

The Board of Commissioners for the City of Alamo, Texas met for the First Regular Meeting on Tuesday, September 01, 2020 at 7:00 p.m, at the City of Alamo Municipal Building.

COMMISSION PRESENT:

Mayor Diana Martinez
Robert De La Garza, Mayor Pro-Tem
Okie Salinas, Commissioner
Pilar Garza, Commissioner
Pete Morales, Commissioner

COMMISSION ABSENT:

STAFF PRESENT:

Robert L. Salinas, City Manager
Cris Palacios, City Attorney
Alexandra Rangel, City Secretary
Richard Ozuna, Police Chief
Roy Contreras, Fire Chief
Rafael Tapia, AEDC Director

Yvette Mendoza, Finance Director

I. CALL MEETING TO ORDER

Mayor Diana Martinez called the regular meeting held on Tuesday, September 01, 2020 to order at 7:00 p.m. at the City of Alamo Municipal Building. Mayor Diana Martinez led the Pledge of Allegiance and Pastor Tuttle led the Invocation.

C. Presentation and Announcements

City Manager Robert Salinas announced the groundbreaking ceremony for our new Wastewater treatment plant. It is scheduled for Wednesday, Sept 9, 2020 at 9 am.

Mayor Diana Martinez announced on January 01, 2021 Freedom Bank will open

Commissioner Pete Morales thanked Judge Celia Cruz for her donation on the masks for our Police Department

Rafael Tapia announced the find round of ACAP applications will be due on 9/11

Mayor Diana Martinez asked Police Chief for an update regarding the city wide numbers for COVID-19.

Chief Ozuna stated as of this morning there are 6 people within the city, 2 have had their quarantine period expire and the other 4, their quarantine are expiring soon. Even though the numbers are decreasing please continue to wear your mask.

D. Consideration and action to approve the minutes for the second regular meeting of August 18, 2020.

Mayor Pro-Tem Robert De La Garza motioned to approve, and Commissioner Pilar Garza seconded motion carried.

E. Consideration and action to approve the minutes for the special meeting of August 24, 2020.

Mayor Pro-Tem Robert De La Garza motioned to approve, and Commissioner Pilar Garza seconded motion carried.

F. Updated Mayoral Declaration of Local State of Disaster Due to Public Health Emergency.

City Manager Robert Salinas stated there has been no change from Governor Abbott, this order will become effective on September 2nd until September 15th. One thing that was modified was an overtime policy for PD. At the moment our policy states they will receive OT when they work 43

hours a week. In order for police officers to take advantage of the OT during COVID-19 the minimum now is 40 hours while working COVID-19 detail, this will help PD continue additional patrol during COVID-19.

Chief Ozuna stated several grants pay overtime when its only 40 hours, with the 43 hours policy it makes it difficult for our officers to do OT.

Mayor Diana Martinez asked at this moment can we open city hall

City Manager Robert Salinas responded we can but we are pending a few updates, we should be ready by Tuesday. As for Parks and Rec. we are still pending on the Governor's order.

Mayor Diana Martinez asked since city hall will be closed Monday can we post on Facebook we will be open on Tuesday?

City Manager Robert Salinas responded yes

Commissioner Pilar Garza asked if the curfew still in effect

City Manager Robert Salinas responded yes

Commissioner Okie Salinas asked about the library allowing only 10 people?

City Manager Robert Salinas responded based on the building occupancy, Lori has sent me a plan regarding controlling the occupancy.

Commissioner Pete Morales asked what about the traveling teams are they allowed to practice, for example the park on Bowie.

City Manager Robert Salinas responded as long they keep their social distancing

City Attorney stated to change page 9 to reflect 15th date

Mayor Pro-Tem Robert De La Garza motioned to approve, and Commissioner Pilar Garza seconded motion carried.

G. Consideration and action regarding a taskforce agreement between the U.S. Department of Justice and the Alamo Police Department.

Chief Ozuna stated this agreement allows for an officer within our department to be a liaison with the U.S. Department of Justice where he takes part of seizures and investigations. There is one area of concern, it is either a one year or two-year agreement but he will clarify this issue prior to signing.

Commissioner Pete Morales motioned to approve with pending contract time frame, and Mayor Pro-Tem Robert De La Garza seconded. Motion carried.

H. Consideration and action to approve a resolution for adopting TCAP's professional services agreement and Gexa Energy's Commercial Electric service agreement.

City Manager Robert Salinas stated TCAP is the Texas Coalition for Affordable Power, the City of Alamo has been a member since 2003, along with other Hidalgo County cities. TCAP is a non-profit organization which brokers to get power at a wholesale price. The resolution before you allows us to continue with the agreement. The agreement will still be run by legal in case we need to leave the 2 year agreement.

Mayor Pro-Tem Robert De La Garza motioned to approve, and Commissioner Pilar Garza seconded motion carried.

I. Consideration and action on an ACAP application for 932 W. Austin Ave. Lot B review.

City Manager Robert Salinas stated as you recall we have the ACAP program to help mortgage and rent payments, we did not include an appeal process. It just makes sense to bring it before the city commission. This application was denied by the review committee because he was unable to

provide documentation of his residency. Mr. Luna did bring a police report and an identification from STC stating his residency.

