

The Board of Commissioners for the City of Alamo, Texas met for the Special Meeting held on Tuesday, July 11, 2023 at 6:00 p.m., at the City of Alamo Municipal Building.

COMMISSION PRESENT:

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

COMMISSION ABSENT:

STAFF PRESENT:

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

1. CALL MEETING TO ORDER

Mayor Diana Martinez called the special meeting held on Tuesday July 11, 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

Lori Solis Library Director thanked volunteers, sponsors, staff for this year Freedom Bash and Watermelon festival.

Mayor Diana Martinez thanked everyone involved to make this event successful.

D. Consideration and Action to approve the minutes for the regular meeting of June 20, 2023.

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

E. Consideration and Action to increase sports registration fees at Parks and Recreation.

Parks and Rec. Director Sandra Chavez stated in the packet there is a comparison chart with neighboring cities, the increase is an additional \$5. This should come to in affect in the fall.

Commissioner Okie Salinas asked what is the reasoning for this increase, and will this also provide a quality of work.

Parks and Rec. Director Sandra Chavez responded yes, this is to balance the cost of programs as we are getting additional kids and to provide additional supplies.

Mayor Pro-Tem JR Garza asked when in the fall do we see the increase take affect?

Parks and Rec. Director Sandra Chavez responded August.

Commissioner Pete Morales asked will this also cover the coaches?

Parks and Rec. Director Sandra Chavez responded yes

Commissioner Okie Salinas motioned to approve, and Commissioner Pete Morales seconded. Motion carried.

F. Consideration and Action authorizing Memorandum of Understanding (MOU) between City of Pharr, San Juan and City of Alamo Police Departments and the Pharr-San Juan-Alamo Independent School District on Program Handle with Care.

Police Chief Richard Ozuna stated this MOU Handle with Care program serves our districts students that may have had a traumatic event in which PSJAISD trained staff will provide appropriate support to our students.

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

PUBLIC HEARING

Public Hearing on a Proposed Rezoning on Lot 11, Block 6, Alamo Original Townsite, FROM 'R-1' Single-family Dwelling District TO 'R-2' Duplex, Multi-family, Townhouse & Apartment District; Applicant is Marco Antonio Sesatty

Planning Director Sergio Zavala stated the property with a 2-story home & pool was purchased by Mr. Sesatty in December 2021 from Lisseth de Leon. The surrounding properties on at least a 500' radius are all zoned R-1. The surrounding properties on at least a 300' radius are designated as Low Density (LD) Residential in the Future Land Use Map. This entire area is served with only a 4" water line. New apartments and duplexes are to be served with a min. 811 water line where hydrants are to be within 300' from each other. The structure on the subject site is a 2-story single-family home though the building permit issued on 5/4/2015 showed a 1-story home. There was no subsequent permit issued to expand it to a 2-story structure. There is an exterior stairway leading to a 2nd floor apartment, i.e., 2 bedrooms, full kitchen, living room, restroom. On the north (Duranta) side, there is another exterior stairway leading to the 2nd floor presumably another series of rooms independent from the 1st floor residence. In other words, it is a 2-story triplex but where the permit on file was only for a 1-story SF residence. This info is merely provided for full disclosure. Earlier this year, the owner met with Planning regarding a potential bed & breakfast use this discussion induced the ordinance to be amended to include a B&B as a CUP in the R-1 district. Weeks later, the discussion turned to R-2 rezoning. Staff informed the applicant that it would be challenging to rezone the site to R-2. Planning's Recommendation: Denial since the house is surrounded by R-1 zonings. only R-1 uses. is designated as Low Density Residential (FLUM), and is served with only a 4" water line.

Marco Antonio Sesatty addressed his reasoning behind the rezoning and asked if denied to provide an explanation.

Commissioner Okie Salinas asked what is the reason for the denial, because the surrounding areas are similar.

Planning Director Sergio Zavala stated due to the area this will be the only R-2 site, and having specific requirements for an R-2 in which the area does not have.

