

The Board of Commissioners for the City of Alamo, Texas met for the Regular Meeting on Tuesday, February 01, 2022 at 6:00 p.m., at the City of Alamo Municipal Building.

**COMMISSION PRESENT:**

Mayor Diana Martinez  
Pete Morales, Mayor Pro-Tem  
J.R. Garza, Commissioner  
Okie Salinas, Commissioner  
Pilar Garza, Commissioner

**COMMISSION ABSENT:**

**STAFF PRESENT:**

Robert L. Salinas, City Manager	
Rick Palacios, City Attorney	Adela Perez, Purchasing
Michael Torres, IT Director	Alice Cano, HR Director
Richard Ozuna, Police Chief	Sergio Zavala, Planning Director
Roy Contreras, Fire Chief	Melisa Gonzales, Special Projects Director
Rafael Tapia, AEDC Director	Lori Solis, Library Director

**1. CALL MEETING TO ORDER**

*Mayor Diana Martinez called the regular meeting held on Tuesday February 02, 2022 to order at 6:00 p.m. at the City of Alamo Municipal Building. Mayor Diana Martinez led the Pledge of Allegiance and Pastor Dino Tuttle led the Invocation.*

**C. Presentations and Announcements**

*Special Projects Director Melisa Gonzales stated its time to sign up for the ITT Challenge, and mentioned Crime Stoppers will be officially certified on February 7<sup>th</sup>.*

*Mayor Diana Martinez congratulated Valerie Giselle Treviño, she stated Valerie is 11 years old daughter of Jorge Treviño and Jessica Martinez and a 5th grader at Guerra Elementary. She started playing softball at the age of 4. She was introduced to the game she has grown to love by the Alamo Parks and Rec department. While playing with our great city of Alamo and the Parks and Rec, Valerie along with her teammates Diamond Divas which became the Alamo All-Stars made it to the Pony World Series 2 years in a row representing the City of Alamo. Valerie has continued to play softball outside of Parks and Rec making it a year round sport. She's been a very competitive athlete which thanks to her hard work, she was invited to attend the Softball Youth All American Games in Houston, TX this past December. This was an amazing experience for Valerie. Valerie and her Teammates managed to go undefeated all the way to Championship and were definitely named Champs of the 2021 Softball Youth All American Games. Not only was Valerie part of the championship team, but she was also recognized for her overall great defensive plays all over the field she was awarded the All American Defensive Wizard Award, and has received an invitation to now go on and play with the Softball Youth All American Elite Team. It is an honor for Valerie to represent the great City of Alamo and for our youth to continue to grow as athletes but most importantly having fun and loving what they do, and thanked all the students for their hard work and making Alamo look good.*

*Mayor Pro-Tem Pete Morales thanked the Ms. Jessica Martinez for her volunteer time with the Volleyball team.*

**D. Consideration and Action to approve the minutes for the second regular meeting of January 18 2022.**

*Commissioner J.R. Garza motioned to approve, and Commissioner Pilar Garza seconded. Motion carried.*

**E. Presentation by Enprotec Hibbs and Todd Regarding the Wastewater Treatment Plant Project.**

*Mr. Josh Berryhill gave an update regarding the Wastewater Treatment Plant Project, and discussed the 3 changes orders that were approved along with nay delays such change orders may cause.*

*Commissioner Okie Salinas asked when will our employees start training?*

*Mr. Josh Berryhill responded we did have a meeting earlier this month and we are looking into an operative training late February or early March. We are seeing equipment coming in already in which he can now do walk throughs.*

*Mayor Pro- Tem Pete Morales asked will there be training for preventive maintenance training, or will a company come in?*

*Mr. Josh Berryhill responded yes, there will be training*

*Commissioners J.R. Garza asked when is the completion date*

*Mr. Josh Berryhill responded May 2022 but it will move to July 2022, due to change order No. 3*

