-58.07%
Sem 29	51,927.55	24,580.33	-52.66%
Sem 30	58,394.60	19,757.87	-66.16%
Sem 31	62,512.11	27,503.21	-56.00%
Sem 32	60,258.43	31,114.71	-48.36%
Sem 33	58,621.30	32,469.01	-44.61%
Sem 34	63,379.27	31,561.80	-50.20%
Sem 35	61,075.17	37,583.85	-38.46%
Sem 36	53,346.22	42,620.01	-20.11%
Sem 37	58,615.94	42,247.24	-27.93%
Sem 38	54,787.88	45,246.08	-17.42%
Sem 39	56,720.63	45,190.64	-20.33%
Sem 40	60,876.23	41,438.49	-31.93%
Sem 41	56,901.88	45,497.26	-20.04%
Sem 42	57,410.21	48,595.31	-15.35%
Sem 43	56,768.51	53,180.20	-6.32%
Sem 44	51,160.17	45,099.28	-11.85%
Sem 45	64,606.68	46,033.26	-28.75%
Sem 46	60,736.19	49,638.23	-18.27%
Sem 47	62,709.53	49,082.54	-21.73%
Sem 48	60,966.31	34,541.67	-43.34%
Sem 49	58,028.39	51,812.05	-10.71%
Sem 50	75,486.17	54,773.41	-27.44%
Sem 51	77,461.38	65,729.09	-15.15%
Sem 52	79,334.01	50,939.95	-35.79%

Total	3,196,657.05	2,245,840.96	-29.74%
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PG Edinburg Ventas por Semana 2019 – 2020



-29.4%

PG Edinburg Personal

Personal en Nómina Mensual Palenque Grill Edinburg

Diciembre 2019 a Diciembre 2020

Fuente: Reporte de Nómina ADP

Período	Personal	Promedios	
Diciembre 2019	117	118	Promedio de personal antes de la pandemia
Enero 2020	126		
Febrero 2020	112		
Marzo 2020	101	61	Promedio de personal después de la pandemia
Abril 2020	29		
Mayo 2020	65		
Junio 2020	66		
Julio 2020	63		
Agosto 2020	47		
Septiembre 2020	49		
Octubre 2020	60		
Noviembre 2020	58		
Diciembre 2020	67		
		74	Promedio de personal durante el año de operaciones

-48.3%

Evolución Edinburg

Febrero 2021





Edinburg Economic Development Corporation

Meeting Date: February 23, 2021

Discussion and possible action regarding the purchase, exchange, lease, or value of real property.
(§551.072. Deliberation Regarding Real Property; Closed Meeting)

1. Agenda Item:

Discussion and possible action regarding the purchase, exchange, lease, or value of real property. (§551.072. Deliberation Regarding Real Property; Closed Meeting)

2. Description/Scope:

Closed Meeting.

3. Estimated Timeline:

Closed Meeting.

4. Budget:

N/A

5. Procurement/Selection Process:

N/A

6. Staff's Recommendation:

Closed Meeting.

7. Justification:

Closed Meeting.

Blanca Davila
Director of Economic Development

ATTACHMENTS

Approved:	_____
Not Approved:	_____
Tabled:	_____
No Action:	_____