G. Discussion and Action on an Ordinance to Rezone Lot 11, Block 6, Alamo Original Townsite, FROM 'R-1' Single-family Dwelling District TO 'R-2' Duplex, Multi-family, Townhouse & Apartment District; Applicant is Marco Antonio Sesatty.

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

Mayor Diana Martinez in dissent

PUBLIC HEARING

Public Hearing on a Proposed Rezoning on Lot 51, Valle Verde Estates, FROM 'R-1' Single-family Dwelling District TO 'C' Commercial District; Applicants are Armando and Elizabeth Mireles

Planning Director Sergio Zavala stated viewing the 1982 recorded Valle Verde Estates (VVE) Subdivision plat, Sonia Circle is a cul-de-sac where only SF residences exist. The zoning for all the lots in Sonia Circle is R-1; and the lots are used for SF homes, too (except vacant Lot 51, of course). To the east of Lot 51 are commercial uses (as said lots front Tower Road). Future Land Use Map: ALL lots within Sonia Circle are Low Density (LD) residential designated. Viewing the

WE Subdivision's layout on Sonia Circle, it appears obvious that Lot 51 was intended to be used for residential purposes. It has similar characteristics as Lot 59, 60 & 68. What is somewhat compelling is the recorded plat note that declares the following: "LOTS 1-3, 43-45, & 46-50 SHALL BE COMMERCIAL." As one can see, Lot 51 was not included in this intent. In other words, the VVE property owners were alerted by the developers and the signatory agents for the City of Alamo that Lot 51 would be for residential purposes and not for commercial use. The lot owners in the cul-de-sac were also informed of this SF Res intent. Planning's Recommendation: Denial. (NOTE: A CUP for non-residential parking purposes may be considered instead; thus, it may remain R-1 zoned but thru the CUP, used for parking purposes.)

Commissioner Okie Salinas asked what they planning to do with the area?

Planning Director Sergio Zavala responded parking.

Gavino Garza stated his concern, this area is a risk for all the kids in the neighborhood. There are several members in the audience who are also in a disagreement.

H. Discussion and Action on an Ordinance to Rezone Lot 51, Valle Verde Estates, FROM 'R-1' Single-family Dwelling District TO 'C' Commercial District; Applicants are Armando and Elizabeth Mireles.

Commissioner Okie Salinas motioned to deny, and Commissioner Pete Morales seconded. Motion carried.

I. Consideration and Possible Action to approve a Memorandum of Understanding (MOU) by and between the United States Postal Service (USPS) of Alamo, TX and the City of Alamo regarding damaged/destroyed Cluster Mailbox Improvements.

Planning Director Sergio Zavala stated After the series of storms, especially the intensive event of this past April, it came to the attention of the City of Alamo that there were many cluster mailboxes that were damaged and even destroyed. The foundations on all of these needed total replacements. In discussing this matter with Alamo's Post Master, and others, it became increasingly clear that there needed to be consideration of a partnership with the USPS in order to more quickly restore mail services to our citizens; many who are elderly and rely on consistent mail services. In order to pro-actively address the matter, the attached MOU outlines the series of issues and tasks & responsibilities that the USPS and the City of Alamo will undertake to jointly resolve this serious matter once and for all. The MOU will be a model to use in the future should similar damages re-occur. Please note that, at any time, the City of Alamo reserves the right to unilaterally terminate the MOU should the City find compelling reasons to do so.

Commissioner Okie Salinas stated he is happy this is getting taken care of

Commissioner Pete Morales asked will this be in the same area or can the residence have a say so. The residents they have spoke with want it in the same area.

City Attorney Rick Palacios responded it is up to the post office.

Commissioner Okie Salinas motioned to approve, and Commissioner Pete Morales seconded. Motion carried.

J. Discussion and Possible Action on a Memorandum of Agreement between the City of Alamo and the Lower Rio Grande Valley TPDES Stormwater Task Force Partnership, Inc. for preparation of a Regional Texas Pollutant Discharge Elimination System (TPDES) Stormwater Permit Application and Stormwater Program Plan.