Commissioner Okie Salinas asked the amount he was supposed to get

City Manager Robert Salinas responded with the lease agreement it can be calculated for up to 4 months

AEDC Director Rafael Tapia responded that is correct, the total amount is \$2,500, once approved we will be send him a contract.

Mayor Diana Martinez stated she passed by and did verify he lives there

Commissioner Okie Salinas motioned to approve, and Commissioner Pete Morales seconded. Motion carried.

J. Consideration and action on an Interlocal Agreement with the City of Weslaco for animal control operations and impoundment.

City Manager Robert Salinas stated as you recall we have an agreement with the City of Weslaco to handle our animal control services since we left Palm Valley. Palm Valley used to charge us \$137,000 dollars a year and at this moment we have paid \$67,000 to Weslaco with a savings of \$74,000.

Mayor Pro-Tem Robert De La Garza motioned to approve, and Commissioner Okie Salinas seconded motion carried.

K. Consideration and Action to Authorize City Manager to Establish TIGR Accounts and File Required Forms with the Texas General Land Office

City Manager Robert Salinas stated the TIGR is the Texas Integrated Grant Reporting system acting form. This is part of the GLO information in which Mr. Briones had mentioned in our last meeting and will allow us to create an account with the Texas General Land Office.

Mayor Diana Martinez motioned to approve, and Commissioner Pilar Garza seconded. Motion carried.

L. Consideration and Action to Authorize City Manager to Publish 2015 CDBG-MIT Public Hearing Notice.

City Manager Robert Salinas stated in your packet you can see the public notice that we will advertising in the monitor on September 4th. Again, this information is from Mr. Briones's presentation last week.

Mayor Diana Martinez motioned to approve, and Mayor Pro-Tem Robert de La Garza seconded. Motion carried.

M.Consideration and action on an agreement between the City of Alamo and American Electric Power (AEP) to authorize the use of Alternative AEP LED Street Lighting.

City Manager Robert Salinas stated to have existing high-pressure sodium lights to be converted to LED after the fixture has been damaged and no longer a bulb issue, then AEP will replace it with a LED fixture.

Commissioner Pete Morales motioned to approve, and Commissioner Pilar Garza seconded. Motion carried.

Public Hearing

Public Hearing regarding 2020-2021 City Budgets for the General Fund, Water and Sewer Fund, Debt Service Fund and Hotel/Motel Tax Fund.

Finance Director Yvette Mendoza stated a notice was submitted to the Advance on August 26th for a public hearing regarding the City Budgets for the General Fund, Water and Sewer Fund, Debt Service Fund and Hotel/Motel Tax Fund. Just for record I will be proposed budget for next year.

For General Fund

- *Total Revenue \$ 10,547,655*
- *Total Expenditures \$ 11,055,524*
- *Revenue Over/(Under) Exp. \$ (507,869)*

Water/Sewer Fund

- *Total Revenue \$ 4,348,600*
- *Total Expenditures \$ 4,510,600*
- *Revenue Over/(Under) Exp. \$ (162,000)*

Debt Service Fund

- *Total Revenue \$ 1,716,397*
- *Total Expenditures \$ 1,576,719*
- *Revenue Over/(Under) Exp. 139,678*

Hotel Tax Fund

- *Total Revenue \$ 103,500*
- *Total Expenditures \$ 102,903*
- *Revenue Over/(Under) Exp. \$ 597*

No citizen participation

N. Consideration and action on a variance request for a 0' front setback instead of the code minimum required 25' front setback and a 2' 10" side setback instead of the code minimum required 5' side setback, physically located at 207 Candy Dr., legally described as Valle Dulce Phase I, Lot 13 for Salvador F. Hernandez.

City Manager Robert Salinas stated the site is located on the southwest corner of Canela Dr. and Candy Dr. Mr. Hernandez contacted the Planning Department to get information on a building permit for a carport. Staff informed Mr. Hernandez of the front and side setbacks and that he would be encroaching into the front setback for the size of carport he wanted to install. He was informed that he could apply for a variance request to the front setback. Staff also suggested to Mr. Hernandez that he could construct the carport in the rear yard since this was on a corner lot and had the available required space to meet the side and rear setbacks. On June 2, 2020 Mr. Hernandez was sent a violation letter for the construction of the carport without a permit and encroachment of the front and side setbacks. The applicant filed for a variance application 6/4/2020. From 2008 to now there have been approximately 50+ carport variances for front setbacks that have been approved throughout the City. Although they have not approved them for encroachment of the side setback. Based on previous approvals by the Board of Commissioners, Staff does not object to the variance to the front setback, subject to the carport remaining perpetually open and compliance with the side setback requirement.

Mayor Diana Martinez asked when Mr. Hernandez started building the carport, did he have a permit?

City Manager Robert Salinas responded no he did not

Mayor Diana Martinez stated PD went out there and went against PD's warning

Commissioner Pete Morales stated he did return and applied for a variance

City Manager Robert Salinas responded yes that is correct, I do not see an issue with the request only to honor the 5' side set back.

