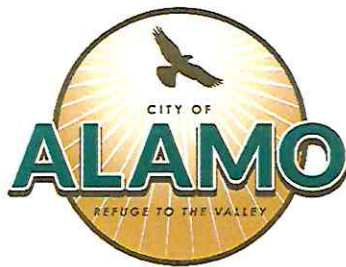


Diana Martinez
Mayor



Pete Morales
Mayor Pro-Tem

Okie Salinas
Commissioner

J.R. Garza
Commissioner

Maria Del Pilar Garza
Commissioner

Robert L. Salinas
City Manager

**CITY OF ALAMO
BOARD OF COMMISSIONERS
REGULAR MEETING
FOR THE MONTH OF APRIL
TUESDAY APRIL 4, 2023 – 6:00 P.M.
ALAMO CITY HALL
420 N. TOWER ROAD
ALAMO, TEXAS 78516**

At any time during the course of this meeting, the City Commission may retire to executive Session under Texas Government Code, Section 551.071 (2) to confer with its legal counsel on any subject matter in this agenda in which the duty of the city attorney to the City Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. At any time during the course of this meeting, the City Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the requirements that meetings be open set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.

AT THIS MEETING THE CITY COMMISSION MAY DELIBERATE AND TAKE ANY ACTION DEEMED APPROPRIATE BY THE CITY COMMISSION ON THE FOLLOWING SUBJECTS:

AGENDA

PUBLIC COMMENT: Residents must sign up prior to the city meeting to address the City Commission about a set agenda item.

I. CALL MEETING TO ORDER

- A. Pledge of Allegiance
- B. Invocation
- C. Presentation and Announcements

- D. Consideration and Action to approve the minutes for the regular meeting of March 21, 2023.
- E. Presentation Regarding “City of Alamo Day” at the Capitol
- F. Consideration and Action to approve a resolution for the closure of Business 83 and FM 907 for the Alamo Crime Stoppers 5K on May 27, 2023
- G. Consideration and Action on Resolution for City of Alamo 2023-2024 Alamo Operation Stonegarden Program application for funding.
- H. Consideration and Action to Approve an Ordinance amending the 2022-2023 General Fund Budget in order to create a Temporary Full Time Fire Fighter Position.
- I. Discussion and action to adopt written findings as to collection services contract and approve a contingent fee contract with Perdue, Brandon, Fielder, Collins and Mott, LLP pursuant to Article 103.001, Texas Code of Criminal Procedure, said contract being for the collection of court fines and fees owed to the City of Alamo (the “City”), and notice of which is provided with the agenda in accordance with Section 2254.1036 of the Government Code, and to terminate any contract with an active vendor for the same services.
- J. Consider the approval of an Ordinance to establish a fee to defray costs of collecting delinquent fines, fees, court costs, and other debts pursuant to Article 103.0031 of the Texas Code of Criminal Procedure; providing for severability; and establishing an effective date.
- K. Consideration and Action on a Waterline Access Agreement with North Alamo Water Supply Corporation for Riverside Development Services, LLC- Riverside Tower & 495 Subdivision Phase A.
- L. Consideration and Action on a Waterline Access Agreement with North Alamo Water Supply Corporation for Riverside Development Services, LLC- Riverside Tower & 495 Subdivision Phase B.

PUBLIC HEARING

Public Hearing on a proposed Rezoning of the West 5 acres of Lot 10, Block 32, Alamo Land and Sugar Company's Subdivision FROM R-1 Single-family Dwelling Residential TO R-2 Duplex, Multi-family, Townhouse & Apartment District; Applicant: XLH Investments, LLC

- M. Consideration and Action on an Ordinance to Rezone the West 5 acres of Lot 10, Block 32, Alamo Land and Sugar Company's Subdivision FROM R-1 Single-family Dwelling Residential TO R-2 Duplex, Multi-family, Townhouse & Apartment District; Applicant: XLH Investments, LLC.

PUBLIC HEARING

Public Hearing on a proposed Rezoning of the East 0.833 acre out of a 2.50 Acre Tract, out of Lot 4, Block 28, Alamo Land and Sugar Company's Subdivision, FROM R-1 Single-Dwelling Residential TO Commercial (C) zoning District; Applicant: Sergio Ornelas

- N. Consideration and Action on an Ordinance to Rezone the East 0.833 acre out of a 2.50 Acre Tract, out of Lot 4, Block 28, Alamo Land and Sugar Company's Subdivision, FROM R-1 Single-Dwelling Residential TO Commercial (C) zoning District; Applicant: Sergio Ornelas

- O. Final Plat Approval: Agostadero del Gato Phase 1 Subdivision; 17.88 acres out of Lot 9, Block 30, Alamo Land & Sugar Company's Subdivision; ETJ; Developer: McAllen Investments Partners, LTD; Engineer: Rio Delta Engineering

