

The Board of Commissioners for the City of Alamo, Texas met for the Regular Meeting on Tuesday, October 18, 2022 at 5:00 p.m., at the City of Alamo Municipal Building.

COMMISSION PRESENT:

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

COMMISSION ABSENT:

STAFF PRESENT:

Robert L. Salinas, City Manager	Sergio Zavala, Planning Director
Alexandra Rangel, Assistant City Manager	Adela Perez, Purchasing Agent
Rick Palacios, City Attorney	Alex Oyoque, Museum Director
Richard Ozuna, Police Chief	Ronnie Cruz, City Engineer
Roy Contreras, Fire Chief	Julio Villareal, Public Works Director
Rafael Tapia, AEDC Director	Yvette Mendoza, Finance Director
Lori Solis, Library Director	Melissa Leal, Water Billing Supervisor
Alicia Cano, HR Director	

1. CALL MEETING TO ORDER

Mayor Diana Martinez called the Special meeting held on Tuesday October 18, 2022 to order at 5:00 p.m. at the City of Alamo Municipal Building. Mayor Diana Martinez led the Pledge of Allegiance and Pastor Tuttle led the Invocation.

C. Presentations and Announcements

Library Director Lori Solis announced Early Voting starting on October 24th, Halloween Movie Night in the Park on October 28th from 6:30-10PM and the Moonlit 5K on October 29th. In addition, she read the proclamation in honoring Sara Flores on her 100th birthday.

Museum Director Alex Oyoque announced the South Texas Historical Association Symposium on November 4-5th.

Commissioner Okie Salinas announced the propositions for November 8th Election, Proposition A is regarding term limits for all elected officials and Proposition B is regarding fire practices for the Fire Department.

Mayor Pro-Tem Pete Morales announced the invitation to operation appreciation honoring U.S. Army SPC Jake Sanchez and his family on Friday October 21st at 9:45AM located at 714 Saint Vincent Dr.

D. Consideration and Action to approve the minutes for the special meeting of October 04, 2022.

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

E. Consideration and Action to approve the minutes for the first regular meeting of October 04, 2022.

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

F. Presentation of the Alamo Chamber of Commerce Annual Report

No presentation

G. Consideration and Action to Request use of Downtown Central Park to host the Alamo Chamber of Commerce BBQ Fundraiser, Thursday, October 20th from 6:00pm-9:00pm.

Commissioner Okie Salinas asked is there a way the city manager can give authorization to approve these events, especially since this two days away?

City Manager Robert Salinas responded yes, we would just change the ordinance.

Commissioner J.R. motioned to approve, and Commissioner Okie Salinas seconded. Motion carried.

H. Consideration and Action to approve a MOU for Law Enforcement Support Office (LESO) Program Participating Law Enforcement Agency (LEA).

Police Chief Ozuna stated this is our annual Memorandum of understanding For Law Enforcement Support Office Program Participating Law Enforcement Agency.

Commissioner Okie Salinas motioned to approve, and Mayor Pro-Tem Pete Morales seconded. Motion carried.

I. Consideration and Action regarding a Task Force Agreement between the U.S. Department of Justice, Drug Enforcement Administration and the Alamo Police Department

Police Chief Ozuna stated this is our annual agreement with the DEA, instead a renewal every year it will now be every 4 years.

Mayor Pro-Tem Pete Morales asked do we still have representation?

Police Chief Ozuna responded yes

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

J. Consideration and Action to Approve a Purchase of Motorola Radio Equipment for Police and Fire Departments.

City Manager Robert Salinas stated this is from the monies granted from Vicente Gonzalez's Office in the total of \$540,000, we did have to incorporate a little more for the Fire Department in the amount of \$41,288.55 this will upgrade all radios for both departments.

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

K. Consideration and Action to approve a Memorandum of Understanding between the City of Alamo and South Texas College regarding Continuing Education Unites for Firefighter Related Trainings.

Fire Chief Roy Contreras stated this MOU will be in collaboration with STC and the City of Alamo for free trainings.

Robert Vela stated at the center they provide services for Fire and Police Departments such as obtaining education credits.

Mayor Pro-Tem Pete Morales asked do they ever do recruitment for officers?

Robert Vela responded we do have local fire departments send over their flyers and we announce it. We see the demand is needed.

Mayor Pro-Tem Pete Morales motioned to approve, and Commissioner Okie Salinas seconded. Motion carried.

L. Consideration and Action regarding a contract renewal with VIDA for training and skills development for Alamo Residents request for FY 22-23.

City Manager Robert Salinas stated this is our annual contract with VIDA, we usually budget \$12,500 every year and the EDC budgets \$12,500 as well.

