

The Board of Commissioners for the City of Alamo, Texas met for the Regular Meeting held on Tuesday, April 04, 2023 at 6:00 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	Melissa Leal, Water Billing Supervisor
Rick Palacios, City Attorney	Yvette Mendoza, Finance Director
Richard Ozuna, Police Chief	Alice Cano, HR Director
Roy Contreras, Fire Chief	Julio Villareal, Public Works Director
Rafael Tapia, AEDC Director	Sandra Chavez, Parks and Rec. Director
Adela Perez, Purchasing Agent	

**1. CALL MEETING TO ORDER**

*Mayor Diana Martinez called the regular meeting held on Tuesday April 04, 2023 to order at 6:00 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**

*Commissioner J.R. Garza congratulated the PSJA Memorial Dazzlers for their National Championship.*

*Mayor Pro-Tem Pete Morales congratulated the PSJA Memorial Powerlifting team in which they were able to travel to State and bring back several individual awards including a state championship.*

*City Manager Robert Salinas announced the Eggstravaganza on Thursday April 6, 2023 at 5PM, and City Hall will be closed on Friday for good Friday.*

*Commissioner Okie Salinas announced our meetings will now be live streaming*

**D. Consideration and Action to approve the minutes for the regular meeting of March 21, 2023.**

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

**E. Presentation Regarding “City of Alamo Day” at the Capitol**

*Mr. Isauro Trevino gave a brief update regarding the second visit to the capitol.*

*Mr. Robert Salinas stated this presentation is to inform the Mayor and City Commission and the general public of the potential “City of Alamo Day” at the Capitol. At this point of the State’s budget process the City of Alamo has 3 riders (earmarked money) that include \$2M for a relocation and upgrade of the Tower Rd. lift station, \$1.5M for park improvements, and \$100,000 for Alamo PD laptops. As you know, this session ends in late May, so it is appropriate and would be a good time to visit our state legislature as a follow up of our 3 pending riders that will be a great benefit and asset for our community, if approved. It is the City’s intent to be represented by a delegation including the City Commission and Staff, EDC Board*



*Members and Staff, and members of the Alamo Chamber of Commerce. This would show the City's support and appreciation of our State legislature. We are working towards visiting the Capitol on April 26th. We will inform you as we know more.*

**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**

*Ms. Yesenia Millan from the Alamo Crime Stoppers, Inc. Program stated the crime stoppers have been a legal non-profit since November 2020 and a State Certified program since March 2022. One of our major tasks is to raise funds to pay out funds for our TIPS hotline information. As a board, we have identified several fund-raising activities to assist us with this task. As our first BIG Fundraising event, we would like to conduct an Alamo Crime Stoppers 5K Run on Saturday, May 27th, 2023, and would like to hold this event, here in our great city of Alamo. We are wanting to [[obtain the necessary approval to hold this event. We look forward to collaborating with the city and their staff for this event and be assured we will follow all required guidelines imposed. We would like to inform you that this program is ready to be involved in all city events and become a positive presence in our community to educate and inform all citizens on how this program will keep our community safe and secure.*

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

**G. Consideration and Action on Resolution for City of Alamo 2023-2024 Alamo Operation Stonegarden Program application for funding.**

*Chief Richard Ozuna stated Funding available through FEMA by way of the State of Texas governors' office in support of securing our nation's borders proving reimbursements for overtime, fringe benefits for our law enforcement and communications officers, fuel, vehicle and equipment.*

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

**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.**

*City Manager Robert Salinas stated the City of Alamo Fire Department has requested the addition of 3 new fire fighters through the SAFER Grant. The SAFER grant allows the City to hire 3 new fire personnel and pays for them for a period of 3 years. The City has already sponsored a volunteer fire fighter to go to the fire academy and has already completed the required training. The Chief believes that the addition of these new fire fighters would greatly benefit each shift. The administration believes authorizing a "Temporary Full Time Position" would allow us to slowly begin the transition to include the new positions. If approved, this would be 1 of 3 positions we would be adding in a 3-year period. This would also allow us time to see if the SAFER grant is approved. If the SAFER grant is approved, this position would become a permanent full-time position as well as adding two other fire fighter positions in addition to this one for a total of 3.*

