

The Board of Commissioners for the City of Alamo, Texas met for the Regular Meeting held on Tuesday, March 07, 2023 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  
Pilar Garza, Commissioner

**COMMISSION ABSENT:**

Okie Salinas, Commissioner

**STAFF PRESENT:**

Robert L. Salinas, City Manager	Sergio Zavala, Planning Director
Alexandra Rangel, Assistant City Manager	Melissa Leal, Water Billing Supervisor
Rick Palacios, City Attorney	Yvette Mendoza, Finance Director
Richard Ozuna, Police Chief	Ronnie Cruz, City Engineer
Roy Contreras, Fire Chief	Julio Villareal, Public Works Director
Rafael Tapia, AEDC Director	Sandra Chavez, Parks and Rec. Director
Lori Solis, Library Director	

**1. CALL MEETING TO ORDER**

*Mayor Diana Martinez called the regular meeting held on Tuesday March 7, 2023 to order at 6:00 p.m. at the City of Alamo Municipal Building. Sarai Osuna and Mia Lozano led the Pledge of Allegiance and Pastor Tuttle led the Invocation.*

**C. Presentation and Announcements**

*Mayor Pro-Tem Pete Morales stated on Behalf of the City of Alamo Commission, administration and city staff we would like to congratulate PSJA Memorial ECHS Wrestling Head Coach Tom Moreno on a successful 2022-2023 season. Under his direction the girls wrestling team was able to bring on a 1st Place overall Tri-City Championship, place 2nd at District Dual Team Championship finishing with a dual record of 8-2 and were also able to bring home the First District Team Championship in school history. Under his direction, the boys wrestling team ended their Dual season at District Dual Championship with a 4th place finish and a record of 11-3 and placing 3rd overall at the District Championship. Under Coach Moreno's direction his teams both male and female were able to bring home various individual district titles and individual state qualifiers. Congratulations to Coach Moreno and the Wolverine wrestlers.*

*Mayor Diana Martinez congratulated the teams and parents*

*Commissioner J.R. Garza congratulated the teams and parents*

*Commissioner Pilar Garza congratulated the teams and parents*

*Mayor Diana Martinez congratulated Jose Perez performing in Broadway today*

*City Manager Robert Salinas stated on another note, we received an e-mail from Morgan La Mantia's office informing us that they would be adding a "Rider" to their legislation that would help the city fund the relocation of the lift station in the amount of \$2M as well as another \$1M for parks (\$700K for Renovation of existing splash pad, a new walking trail, and, if there is surplus funds possibly tennis courts, at the Sports Complex, \$200,000 for an all-inclusive park at Lions Park, and \$100,000 for paved parking and restrooms at Alaniz/Villagomez Park). Now we just need to keep our fingers crossed and possibly push a little to ensure the funding comes through. Though it's not guaranteed, it is a big plus for the City of Alamo*

**D. Consideration and Action to approve the minutes for the special meeting of February 28, 2023.**

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



**E. Consideration and Action on a Resolution Committing the Use of Local Funds for Professional Engineering Services for the 2018 South Texas Floods CDBG-DR 4377 (2018 FLOODS) Program Funded and Administered Through the Texas General Land Office.**

*City Manager Robert Salinas stated the City of Alamo was recently awarded a GLO grant for the construction of a drainage project located at Duranta and 13th St. which will include the construction of drainage lines and a regional detention facility located behind Farias Elementary School. This project will remove drainage flows from the current system that flows into FM907 and will alleviate the flooding that occasionally occurs along Date Palm, Royal Palm, Sago Palm, etc. Though the GLO awarded the grant, there were a couple of things they were requesting from us, one being the attached resolution simply stating that we will pay for the engineering costs for the project. Staff's Recommendation: Approval. This item is now before you.*

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

**F. Consideration and Action on an Ordinance to Appoint/Re-Appoint the City of Alamo Tax Increment Reinvestment Zone No. 1 Board.**

*City Manager Robert Salinas stated this ordinance is for the appointment or re-appointment of the City's TIRZ Board. The Board appointments occur every two years. The ordinance includes the current board members and their current positions on the board. The City Commission has the option to either re-appoint the current members or appoint new members if they so choose. The following members are hereby appointed to the Board of Directors for Tax Increment Reinvestment Zone Number One for a two (2) year term:*