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

M. Consideration and Action to enter an Interlocal Cooperation Agreement between the City of Alamo and PSJA ISD regarding Gus Guerra Park

City Manager Robert Salinas stated the city applied through the Texas Parks and Wildlife Department and the grant was a 1:1 match, PSJA will match \$750,000 and the grant will pay \$750,000 on matching funds for a total of \$1.5M. The city is responsible to pay a total of \$130,000 for restrooms, grant administration, and water and electricity.

Commissioner Okie Salinas asked why is the school district asking when we have architects on file?

City Manager Robert Salinas stated that is the next item

Mayor Pro-Tem Pete Morales asked when they start construction can they continue to have access to the parking?

City Manager Robert Salinas responded yes

Commissioner Okie Salinas responded they believe they are still having issues off of Jasmine.

City Manager Robert Salinas responded he has spoken with Jerry with PSJA and believed it was resolved but will touch base on the issue.

Mayor Diana Martinez stated she believed the city was going to be opening and closing the park.

City Manager Robert Salinas responded yes, the park not the parking lot

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

N. Consideration and Action to select an architect for the Gus Guerra Park Project

City Manager Robert Salinas stated he received a call from Carlos Colina Vargas and was asked to bringing Heffner Design, since the school district is paying for the architect and we have ERO doing city projects.

Commissioner Okie Salinas asked that was my question why?

City Manager Robert Salinas responded because we are going through TPWD we are the grant applicants, the school is paying for it, they are allowed to do so.

City Attorney Rick Palacios stated it was either we did the application or co-wrote the application, but he understands why they ask for us not to object in hiring their own.

Commissioner J.R. Garza asked they will be paying \$750,000

City Manager Robert Salinas responded with a match of 1:1 for a total of \$1.5M.

Mayor Pro-Tem Pete Morales asked and the city will be responsible for maintaining like Santos Livas.

City Manager Robert Salinas responded yes, maintenance during summer hours, water and electricity. The school will be responsible during regular school hours.

Commissioner Okie Salinas asked can we see the plans before?

Commissioner J.R. Garza asked will there be retention pond

City Manager Robert Salinas responded Santos Livas has a retention pond because they have drainage issues, incase there will be but it won't be as drastic.

Commissioner J.R. Garza asked is it functioning?

City Manager Robert Salinas responded yes

Mayor Pro-Tem Pete Morales asked can we get the school district to give an update

City Manager Robert Salinas responded yes

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

O. Consideration and Action to Appoint a Certified Public Accountant to conduct the FY 2021-2022 City Audit.

City Manager Robert Salinas stated this item is to select our auditor to conduct is our annual audit. We are recommending Oscar Gonzalez to conduct the audit.

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

P. Consideration and Action on an Ordinance to Amend the 2021-2022 General Fund, Water and Sewer Fund, Debt Service Fund and Hotel/Motels Fund.

Finance Director Yvette Mendoza stated the city is in the process of closing its books for 2022, we need to recognize our expenditures. General Funds increasing revenues in the amount of \$1,833,413

- *Taxes 285,449*
- *Sales Taxes \$ 735,264*
- *Licenses & Permits \$ 235,000*
- *Transfers/Other \$211,700*
- *Intergovernmental \$ 366,000*

For expenditures:

- *Administration of \$339,264*
- *Mortgage assistance program \$195,000*
 - *Christmas decorations \$46,000*
 - *Consulting for TMAP \$30,000*
 - *Guerra Elementary School park \$ 40,000*
- *Police Department \$279,264*
 - *2021 Chevy Tahoe \$50,000*
 - *(2) 2020 Ford inceptors \$120,000*
 - *Bullet Vest \$35,000*
 - *Dell Computers \$10,000*
 - *(35) AB Camera Bundle \$45,000*
- *Fire Department \$ 362,496*
 - *2022 Ford Explorer \$41,000*
 - *Equipment \$79,000*
 - *Bunker Gear \$96,000*
 - *Equipment repair \$16,000*
 - *Fuel \$10,000*
- *Parks and Rec. \$83,736*

- *Baseball fields*
- *Street and Sanitation Department \$262,105*
 - *Ford F 350 \$57,000*
 - *(2) John Deere Tractors \$63,000*
 - *Recycling Center \$10,000*
 - *Fuel \$30,000*
 - *OT \$40,000*

Total amount of increase in expenditures of \$1,326,964

- *Water Sewer Fund*
 - *Increasing Revenues of \$834,482*
 - *Increasing Expenditures of \$558,000*
 - *Increase Water Department \$280,000*
 - *Increase Sewer Department \$192,000*
 - *Increase Water Plant \$86,000*
 -

Debt Service Fund and Hotel Tax Fund has stayed the same

Mayor Pro-Tem Pete Morales asked what is the general fund?