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

**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.**

*The City Commission convened into Executive Session 7:01PM*



- 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.**

*The City Commission will be convened into Open Session 7:36PM*

*Commissioner Okie Salinas motioned for no action, and Commissioner J.R. Garza seconded. Motion carried.*

- 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.**

*City Manager Robert Salinas stated enclosed please find the Waterline Access Agreements for the Riverside Tower & 495 Subdivision Phase A for signature on behalf of the City of Alamo. Please review the Agreement documents, cause them to be executed on behalf of the City in the areas indicated, and provide a City Commissioners' Resolution and/or certified Minutes approving the Agreement.*

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

- 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.**

*City Manager Robert Salinas stated enclosed please find the Waterline Access Agreements for the Riverside Tower & 495 Subdivision Phase A for signature on behalf of the City of Alamo. Please review the Agreement documents, cause them to be executed on behalf of the City in the areas indicated, and provide a City Commissioners' Resolution and/or certified Minutes approving the Agreement.*

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

#### **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**  
*Planning Director Sergio Zavala stated:*

- The site is 1/4 mile east of Cesar Chavez Road, along the south side of Ridge Road.*
  - The property's dimensions are 165' x 1250' (approx.). FYI -the proposed development is undergoing the subdivision review process (at the staff level at this time).*
- To the east, just over an intervening vacant tract, are the McKeever apartments. The desired R-2 zone is also consistent to the envisioned HD designation. The vacant tract that abuts it to the east will almost assuredly be converted to R-2, as well (since it'd sit between 2 elongated apartment developments).*

*Rick Salazar gave a brief description for the future lift station for Morning Side South. Staff recommends approval, and Planning and Zoning Board recommends Approval.*

- 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.**

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



## **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**

*No citizen participation*

*Planning Director Sergio Zavala stated:*

- *The site is 150' east of Alamo Road, along the south side of Moore Road.*
- *The specific tract's dimensions is approximately 140' x 310'. The owners' single property has DUAL ZONING, i.e., the eastern portion is zoned R-1 and the western portion is zoned Commercial. This rezoning action would reconcile one (Commercial) zone into one single tract.*
- *The desired commercial zone will reconcile the single tract into having one zoning district. Viewing the aerial, to the north is a commercial series of suites where its commercial use actually coincides with the eastern boundary of the subject rezoning, i.e., the north's commercial use will match the commercial zone's eastern boundary of the subject tract. Also, since the parent tract is at a significant trafficked corner, being Alamo/Moore Road, the commercial zone & commercial use is the better use (than a single-family residence):*

**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**

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

**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**

*Planning Director Sergio Zavala stated the Agostadero del Gato development is 1/2 mile east of Tower Road, along the south side of El Gato Road. The plat proposes 85 single family residential lots that meet & exceed Alamo's min. 6250 sq. ft. 'Lot' threshold. The plat is not in Alamo's city limits, but in its ETJ. As is shown below, this development will not use city water nor sewer; thus, voluntary annexation will not be processed. The plat lies in Military Highway Water Supply Corporation's (MHWSC's) CCNs. From the existing 12" water line along El Gato, a new 8" network will be extended and looped throughout the series of the 3 streets to serve all the lots. The developer is also providing 5 new fire hydrants, located at junctures approved by the Fire Marshal. Also, on the street stub to the east, the water line has been stubbed to allow possible interconnection (and looping) by developing others. Planning did notice that the 8" water line still needs to be stubbed to the westernmost street stub of Pantera, though. The developer and Rio Delta will meet with MHWSC at a pre-construction conference prior to construction & to coordinate required inspections. This plat is in MHWSC's sewer CCN. The developer will be installing an 12" sanitary sewer lines throughout all interior streets to provide sewer service to all lots. The 12" system will connect to the existing 8" sewer line along El Gato Road. The developer and Rio Delta will meet with MHWSC at a pre-construction conference prior to construction & to coordinate required inspections. The plat dedicates the required 30' additional ROW for El Gato Road for a total of 50' ROW centerline via Hidalgo County's MPO Thoroughfare Map. Street widening should be imposed; however, a variance request has been filed to not escrow/widen. On storm drainage, the streets will be drained through mostly 24" storm lines to the south; however, there is a segment to the SE juncture of 36" storm line diverting the runoff to the drainage ditch located to the south of this plat. The ditch belongs to the Hidalgo County Drainage District #1. Also, Rio Delta's plan shows that they will also reconstruct El Gate's road side ditch system, too. The drainage report has been approved; thus, allowing the plat to be considered for Final Plat Approval. We also note that this developer will need to install a minimum 6' fence buffering fence at the rear of lots adjoining the drainage ditch.*