**F. Consideration and Action on a Resolution to approve the Temporary Street Closures on Business 83 and Alamo Road for the Texas Independence Day Parade for Saturday, March 5, 2022.**

*Special Projects Director Melisa Gonzales stated a resolution is needed to submit to TXDoT regarding road closure for the Texas Independence Day Parade.*

*Commissioner J.R. Garza motioned to approve, and Commissioner Pilar Garza seconded. Motion carried.*

**G. Consideration and Action to enter into an annual Interlocal Agreement with Hidalgo County for Library System services.**

*City Manager Robert Salinas stated this is the annual interlocal we do every year with the Library Services.*

*Mayor Pro- Tem Pete Morales motioned to approve, and Commissioner J.R. Garza seconded. Motion carried.*

**H. Consideration and Action to enter into an interlocal agreement between The City of Alamo and The Office of Criminal District Attorney of Hidalgo, Texas for services associated with forfeitures of contraband.**

*Police Chief Richard Ozuna stated every time there is a change in department head the District Attorney's office, This agreement will apply to all pending forfeiture cases filed on or after the date this agreement is signed and will supersede any prior agreements.*

*Mayor Pro- Tem Pete Morales motioned to approve, and Commissioner Pilar Garza seconded. Motion carried.*

**I. Consideration and Action to appoint/reappoint members to the Zoning Board of Adjustment Board.**

*No action taken*

**PUBLIC HEARING**

**Public Hearing on an application to rezone the S. 191.50' -E. 220', Lot 15, Block 41, Alamo Land and Sugar Company's Subdivision from (803 N. Tower Road) from Single Family Residential Dwelling (R-1) District to Duplex, Multifamily, Townhouse & Apartment (R-2) District**

*No citizen participation*



**J. Consideration and Action on an Ordinance to rezone the S. 191.50' -E. 220', Lot 15, Block 41, Alamo Land and Sugar Company's Subdivision from (803 N. Tower Road) from Single Family Residential Dwelling (R-1) District to Duplex, Multifamily, Townhouse & Apartment (R-2) District.**

*Planning Director Sergio Zavala stated the site is at the NW corner of Tower Road & Nebraska. The survey provided reflects dimensions of 220' x 191.50'. Late last year, we considered a rezoning of this tract to Commercial District -that was not approved. However, the newly proposed R-2 seems more palatable. This lot is at the corner of a collector street (Nebraska) and an arterial (Tower Road). Being at such a juncture, a SF home is probably not the best use for such a high-trafficked intersection. However, residential apartments would thrive at such a visible corner. To the immediate south are some apartments that seem to be doing well. In like manner, apartments at this Gamboa site should have similar success since the logistical features are identical. Planning and Zoning approved on January 19, 2022.*

*Commissioner Okie Salinas asked at any time if they want to build apartments can we see it prior.*

*City Manager Robert Salinas at the moment we are only approving the rezone but we can make them show a plat note requiring site plan approval on the plat review and approval.*

*Commissioner Okie Salinas motioned to approve, and Commissioner Pilar Garza seconded. Motion carried.*

**PUBLIC HEARING**

**Public Hearing to consider amending the City of Alamo's Future Land Use Map on portions of Lots 10 and 11, Block 40, Alamo Land and Sugar Company's Subdivision; to include possible amendment(s) from Low Density (LD) Residential to Moderate Density (MD) Residential.**

*No citizen participation*

**K. Consideration and Action on Ordinance to amend the City of Alamo's Future Land Use Map on portions of Lots 10 and 11, Block 40, Alamo Land and Sugar Company's Subdivision from Low Density (LD) Residential to Moderate Density (MD) Residential.**