Finance Director Yvette Mendoza responded \$300,000 of surplus

Mayor Pro-Tem Pete Morales motioned to approve, and Commissioner Okie Salinas seconded. Motion carried.

Q. Presentation regarding updates on approved ARPA Projects

City Engineer Ronnie Cruz gave an update on three studies, water, wastewater and drainage all are proceeding and will have them ready by the end of the year and have them ready for the council by January. At this moment all maps have been updated on the sewer. All lift stations have been updated and the water lines will be tested for water pressure. As for drainage, we looked at Farias Elementary and TXDoT agreed to let us connect with the TXDoT system.

Mayor Diana Martinez asked if Precinct 2 will widen the Cesar Chavez and provide drainage?

City Engineer Ronnie Cruz responded he is not sure

Commissioner Okie Salinas asked what elevations cause for it not to drain?

City Engineer Ronnie Cruz responded the gas lines.

Commissioner Okie Salinas asked will we need pumps

City Engineer Ronnie Cruz responded no, plus the pumps are a lot of maintenance

Mayor Diana Martinez asked how deep will it be

City Engineer Ronnie Cruz responded 5 feet similar to Santos Livas

Commissioner J.R. Garza asked how long will this project take

City Engineer Ronnie Cruz responded it should take from 3-5 months but with everything in backorder it might take longer

Mayor Pro-Tem asked Ronnie to give an update on the additional projects

Rick Salazar from Trimad gave an update on Bonita Estates and looked into providing sewer on 130 acres, currently there some areas are being served by east side of Alamo Rd. This project will take about 160 days

PUBLIC HEARING

PUBLIC HEARING REGARDING THE NEEDS ASSESSMENT UNDER THE URBAN COUNTY PROGRAM FISCAL YEAR 36 (2023).

City Manager Robert Salinas stated this years allocation is \$257,515.00, these funds must be used in low mod areas.

Mayor Pro-tem Pete Morales asked what areas are considered low mod

City Manager Robert Salinas stated for this fiscal year we are looking to updating the water lines on Morning Side Terrace. At this moment they have 1.25" waterlines and the normal waterline is 8", that will upgrade the entire utility system

Mayor Diana Martinez asked will that be the lasts of the subdivisions that don't have sewer

City Manager Robert Salinas responded subdivision yes that are considered colonias. We have been able to take care of Calle Naranja street and Oneida Circle.

Commissioner Okie Salinas asked when was Morning Side incorporated into the city

City Manager Robert Salinas responded mid 1990s

Commissioner J.R. Garza asked was it because of funding

City Manager Robert Salinas responded there was but mainly because just loans

Mayor Pro-Tem Pete Morales asked the area on Nebraska and Alamo Rd. Do those people have sewer?

City Manager Robert Salinas responded no, it is not a subdivision

Mayor Pro-Tem Pete Morales asked will that area qualify

City Manager Robert Salinas responded he will look into it

Yadira Castillo Nuestra Clinica Del Valle asked for funding in the amount of \$15,000

R. Consideration and Action to approve a 1-year extension of current Geo-Technical Engineering Contracts.

City Manager Robert Salinas stated we do have 5 different firms and this contract will renew all firms for an additional year. Once we are ready for renewals we can go out for RFQs again.

Commissioner Okie Salinas Motioned to approve, and Mayor Pro-Tem Pete Morales seconded. Motion carried.

S. Consideration and Action to approve Resolution authorizing the use of 4B (EDC) funds for baseball field repairs (second reading).

AEDC Director Rafael Tapia stated this is the second reading that authorizes \$83,000 of 4B funds for baseball fields repairs.

Commissioner Okie Salinas Motioned to approve, and Mayor Pro-Tem Pete Morales seconded. Motion carried.

T. Request by Adriana Garza to have the City of Alamo waive all nuisance abatement (weedy lot) liens on Lot 34, La Casa Real #1 Subdivision (Tabled).

Mayor Pro-Tem Pete Morales motioned to untable and Commissioner Okie Salinas seconded. Motion carried.