Planning Director Sergio Zavala stated the proposed 2023 MOA will be with "The Lower Rio Grande Valley TPDES Stormwater Task Force Partnership, Inc." aka 'TASK FORCE' (as the Partnership groups is shown in the MOA) which shows a slight upgraded fee of \$8000.

**Footnote: Planning has already prepared a budget amendment to incur this cost out of its current fiscal year's budget; if approved this evening, staff will present this to Management tomorrow morning. In comparable review of the 2018 MOU to the proposed 2023 MOA, Planning has hi-*

lited and red-marked the proposed Agreement to show the Board of Commissioners what is new or adjusted. As seen, the 2018 & 2023 Agreements are substantially identical. In renewing the MOA, it will reflect Alamo's intent to comply with TCEQ's required stormwater programmatic measures, such as having a viable MS4 Permit. Also, a valid MS4 permit shows Alamo's willingness to participate, along with other municipalities, in regional stormwater programming to serve the RGV in a logistical/cost-effective manner. An enabled MOA will also be helpful in Alamo's efforts to seek related grant funds.

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

K. Consideration and Possible Action on an Ordinance to Recognize and Adopt the Storm Drainage Master Plan of the City of Alamo, Texas as prepared by Cruz-Hogan.

Planning Director Sergio Zavala stated the Storm Drainage Master Plan is a series of extensive needs assessments and comprehensive policies that the City will apply in its efforts to confront and overcome drainage issues. The Plan was reviewed by the city's various departments with several adjustments and recommendations made to further result in realistic initiatives to enforce during the development and re-development processes. Once adopted, the entire Master Plan with its plethora of solutions will be posted in the City's website to thus alert prospective developers, engineers, realtors, elected officials, and the general public of the city's pro-active approach to address its drainage matters.

Commissioner Okie Salinas asked how many pages?

City Engineer Ronnie Cruz responded 300 pages

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

L. An Ordinance Amending and Updating all Provisions of Title 4 'Public Health and Safety', Chapter 5 'Noise Control'; and Amending Title 10 'Zoning Regulations', Chapter 13 'Conditional Use Permits', Section 10-13-5 'Requirements for Approval' to declare firm enforcement of Noise Compliance Provisions on awarded CUPS.

Planning Director Sergio Zavala stated in relation to the 31+-year old Noise Control code, the proposed ordinance updates it with firm, but fair, provisions. They include the following:

- Sound systems that are now digital, electronic or internet assisted sounds are included as 'sound systems' capable of violating the noise control codes.*
- It holds a manager or supervisor complicit in the violation if they direct/encourage others (DJ) to keep the sound's volume beyond the threshold of appropriateness.*
- Noise audible at 100+' between the hours of 11 pm and 7 am violates the code.*
- Loaded motor systems that create loud vibrating sounds or sensations are added to the 'Defect in Vehicle or Load' provision.*
- Construction or demolition noise is time regulated in residential and now commercial areas, but with wiggle room for leniency should the nearby land uses be sparse residential. For example, no construction between 6pm and 7 am in residential areas; however, commercial construction may commence at 3 am and end at 7pm should there be unique land conditions (vacant property around it) or if weather conditions coupled with a legitimate sense of urgency be evident*

the latter requires the Planning Director's assessment & approval.

- Loud Noise near or around a funeral home's memorial service or religious services at a cemetery are deemed to violate the Noise Control code.*
- A school's band jamboree, half-time show, or such similar performances are not violations.*
- Any chimes or bells from a church are not violations.*
- Incidental noise from parades (participants & spectators) is not a violation.*
- Section 4-5-4 currently allows people to request an exception to the Noise code from the City Manager; however, there is no criteria on what data to provide OR what qualifying factors Management should consider in the assessment. The ordinance resolves this nebulous void.*

- Officially declares the Police Dept. to be the lead dept. to enforce the Noise Control code.
- Enhances the Zoning provision on CUPs that the Noise Control code will be instrumental in awarding or possibly revoking any CUP deemed (in a public hearing) to violate these provisions.

Staff's Recommends approval

Commissioners Okie Salinas asked to promote the following ordinance

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

M. Discussion and Possible Action to allow Conditional Infringement of (limited) Private Driving Lane onto Public Alley west of Lots 1 & I 2, E-Z Subdivision (aka EZ Car Wash).