- 1. Mayor David Suarez, Hidalgo County Precinct No. 1*
- 2. Keith Hackland (Chairman)*
- 3. Mayra Benedetti (Vice-chair)*
- 4. Asael Alanis (Secretary)*
- 5. Gilbert Herrera*

*Mayor Pro-Tem Pete Morales motioned to renew and commissioner Pilar Garza seconded. Motion carried.*

**G. Consideration and Action to award the Bonita Estates Sanitary Sewer Project for construction.**

*City Manager Robert Salinas stated TRIMAD has reviewed all bids was submitted by contractors for the above-mentioned project. Four contractors submitted a competitive bid on the project (Saenz Brothers Construction, LLC, MJA Construction, L.L.C., Saenz Utility Contractors, LLC, and Jimmy Closner & Sons Construction Co., Inc.). TRIMAD's opinion of probable construction cost submitted to the City of Alamo was \$916,958.00 for the project. We calculated an average bid price based on all submitted bids by the contractors to be \$1,042,701.37. After evaluation of the submitted bids TRIMAD found a discrepancy on the lowest bid submitted by Saenz Brothers Construction, LLC. Item 4 "Clearing and Grubbing" has an amount bid of \$1,200.00 and Item 5 "Site Initial Grading" has an amount bid of \$2,200.00. Using this amount for the sections will place the unit quantity for both items at 1.0-AC. Based on our opinion of probable construction cost the item should have a unit quantity near the amount of 0.25-AC and on-line as was submitted by the other three contractors. It is our best engineering judgement that Saenz Brothers Construction, LLC intentions on this item was to bid an Amount Bid Price of \$300.00 and \$550.00. TRIMAD has previously worked with Saenz Brothers Construction, LLC in multiple projects with success that were over one million dollars and here-by recommends them to be awarded the said project and deemed them as the lowest bidder in the amount of \$785,970.25.*

*Mayor Diana Martinez motioned to approve, and Mayor Pro-Tem Pete Morales seconded. Motion carried.*

**PUBLIC HEARING**



**Public Hearing on a proposed Rezoning of Lots 20, 21, and 22, Block 1, Amended Stensbo Subdivision FROM (R-1) Single Family Dwelling Residential TO ( C ) Commercial; Applicant: Kairal Cazares**

*Planning Director Sergio Zavala stated the site is 170' west of Alamo Road, along the north side of Citrus Avenue.*

- *The site has the following dimensions: 75' x 100'.*
  - *The site is vacant and the new owner has placed caliche on its surface -see pie.*
  - *Surrounding the site on all sides are R-1 zoned properties.*
  - *There are SF residential structures to the adjoining east, west & south; there is a commercial structure to the north that has frontage to Duranta & across the alley.*
  - *The site is just inside the line between General Commercial (GC) and Low Density (LD) Residential in Alamo's Future Land Use Map (FLUM); however, we discern that it's GC.*
  - *Ms. Cazares purchased the R-1 property on June 15, 2022 (recorded date).*
  - *The Cazares family purchased the property for possible off-street parking for Mr. Casarez's mobile food court (at Citrus/Alamo Rd). However, when rezoning to a Commercial zone, Sect. 10-9-1 (A) permits ALL C-permitted uses such as APARTMENTS, POOL HALLS, CLINICS, LAUNDRIES, RESTAURANTS, or RETAIL STORES.*
  - *EXAMINATION: The surrounding R-1 zones, the majority land use surrounding the properties are SF homes, and Citrus Lane's minor residential street status (paved width of 30' B-B) leads one to conclude that the R-1 zone is more appropriate than C.*
  - *At the PZ hearing, there was no public opposition voiced from the audience.*
- RECOMMENDATION: Denial -retain R-1; R-1 appears a better neighbor to adjoining properties than a C effect; finally, the alley could be viewed as a line of demarcation between commercial to the north lots fronting Duranta (a collector street) and the lots fronting Citrus (a minor residential street).*

*Albert Cazares stated he just wants so help the city with growth and this property will be offices.*

*Mayor Pro-Tem Pete Morales stated he is currently using it as parking spaces.*

**H. Consideration and Action on an Ordinance to Rezone Lots 20, 21, and 22, Block 1, Amended Stensbo Subdivision FROM (R-1) Single Family Dwelling Residential TO (C) Commercial; Applicant: Kairal Cazares.**