Planning Director Sergio Zavala stated this week, Planning received a written request from Adriana Garza to have the City of Alamo waive nuisance abatement (weedy lot) liens which now equate to \$4009.40 (as of 9/23/22). Code Enforcement Officer Rosie Castellanos brought this matter to my attention that appears to have remained in limbo since on or about 2011. As a bit of a backdrop on this property, the facts surrounding Lot 34, La Casa Real seem to indicate the following:

- Lot 34 (and adjoining Lot 35) has consistently been mowed by the City.*
- Such frequent mowing fees have accumulated over the years, i.e., \$4009.40.*
- Section 4-4-5 (A)(1) gives the city the right to maintain private property when the owner fails to do so; thereafter, an invoice is sent; if unpaid, then liens are procedurally filed.*
- Rosie recalled Nathan Flores purchasing properties on or about 2010-11 for Oscar Santos at foreclosure sales; in this process, should liens not be extinguished in the judgment, then the NON-extinguished liens remain fully valid. In some of the other Alamo lots, I was informed that the city approved Flores' request to not pay the liens.*
- On 8/29/2011 via tax resale of Lot 34, deed recorded for Oscar Santos for \$8219.*
- On 2011 Oscar Santos sold Lot 34 to Adriana Garza for \$19,495 (\$11,276 profit).*
- 9/21/2011 Rosie's email to Jaime RE: Lots 34/35 asking for Code to understand how new owners (of tax resold lots) do not have to pay liens not extinguished in the judgment, while other similar lot owners had paid.*
- 9/21/2011 Jaime punts Rosie's email inquiry to Luciano.*
- 9/22/2011 Luciano asks Jaime to get input from City Attorney Jaime Guerrero*
- 7/16/2012 Rosie's memo to Jaime Sandoval on lingering status of any cleared liens to Lot 34; Rosie recalls Luciano Ozuna telling her that only he could release the liens but Jaime clarified that it was the City Commission that could only clear such liens.*
- Rosie, Alex and I looked for minutes, agendas, etc., and could not find any reference that the liens for Lot 34 were ever waived by the Commission.*
- Adriana Garza is now selling Lot 34 to Anna Ramirez (w/no title report). Attached please find Rosie's comprehensive date offiled lien and that given amount.*
- For Lot 34 only, there were 11 liens filed from 2003 to 2010 = \$1777.32.*
- For both Lots 34/35, there were 13 liens filed from 1995 to 2007 = \$4464.15; thus for Lot 34 only, this would be ½ of this cost or \$2232.08.*
- Combining the above 2 amounts equate to \$4009.40 owed to tax payers for having city staff take care of their private property.*

Conclusion: Ms. Garza states that she was "not aware that these liens were in place at the time of purchase"; thus, they should be waived. Planning counters that it is the buyers responsibility and the sellers' duty to be informed of such encumbering liens. 'Not knowing' is not sufficient grounds to reimburse the city back for all the work over all these years to maintain their property.

Planning's Recommendation: Denial; reimburse the taxpayers its \$4009.40 to maintain the private property. This matter is now before you.

Adriana Garza stated she understood the issue is willing pay if denied

Mayor Pro-Tem Pete Morales whose responsibility, is it to report to the county about these liens?

City Manager Robert Salinas responded when these properties go into a tax sale we are notified by the county to report any liens on the property. In a previous conversation with Linebarger Attorney Michael Cano he stated if the liens were not included in the judgement, yes, the city can go after the liens.

Mayor Pro-Tem Pete Morales stated this is from 2011 and if we needed to notify anyone?

City Manager Robert Salinas responded the county needs to notify us first

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

U. Consideration and Action on Ordinance to resolve conflict between section 10-11-1 (A) and section 10-14-4 (B) (1) on delegated authority, via Texas Statute Section 211.009, to act on variances to Title 10 'Zoning Regulations'; and amending Section 10-11-1 (B) regarding enhanced clarity on filing variance applications.

Planning Director Sergio Zavala stated the City of Alamo, Texas has discovered an adopted but un-codified city ordinance that conflicts with Section 211.006 (d) of Texas' Local Government Code, Title 7, Subtitle 'A' wherein it mandates that an affirmative vote of at least three-fourths of all members of the governing body be required when a written petition in protest of a proposed change in zoning is received; said petition reflecting a minimum 20% of the property owners surrounding the site of the proposed rezoning/conditional use permit request by a majority vote

Commissioner Okie Salinas stated it will go from 4/5 to majority

City Attorney Rick Palacios responded no, the clarification is as it only relays to the petition only. We have only been in that situation once and even then, we went with a 4/5 vote even though our ordinance didn't say that. He is correct with the state law as it relays to the petition.

Planning Director Sergio Zavala stated if there is no petition then majority rules

Commissioner Okie Salinas motioned to approve, and Mayor Pro-Tem Pete Morales seconded. Motion carried.

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

Carroll Moering announced the South Texas Historical Association Symposium on November 4-5th.

I. ADJOURNMENT

Citizens are encouraged to sign the attendance sheet.

There being no further business, Mayor Diana Martinez adjourned the meeting at 7:20PM



Mayor Diana Martinez

ATTEST:


Alexandra Rangel, City Secretary