*Planning Director Sergio Zavala stated discussion and possible action to amend the City of Alamo's Future Land Use Map (FLUM) on a portion of properties out of lots 10 and 11, Block 40, Alamo land and Sugar Company's Subdivision; adjustments may include, but not be limited to, possible amendments from Low Density Residential (LD) to Moderate Density Residential (MD). This item is being presented because there has been a substantial plat filed where the proposed land uses were not quite in alignment to the broad strokes of Alamo's Future Land Use Map (FLUM). As noted on the agenda item, this assessment is limited to the confines of Lots 10 and 11, BK 40 only. The perimeter areas of General Commercial (GC) along SH 495 are consistent to the commercial land uses along a substantial portion of this 7-lane major thoroughfare. Although there is a portion of GC that is proposed for multi-family residential, the GC should remain 'as is' (should the plat not be recorded). Now, on the remaining non-GC portions of Lots 10 and 11, this is currently shown in yellow as Low Density (LO) residential; equating to a single-family residential land use. This area has been dormant for many years and, although there have been several inquiries made in 2021 alone, no one has pursued development likely because:*

- 1) the immense investment required due to the low lack of infrastructure. A 12" water line is mandated all along SH 495, and the lack of sanitary sewer; and,*
- 2) when seeing that the LO (SF homes) is the design envisioned.*

*Staff Recommendation: In consideration of the abutting MDs, the typical stair-step model of having MD land uses next to the GC found along major streets, and the incidental need to extend extensive infrastructure to the area to magnify city services, the MD is recommended to replace the highlighted LD on Lots 10 and 11; the GC along SH 495 should remain 'as is'. Planning and Zoning approved on January 19, 2022.*

*Mayor Pro-Tem Pete Morales motioned to approve, and Commissioner J.R. Garza*

**L. Final Plat Approval for La Barca Estates, 39 Acres being the N. 660' of Lot 230 and the S. 627' of Lot 227, Hall & Fifield Tract (ETJ); Developer is Comarex Limited, LLC; the Project Engineer is Nain Engineering, LLC.**

*Planning Director Sergio Zavala stated the ETJ subdivision is approximately 700' north of Moore, along the east side of Border Road. The intent is to develop the 39 acres into 57 lots where the lot widths are 84' /82', and their lot depths are at 271' = 1/2+acre lots. The 57 lots will be applied the \$300/lot park fee, too. NAWSC SEWER: The intent is to use septic tanks. This is in NAWSC's sewer CCN. NAWSC WATER: Looped 8" water lines with 6 fire hydrants are provided. Abiding by the 'to & through' policy, 8" water lines are stubbed to the perimeter north of all 3 streets. Water District Exclusion is also needed via policy. STREETS: All 57 residential lots will be accessed through a 3-street system that meet the standard 50' ROW & 32' B-B paved street section. Section 11-3-13 mandates a 1000' block length; thus, the N-S street is stubbed to the north (to be extended by adjoining others when they plat). However, the southern row of Lots 43-57 will remain a bit longer than the 1000' Block maximum; thus, a variance is needed. Seeing that lots in AKC Subdivision already exist to the south as well as a 100' ROW drainage detention pond, staff does not object varying from the 1000' Block length rule. Street lighting will meet the County of Hidalgo's policies. Street naming via the alignment policy will be complied with as Planning has already worked this out with the project engineer. Also, the widening of the perimeter Border and Whalen Roads need to be built or escrowed -this may be a condition of approval. DRAINAGE: storm water will be diverted to the southern/new 100' ROW ditch (HCDD#l will own it). The streets' surface flow will divert water into the inlets; which will then be carried to the detention pond by 24" and 36" storm lines. The HCDD#l has already approved of the drainage report. Staff Recommendation: Approval subject to no objection to the block length as explained above; widening of the perimeter streets (or escrowed); and. meet typical subdivision policies.*

*Mayor Diana Martinez stated many subdivisions are using that detention pond*

*Planning Director Sergio Zavala responded yes, required by the county drainage district*

*Mayor Pro-Tem Pete Morales motioned to approve, and Commissioner J.R. Garza seconded. Motion carried.*