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

**PUBLIC HEARING**

**Public Hearing on a proposed Rezoning of Lot 13, Block 6, T.C. Downs No. 3 Subdivision, FROM (R-1) Single Family Dwelling Residential TO (R-2) Duplex, Multi-family, Townhouse, and Apartment District; Applicant: Anavel Garza**

*Planning Director Sergio Zavala stated:*

- *The 60' X 205' site is at the NW corner of Duranta and N. 6th Street.*
- *The site, though R-1, has 2 residential structures; the southern structure is a 1-story SF residence & the northern unit is a 2-story SF residential structure ... see pic(s). Planning is not aware of how there came into being 2 SF structures on this R-1 lot.*
- *Surrounding the site on all sides are R-1 zoned properties.*
- *Surrounding the site on all sides are SF residential structures.*
- *The Future Land Use Map (FLUM) reflects a Low Density (LD) residential designation. This is typically reflective of the current R-1 zoning district.*
- *Ms. Garza purchased the R-1 property in January 13, 2023 (recorded date).*
- *Staff met with one of the owners' reps who indicated that they purchased the property with the 2-story home and are refurbishing it. However, in assessing the total square footage and # of bedrooms, he confessed that it was challenging to find a (future) tenant due to the size of the home equating to higher rent, of course. This caused the owner to ponder the concept of a duplex. A permit was issued to refurbish the exterior of the 2-story home, but it appears that there was unauthorized interior remodeling, inclusive of adding 2 doors as if for a duplex ... see pies.*

- *Planning received a phoned-in call from an elderly neighbor where she voiced her concerns of R-2 (transitory unknown neighbors; personal safety concerns).*
- *EXAMINATION: The surrounding R-1 zones, the surrounding SF homes, and the FLUM's LD designation all direct to retaining its current R-1 district.*
- *RECOMMENDATION: Denial- retain R-1; purchaser knew it was R-1 when purchased in Jan.2023; R-1 better neighbor to adjoining R-1 properties than R-2 effect.*

*No citizen participation*

**I. Consideration and Action on an Ordinance to Rezone Lot 13, Block 6, T.C. Downs No. 3 Subdivision, FROM (R-1) Single Family Dwelling Residential TO (R-2) Duplex, Multi-family, Townhouse, and Apartment District; Applicant: Anavel Garza**

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

**J. Request by Vaquero Ventures to have the Board of Commissioners authorize the City Manager's Office to Issue a Building Permit prior to Recording the associated Subdivision Plat on Property described as a 2.61 Acre tract of the N. 10 Acres of Lot 11, Block 32, Alamo Land & Sugar Company's Subdivision**

*Planning Director Sergio Zavala stated planning Staff received a written request from a Vaquero Ventures rep, received Feb. 28th, to have the Commissioners consider authorizing the City Manager to issue a building permit for a new Stripes convenience store located at the SW corner of Alamo/Ridge Road. As the Board of Commissioners may recall, a similar request was approved not long ago for the Stripes store (SE Expwy/Tower) to issue the building permit, but meet Subdivision Codes/record the 1-lot plat prior to final occupancy ... as you know, this Stripes store was opened & the plat was recorded with all related utility improvements being city compliant.*

*Staff recommendation: approval subject to:*

- 1. No permit issued until after the Notice to Proceed is issued for water/sewer line extensions;*
- 2. No occupancy until after the associated plat is recorded with all infrastructure being built/approved; and*
- 3. a City of Alamo business license is issued.*

*Staff Recommendation: Approval.*

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

**K. Discussion and Action on Ordinance Amending Title 4 'Public Health and Safety', Chapter 4 'Nuisances', Section 4-4-4 and Section 4-4-5 regarding the height of high grass/weeds/brush, and other updates regarding Abatement and Enforcement of such regulations.**

*Planning Director Sergio Zavala stated in recent review of Title 4 regarding the regulations dealing with weedy lots, there was room for refinement, updates, and improvement. The changes are summarized as follows:*