*Typical platting requirements will be imposed to include, but not limited to the following:*

- 1) *\$500/lot park fees,*
- 2) *water district exclusion,*
- 3) *and meet all other prevailing subdivision codes and policies.*



*Staff Recommendation: Final Plat Approval Subject To:*

- 1) The Above Comments*
- 2) Stubbing The Water Line To The Western Stub Of Pantera*
- 3) No Objection To The Variance on not escrowing the street widening for El Gato (2019 precedence).*

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

**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**

*Planning Director Sergio Zavala stated planning was approached by elderly property owners who own a vast 2-story home that only houses the husband & wife. The prospect of a B&B Facility was proposed and, after reviewing the city's current zoning regulations, such a B&B use was discovered to 'not' be a permitted or conditional use. The B&B effect will be a 'RESIDENTIAL' land use from paying guests who will temporarily use an available room for work, or who come to visit relatives, or who may come from out-of-town to do some local shopping. There are sundry other variations of reasons for such a B&B stay. But the bottom line is that they will be using a residential bedroom for residential purposes; and who may have a meal prepared by the owner of the home. If approved, the B&B facility will have the following features:*

- Must be owner-occupied.*
- Must have at least 1 paved un-obstructed parking space per available room.*
- Must have clearance from the Building Inspector and Fire Marshal as to safety and sanitary accommodations.*
- Must record a document citing the city's approval for the specific property owner and that such a conditional use is not transferable to new property owners, heirs, or assigns.*

*For any proposed B&B facility, a Conditional Use Permit (CUP) must be applied for and approved for such to be legally recognized by the City. Any pre-existing B&B uses may be considered as grandfathered to this ordinance, i.e., approved pre-existing non-conforming uses. Staff recommended approval.*

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

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

*Planning Director Sergio Zavala stated he reviewed a fence permit this week and observed our regulations that were outdated, and should be considered for updates and some amendments. The draft ordinance includes:*

- Fences is only mentioned in current Code; I added ' ... wall, or similar type structure' on required permits.*
- I noted Zoning's Sec. 10-3-2 (D) on clipping a fence on a corner lot so as not to create a sight obstruction; this code exists but I referenced it in Title 9's Fence Code to assure safer compliance.*
- In 1977, the fence permit was \$20 and it still show up though in 2013 the fee was approved by the Board of Commissioners at \$55. This is reconciled in the draft ord.*
- Deletes the 1977-reference to the City Secretary to review & issue fence permits.*
- Prohibits sheet metal roofs in residentially used or residentially intended property.*
- If fencing in ROW is proposed, then a \$30 fee is imposed to the applicant; if approved, then the applicant will pay\$ to record a document citing the conditions of approval.*
- It is not uncommon to see rear utility easements fenced; this ordinance cites the presumption of the owners' knowledge that such fencing may be subject to removal by the City or any recognized utility franchise holder for needful utility repairs or utility*

*installations; if private property is inadvertently damaged in this repair/installation process, the City & its franchise holders are Held Harmless.*

- *The new code now includes the owners' representatives, or fence builder now being co-culpable for violations to the fence code ... it's not just the owner.*

*Staff recommended approval.*

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

*Albert Cazares asked for the number of garage sales to be increased back to 6.*

## **I. ADJOURNMENT**

Citizens are encouraged to sign the attendance sheet.

*There being no further business, Mayor Diana Martinez adjourned the meeting at 7:37PM*

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

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