- P. Consideration and Possible Action on an Ordinance to Amend Title 10 'Zoning Regulations', Chapter 2 'Zoning Rules and Definitions'; and Title 10's Chapter 5 'R-1 Single-family Dwelling District' and Chapter 6 'Duplex, Multi-family, Townhouse and Apartment District'to now include a 'Bed and Breakfast Facility' as a Conditional Use in said Districts

- Q. Consideration and Possible Action on an Ordinance Amending and Updating the Fence Regulations cited in Title 9 'Building Regulations', Chapter 3 'Fences'

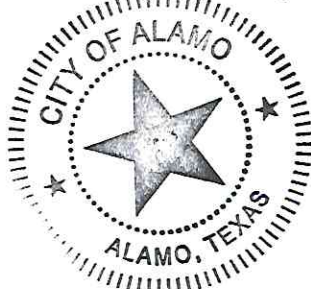
CITIZEN PARTICIPATION: Five minutes per person with no response from the City Commission. Residents must sign up prior to the city meeting.

I. ADJOURNMENT

Citizens are encouraged to sign the attendance sheet.

I, the undersigned authority, do hereby certify that the attached agenda of a regular meeting of the Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board of the Municipal Building, a place convenient and readily accessible to the general public at all times, and said notice was posted on 31ST day of March , 2023 at 5:00 p.m. and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551.045 of the Texas Government Code.

Dated this 31ST day of March , 2023 at 5:00 p. m.





Alexandra Rangel, Assistant City Manager

NOTICE PURSUANT TO GOVERNMENT CODE SEC. 2254.1036

WHEREAS, the CITY OF ALAMO, TEXAS (“City”), will consider entering into a contingent fee contract with the law firm of Perdue, Brandon, Fielder, Collins & Mott, L.L.P. (“Firm”) and hereby posts this notice pursuant to Sec. 2254.1036 of the Government Code.

WHEREAS, this notice shall be posted before or at the time of giving the written notice required by Government Code Sec. 551.041 for a meeting described by Sec. 2254.1036(2) of the Government Code and shall announce the following:

A. The City is pursuing a contract with the Firm for the collection of delinquent fines and fees owed to the City and through this contract the City seeks to increase recovery of its delinquent debts in as expeditious a manner as possible. GOVT. CODE § 2254.1036(1)(A).

B. The City believes the Firm has the competency, qualifications, and experience necessary to fulfill this contract. GOVT. CODE § 2254.1036(1)(B). The Firm has collected delinquent government receivables for more than 50 years, and more specifically the collection of delinquent fines and fees for nearly 20 years. The Firm currently has 14 primary offices and multiple satellite offices throughout Texas, Oklahoma and Florida. It employs more than 400 individuals, including 62 attorneys. It uses a multi-office, fully integrated team approach allowing the City access to all its offices and resources. Its collection team consists of long-term Firm employees, including attorneys, call center associates, paralegals, law clerks, legal secretaries, collection support personnel and information technology experts. The Firm utilizes proprietary collection software that can be tailored to meet any special need the City may have. This proprietary software also automates many aspects of the collection process, such as: account/debtor research, mailings and phone calls, return mail and address updates, payment notification and processing and work-flow.

C. The nature of any relationship between the City and the Firm is as follows. GOVT. CODE § 2254.1036(1)(C). The Firm does not currently, nor has previously, represented the City.

D. The City is unable to perform the collection of its delinquent fines and fees. GOVT. CODE § 2254.1036(1)(D). The City currently does not have adequate support staff, computer software/programming, or experience to internally conduct these collection services and acquiring these will result in substantial expense to the City.

E. These collection services cannot be provided for an hourly fee. GOVT. CODE § 2254.1036(1)(E). The Criminal Code allows the assessment of a percentage-based fee to recover the costs of collecting delinquent fines and fees. This percentage-based fee is assessed only against the debtor and not the City or taxpayers of the City. The collection of delinquent fines and fees is a high volume practice, requiring a significant amount of research, mailing, and handling of outbound/inbound calls. An hourly fee for such work will likely exceed amount of delinquent fines and fees due. Moreover, the City will bear the cost of these hourly fees and not the debtor, because the Criminal Code does not expressly authorize the City to pay for collection services based on an hourly fee.

F. The City believes this contingent fee contract is in its best interest. GOVT. CODE § 2254.1036(1)(F). Under the contingent fee contract, the Firm will be paid the amount of the percentage-based collection fee, regardless the number of hours the Firm spends researching, contacting and mailing to collect the delinquent debt. Additionally, the percentage-based collection penalty is a pass-through expense to the debtor and not an expense to the City or taxpayers in the City.