- *The Cities of San Juan, Pharr, and Mission (as a mini poll taken) all declare that it violates their weedy lot code once the grass/brush gets to 12" in height; Alamo's 2008 code has it at 15". The draft ordinance proposes to change it from 15" to 12", too.*
- *This ordinance declares outright that no item that is being abated/disposed of, i.e., brush, rubbish, etc., shall be taken by any city employee for private or public purposes.*
- *Deletes any reference to the 'City Inspector' to enforce weedy lot regulations; these duties are under the stewardship of the Code Enforcement Officer, of course.*
- *Section 4-4-5 (A)(1) has a current mandate that the City can abate a weedy lot when its weeds are 15" in height AND "causes an immediate threat to the physical well being of any person or adjacent property." The Code Enforcement Officer has to prove BOTH conditions in order to legally abate. Planning recommends to simply delete the 'immediate*



*threat' provision this will rectify this burden of proof issue and actually reconcile our protocol to reality.*

*Staff Recommendation: Approval.*

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

**L. Discussion and Action on a request by Mr. Francisco and Elma Cuevas to fence-in adjoining public right-of-way at their 643 Ellis, Alamo, TX residence.**

*Planning Director Sergio Zavala stated planning has received a building permit to (chain link) fence-in adjoining public ROW to the residence at 643 Ellis, Alamo, TX. The legal description is: the N. 75' of Lots 1 & 2, BK 80, Alamo Townsite. The site is a corner lot, i.e., SE corner of Ellis Avenue/S. 7th Street --see aerial. Mr. & Mrs. Cuevas, in their 70's, purchased the property about 2 years ago; and reside here during the winter months of the year. Mr. Cuevas is a military veteran. In visiting at the site with the Cuevas family, a compelling concern for the proposed chain link fencing is the pack of dogs that linger around this juncture of the neighborhood. The concern is magnified due to Mrs. Cuevas having had a severe dog bite event where her face was severely torn/injured. The Cuevas family did state that Alamo's Animal Control officer has been at the corner site being vigilant and doing what he can to help. Regarding their request, the City's water and sewer lines are not within the ROWs proposed to be fenced-in these utilities are in the alley off-site to the south. The ROWs abutting the residence is 100'. In observing the area, the residence across the street to the north, and the abutting home to the south, have both fenced-in about 15' of ROW along their Jth Street frontage. In assessing all the private and 'in the field' circumstances, Planning does not object to the fence proposal since:*

*Mayor Diana Martinez stated due to high complaints of stray dogs, they have a valid concern*

*Mr. Cuevas addressed his concern for the safety of his family.*

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

**EXECUTIVE SESSION: 6:45PM**

**The City Commission will convene in Executive Session, in accordance with 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 City Commission reserves the right to go into executive session on any item listed in the Agenda Notice 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. Subject to the foregoing reservation, the following are to items to be discussed in executive session:**

**1. Pursuant to Texas Government Code §551.074 Personnel Matters and §551.071 Consultation with Attorney:**

- a. Discuss Pending Litigation Pertaining to Cause No. C-4524-17-A, Celia Garcia v. City of Alamo, In the 92<sup>nd</sup> Judicial District Court of Hidalgo County, Texas.**

**OPEN SESSION: 7:33PM**

**The City Commission will convene in Open Session to take necessary action, if any, in accordance with Texas Government Code, Chapter 551, Open Meetings, Subchapter E, Procedures Relating to Closed Meeting, § 551.102, Requirement To Vote Or Take Final Action In Open Meeting.**

**M. Consideration and action on Pending Litigation Pertaining to Cause No. C-4524-17-A, Celia Garcia v. City of Alamo, In the 92<sup>nd</sup> Judicial District Court of Hidalgo County, Texas.**

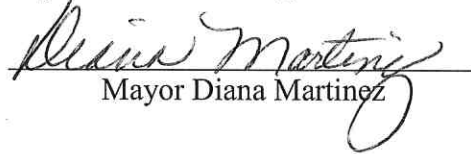
*No action taken*

**CITIZEN PARTICIPATION:** Five minutes per person with no response from the City Commission. Residents must sign up prior to the city meeting.

**I. ADJOURNMENT**

Citizens are encouraged to sign the attendance sheet.

*There being no further business, Mayor Diana Martinez adjourned the meeting at 7:35PM*

  
\_\_\_\_\_  
Mayor Diana Martinez

ATTEST:  
  
\_\_\_\_\_  
Alexandra Rangel, Assistant City Manager