Commissioner Pete Morales stated he did not see an issue when he went out there

Mayor Pro-Tem Robert De La Garza stated it will set a negative precedents

Commissioner Pilar Garza asked what did the neighbor say

Commissioner Pete Morales responded Mr. Cuellar did not have an issue, if we are giving away right of way then I don't see why not and if there is a fire it will be okay.

Mayor Pro-Tem Robert De La Garza responded it's not about the neighbor it's about the city following the rules. The right of way and this are two different things. We had a structure over here on the north of town and did not get approved.

Commissioner Pete Morales stated he will approve it if the structure stays open

Commissioner Pete Morales motioned to approve with the condition not to be closed, and Commissioner Okie Salinas seconded. Motion carried. 3-2 with Mayor Diana Martinez and Mayor Pro-Tem Robert De La Garza in dissent.

O. Consideration and action on a variance request for a 0' front setback instead of the code minimum required 25' front setback and a 0' side setback instead of the code minimum 5' side setback, physically located at 210 Fudge Dr., legally described as Lot 121, Valle Dulce Phase IT for Israel & Martha Sanchez.

City Manager Robert Salinas stated the site is located 185' west of Canela Dr. along the north side of Fudge Dr. Staff made a neighborhood inspection of Valle Dulce Phase II and found several carports that were within the minimum front setbacks. Several notices were sent with this lot being one of them. Upon receiving the notice, applicant called to discuss the matter with Code Enforcement. The applicant was unaware of the need for a permit and the 25' front setback and 5' side setback requirement. The applicant filed for a variance application. Now there have been approximately 50+ carport variances for front setbacks that have been approved throughout the City. Of those 50+ carports two are within this same subdivision. Based on previous approvals by the Board of Commissioners, Staff does not object to the variance to the front setback, subject to the carport remaining perpetually open and compliance with the side setback requirement.

Commissioner Pete Morales motioned to approve, and Commissioner Okie Salinas seconded. Motion carried. 3-2 with Mayor Diana Martinez and Mayor Pro-Tem Robert De La Garza in dissent.

P. Consideration and action on a variance for a 5' front setback instead of the code minimum required 25' front setback and a 3' side setback instead of the code minimum 5' side setback, physically located at 1017 Loma Linda, legally described as Lot 56, Highview Subdivision for Maria del Rosario Flores.

City Manager Robert Salinas stated the site is located 270' east of Alamo Rd. on the north side of Loma Linda Ave. the applicant applied for a building permit the City Inspector contacted the applicant and advised her of the front setback encroachment. Upon inspection of the site staff noticed that the applicant had already began the construction of the carport and advised to stop with the construction. Staff also noticed that the carport was not only encroaching on the front setback but also on the side setback. Now there have been approximately 50+ carport variances for front setbacks that have been approved throughout the City. Of those 50+ carports four were approved within this same subdivision. Based on previous approvals by the Board of Commissioners, Staff does not object to the variance to the front setback, subject to the carport remaining perpetually open and complying with the side setback requirement. The application has already relocated the posts to comply with the side setback required.

Commissioner Pete Morales motioned to approve, and Commissioner Okie Salinas seconded. Motion carried

Q. Consideration and action on a variance for a 15' front setback instead of the code minimum 25' front setback, physically located 432 Alma St., legally described as Lot 4, Alma Delia Subdivision for Yolanda Elizondo.

City Manager Robert Salinas stated the site is located 235' south of Duranta Ave. along the east side of Alma Ave, staff made a neighborhood inspection of Alma Delia Subdivision and found the applicant was constructing the carport within the minimum front setbacks. A notice was sent to the applicant. Upon receiving the notice, the applicant called to discuss the matter with Code Enforcement. The applicant was unaware of the need for a permit and the 25' front setback requirement. Now there have been approximately 50+ carport variances for front setbacks that have been approved throughout the City. Of those 50+ carports ten were approved in 2019 within this same subdivision. Based on previous approvals by the Board of Commissioners, Staff does not object to the variance to the front setback, subject to the carport remaining perpetually open.

Mayor Diana Martinez motioned to approve, and Commissioner Pete Morales seconded. Motion carried.

CITIZEN PARTICIPATION: The city will be accepting public comments from 8am-5pm on the day of the meeting to be announced during the meeting. Email comments to arangel@alamotexas.org. Five minutes per person with no response from the City Commission. Residents must sign up prior to the city meeting.

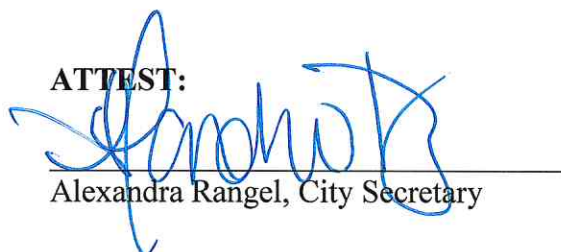
No Citizen participation


I. ADJOURNMENT

Citizens are encouraged to sign the attendance sheet.

There being no further business, Mayor Diana Martinez adjourned the meeting at 7:33 pm

ATTEST:


Alexandra Rangel, City Secretary


Mayor Diana Martinez