**M. Consideration and Action on Ordinance to Amend Title 10-Zoning Regulations, Chapter 9 (Commercial District) and Chapter 10 (Industrial District) to include 'Business Recycling Facility' as a new 'Conditional Use' in these zoning districts; and amending Title 10, Chapter 13 -Conditional Use Permits by establishing compliance criteria for a 'Business Recycling Facility'.**

*Planning Director Sergio Zavala stated The City of Alamo has been approached by an entrepreneur that desires to establish a Business Recycling Facility (BRF) along a State thoroughfare. The operation would have its modifying & sorting equipment within an enclosed building, would temporarily have piles of modified items in its enclosed storage yard, and would be visually pleasing. Since it would have a global market, the business would be a perpetual business staple for Alamo. In review of our current zoning (land use) regulations, there was no verbiage that quite matched the 'recycling' intent. The first thing to consider is 'whether a recycling facility should be developed in Alamo or not?' If the answer is 'yes', then the regulations of criteria compliance are vital because this will result in the actual effect of the Business Recycling Facility (BRF). In this vetting analysis, it was thought best to process any BRF request through public hearings of a filed Conditional Use Permit, to allow full transparency. As you know, the CUP process provides the surrounding area's citizenry to voice their concerns & for the applicant to address/resolve their questions. This CUP cycle also provides the Planning & Zoning Commission an opportunity to fully assess the proposal (site plan, the operational guidelines, structural aesthetics, fence buffers, landscaping with accent lighting, etc.).*

*With this mindset, the following criterion is proposed to conditionally allow a Business Recycling Facility (BRF):*



- *Defines what a 'Business Recycling Facility' is, i.e., "a commercial venture that processes, cuts, reduces, or modifies materials to a degree that it may facilitate the item to be stored and then transported off-site for recycling purposes. Such items may include, but not be limited to, precious or semiprecious metals, plastics, paper, canvas, fiber, etc."*
- *Included in the Commercial (C) and in the Industrial (M) zoning districts as a conditional use (mandates a CUP to be vetted/awarded).*
- *Size of site to be along a State HWY or adjacent to the railroad.*
- *Site must be a minimum of 3+ acres; must be min. 1000' to any other recycling facility.*
- *The specific recycling of material must be within an enclosed building.*
- *The specific recycling of material must be a min. distance of 200'+ to residential areas.*
- *Requires a ten foot (10') solid buffer fence for the storage areas.*
- *Buffer fence to be pre-cast concrete wall panels, concrete masonry, wood ... no aluminum sheet type buffer will be permitted. In the 'front' area of the fence buffer, it will have accent lighting at 25' -35' intervals ... this accent lighting will enhance the optics and deflect from any temporary piles that may breach the buffer's height.*
- *Along with the buffer fence, landscaped shade trees required to be a minimum height of 15' with a 6" caliper spaced at approx 25' intervals from each other. If the trees are damaged (freeze, etc.), then the tree must be replaced w/in 30 days.*
- *Internal driveways within the stored areas to be all-weather surface ... these will be buffered from public view but will provide emergency access to storage area should that need arise.*
- *Comply with the Noise Ordinance as this ordinance may be amended from time to time.*
- *Any security lighting of the BFR will have downcast lighting to avoid light pollution to spray over any pre-existing residential areas.*
- *Pave sidewalks along any perimeter streets that may lack this amenity.*
- *Provide a detention plan prepared by a professional engineer; said plan required at the initial building permit's issuance.*
- *The city reserves its right for on-site monitoring inspections to assure compliance to prevailing building, fire, and CUP zoning codes.*

*Mayor Pro-Tem Pete Morales asked can it be more than 200*

*Planning Director Sergio Zavala responded yes*

*Mayor Pro-Tem Pete Morales stated we are having an issue with recycling centers*

*Planning Director Sergio Zavala responded we can do 300-400 as long it has access to state road.*

*Commissioner Okie Salinas asked will we run an issue if it runs into a residential zone?*