Planning Director Sergio Zavala stated the City of Alamo reviewed and approved a building permit for the new EZ Car wash at 319 N. Alamo Road. After several adjustments, the site plan met code and the permit was issued and construction commenced to its completion. Somewhere along the way, the owner and/or contractor unilaterally decided to pave a part of their concrete driveway onto the public alley's ROW so customers would have a wider turning radius as they prepare to enter the washing bay. This was discovered, among other issues, when a courtesy PRE-to final check was requested. The options to resolve the matter include the following:

- *have the infringing portion of the concrete driveway be saw-cut removed from the public ROW; this will comply with the owners' filed/approved site plan; it completely resolves the boundary issue once and for all. As one may surmise, EZ would rather retain the infringement 'as is'.*
- *abandon the 20' alley & reserve it as a public utility easement; this seems too extreme of an option since it would also cancel any 2nd driveway entrance to the adjoining residents to the west. Also, if 'abandoned', EZ may desire to capture & use the entire 20' alley ROW for EZ purposes. Be advised that there is a lingering private dispute with a residential neighbor (vs EZ) already to the west of the alley; thus, this option may likely escalate into a legal controversy for the City.*
- *Give CONDITIONAL PERMISSION to EZ to retain the private infringement (BUT NO MORE) on the alley's ROW. However, there may be a (minor) risk of someone getting hurt with the concrete drive in the ROW; thus, the 'City of Alamo' should be included in EZ's insurance as a covered party- should EZ convey to another, coverage will be mandated by the new owner as a part of the required business license process. Also, the City should have a recorded encumbrance agreement citing that, at any time determined by the City, it will reserve its right to have the encroaching driveway removed with a 45-calendar day notice and, if ever removed, then the recorded encumbrance and required need to insure the City would be null and void. The encumbrance agreement must be recorded to alert any future prospective owner of the EZ site.*

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

N. Discussion and Possible Action on an Ordinance to Amend Title 10 'Zoning Regulations', Chapter 3 'General Zoning Provisions', Section 10-3-6 (A)(I) 'Yard Space' of Alamo's Code of Ordinances to Include 'Colored Steel Metal Material' as an acceptable form under the Open Carport Regulations

Planning Director Sergio Zavala stated in 2021, the City of Alamo established open carport regulations. The 2021 provisions did not include 'colored steel metal material' as an option for residents to consider. A picture of such material is enclosed to provide proper perspective. It has occurred numerous times since then that homeowners desire to use colored steel metal material for an open carport; but such is resisted by Planning due to the current ordinances' omission of such and to have carports substantially similar to the home's roofs material. The amendment will help residents during these challenging economic times (still in a pandemic era) should they desire to use colored steel metal material instead of building an open carport

with a wood frame roof with fiberglass shingles colored similar to that of the home. For the typical mom & pop resident, the increased cost for current compliance has induced several families to not build a needed carport. The draft ordinance simply includes the phrase " inclusive of colored steel metal roofs " within the parameters of what is acceptable for open carports in the front setback area. Planning's recommends approval.

Commissioner Okie Salinas motioned to approve, and Commissioner Pilar 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.

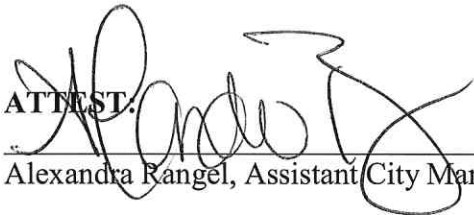
No citizen participation

I. ADJOURNMENT

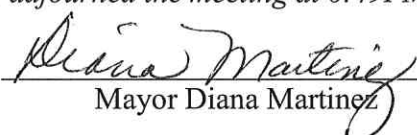
Citizens are encouraged to sign the attendance sheet.

There being no further business, Mayor Diana Martinez adjourned the meeting at 6:49PM

ATTEST:



Alexandra Rangel, Assistant City Manager



Mayor Diana Martinez