*City Manager Robert Salinas responded no, but it will cause the building to move the north. At 200 we can still be clear.*

*Planning Director Sergio Zavala responded what we are looking at is not 200' to the property line to the actual home. We can do 300' to be fair.*

*Commissioner Okie Salinas stated we just have to be fair with everything, it will be with a conditional use permit.*

*Planning Director Sergio Zavala responded yes*

*Mayor Pro-Tem Pete Morales motioned to approve, and Commissioner J.R. Garza seconded. Motion carried.*

**N. Consideration and Action on Ordinance to Amend Title 7 -Public Ways and Property, Chapter 6 -City Parks, Section 7-6-1 Usage Rates, by adding an optional provision to consider allowing personal service business providers to pre-pay ordained fees, and to sign an Agreement/Hold Harmless document to use a City Park Pavilion.**

*Planning Director Sergio Zavala stated attached please find an ordinance that proposes to amend Section 7-6-1 on a pavilion's use & fee rates. The following bullet points reflect the observations & adjustments on the subject ordinance:*

- *CURRENT code allows the city's pavilions to be used by a person or group at a cost; there are no restrictions on who or what may use the city pavilions. NEW: the code needs to be tightened-up to refine what sort of business use (personal services, e.g., zumba, exercise, karate, etc.) may be permitted; and which business uses are NOT permitted (food/beverage/retail sales).*
- *The current code already has approved fee rates but does NOT disclose how long?' For example, a resident may CURRENTLY rent the pavilion from 10 am to 10 pm (12 hrs.) for \$40. Theoretically, the pavilion would not be able to be used all day long by the general public other than the residents' guests. NEW: The draft ordinance recognizes the \$40 rate but now limits its use for a max. 6 hour interval+ \$10/hr. over the initial 6 hrs. The non-profit group may continue to rent it for \$30/day.*
- *Except for the Sports Complex Park Pavilion (2550 sq. ft.), the smaller pavilions (1250 -1500 sq. ft.) can be rented by a personal service Alamo business for \$20/hour for max 3 hours; a non-Alamo proprietor would pay \$30/hour for max of 3 hours.*
- *The Sports Complex (2550 sq. ft.) Pavilion's rental rates for an Alamo resident, a non-resident, and a non-profit group, were approved by the Commission on 5/5/2015 -- this action would lock-in this large pavilion from 10 am to 10 pm. Again, the draft ordinance would limit this pavilions' use for a 6 hour interval+ \$10/hour over the initial 6 hours (NOTE: non-profits will be exempt).*
- *NEW: The Sports Complex pavilion's rate for personal service businesses are proposed to be: Alamo business= \$30/hour (max 3 hours). Non-Alamo business= \$40/hour (max 3 hours).*
- *NEW: explicitly expresses that the City will retain the \$25 deposit if park area is left in disarray.*
- *NEW: rental requested at least 3 weeks lead time (so park staff may assess scheduling/conflicts).*
- *NEW: no one who rents a pavilion will be able to sub-rent the same pavilion to another party.*
- *NEW: City has inherent right to approve or disapprove any application based on seasonal usage of the pavilion, public events, etc.*
- *NEW: administrative policy will mandate that the rental party sign an Agreement that for such pavilion use, which said Agreement includes a hold harmless/indemnification of the City.*

*City Attorney stated to add an age limit for rental for example 21 and over, it can be something important to add to the ordinance.*

*Planning Director Sergio Zavala responded if you are in favor of the ordinance we can approve subject to the City Attorney input on the agreement.*

*Commissioner J.R. Garza asked and the fee is \$40 and a \$10 deposit*

*Planning Director Sergio Zavala responded yes, a \$25 deposit and if everything is in order they will get the deposit back.*

*City Manager Robert Salinas stated this will allow for outdoor exercise individuals who already charge to utilize the area.*

*Commissioner Okie Salinas motioned approval with City Attorney recommendations, and Commissioner J.R. Garza seconded. Motion carried.*

**O. Consideration and Action on Ordinance to Amend Title 7 -Public Ways and Property, Chapter 6 -City Parks, Section 7-6-2 Restrictions and Regulations, by updating park policies of general usage including parking guidelines, declaring inherent hold harmless status of city parks, no glass containers, responsible dog presence restrictions, alcoholic beverage consumption regulations, prohibiting patron activities that are unsafe/harmful, and delegating authority to the City Manager's Office to discern and decide whether an unforeseen activity is appropriate.**



*Planning Director Sergio Zavala stated attached is an ordinance that proposes to amend Section 7-6-2 regarding updates to the general land use and activity at city parks. The following bullet points reflect primary adjustments on the current code:*

- *Re-wrote subsection (C) since the current verbiage was a bit challenging to understand. The proposal clarifies where patrons should park, and not park; also, any parking along public streets will be done at the patrons' own risk and obedience to local traffic codes and fire codes.*
- *Added to subsection (D) an important indemnification provision regarding the general status of a 'City Park' grounds. maximizes protection to the City and city officials.*
- *Added to subsection (E) the provision that any damages under any circumstances shall be the responsibility of the person, to also include their pets if the animal causes any damage, too.*
- *Added NEW subsection (H) prohibiting glass containers at public parks.*
- *Added NEW subsection (I)(a)(b)(c) regarding responsible hygienic care of park grounds by patrons regarding any pets they may have (bowel movements). ADA accommodation/understanding by the City is expressed regarding assigned/trained dogs assisting the handicapped.*
- *Added NEW subsection (J) regarding no consumption of alcoholic beverages during scheduled/organized athletic events; and prohibiting persons to become intoxicated by alcohol or other stimulants via prevailing Penal policies.*
- *Added NEW subsection (K) to prohibit any person to conduct themselves in a manner that is abnormal or unsafe when using a parks' amenities other than what they were designed to provide.*
- *Added NEW subsection (L) to provide a 'catch all' provision to delegate the authority to the City Manager's Office the ability to assess, discern, and determine whether a particular activity is lawful or not in a city park. The City Manager will take the input of the Parks & Recreation Director's into consideration during such needful circumstances.*

*Commissioner J.R. Garza motioned to approve, and Mayor Pro-Tem Pete Morales seconded. Motion carried.*

**P. Consideration and Action on an Ordinance to Vacate and Abandon the western One and one-half feet (1.5') of a Seven and one-half foot (7.5') drainage easement in Lot 63, Tower Landing Subdivision Phase II.**

*Planning Director Sergio Zavala stated a building permit was issued for Lot 63, Tower Landing II in May 2021. The side setback showed a 6' side setback and the permit was cleared by Planning Department. Planning was alerted on the afternoon of 1/28/22 that the home was built at 6' to the side lot line; being a 1.5' infringement over the side 7.5' drainage easement. If the 1.5' is abandoned, the storm line will still be in a 6.0' easement. The storm line is on the property line thus being at least 5' to the home still.*

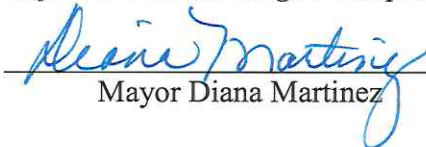
*Mayor Pro-Tem Pete Morales motioned to approve, and Commissioner Pilar Garza seconded. Motion carried.*

**CITIZEN PARTICIPATION:** Five minutes per person with no response from the City  
*Pastor Dino Tuttle suggested to increase youth participation in local government.*

**I. ADJOURNMENT**

Citizens are encouraged to sign the attendance sheet.

*There being no further business, Mayor Diana Martinez adjourned the meeting at 7:17pm*

  
Mayor Diana Martinez

**ATTEST:**

  
Alexandra Rangel, City Secretary



