

The Board of Commissioners for the City of Alamo, Texas met for the Regular Meeting held on Tuesday, June 4, 2024 at 6:00 p.m., at the City of Alamo Municipal Building.

COMMISSION PRESENT:

Mayor J.R. Garza
Okie Salinas, Mayor Pro-Tem (via- zoom)
Pete Moreles, Commissioner
AJ Garcia, Commissioner

COMMISSION ABSENT:

Commissioner Roel Leon Moreno Jr.

STAFF PRESENT:

Robert L. Salinas, City Manager
Criss Palacios, City Attorney
Michael Torres, IT Director
Ronnie Cruz, City Engineer
Saul Solis, Alamo Police Chief
Roy Contreras, Alamo Fire Chief
Ana Garza, Executive Assistant
Miguel Cavazos, Asst. Parks & Rec. Dir
Adela Perez, Purchasing Agent

Alexandra Rangel, Assistant City Manager
Sergio Zavala, Planning Director
Alex Oyoque, Museum Director
Jose Tamez, Library Director
Yvette Mendoza, Finance Director
Julio Villarreal Jr. Public Works Director
Arturo Aguirre, HR Director
Melissa Leal, Water Billing Supervisor

I. CALL MEETING TO ORDER

Mayor J.R. Garza called the regular meeting held on Tuesday June 4, 2024 to order at 6:00 p.m. at the City of Alamo Municipal Building. City Manager Robert L. Salinas led the Pledge of Allegiance and Commissioner Pete Morales led the Invocation.

C. Presentation and Announcements

No presentations or announcements.

D. Consideration and Action to Approve the minutes for a regular meeting on May 21st, 2024

Commissioner Pete Morales motioned to approve, Commissioner AJ Garcia seconded. Motion carried.

E. Consideration and Action to Approve the minutes for a Special Meeting on May 28th 2024.

Mayor J.R. Garza motioned to approve, Commissioner AJ Garcia seconded. Motion carried.

F. Consideration and Action to Approve an Ordinance for Authorizing the Mayor to Execute all Related Transfer Documents for the Purchase of Real Property Legally Described as Lot 4, Los Alamos Professional Plaza Subdivision

City Manager Robert L. Salinas stated that the ordinance provides some housekeeping for the purchase of real property legally described as Lot 4, Los Alamos Professional Plaza Subdivision in the amount of \$449,061. This property will be for the future Alamo Police Department and Municipal Court. This will authorize Mayor J.R. Garza to execute any and all paperwork needed for the transfer of ownership to the City of Alamo. Staff's Recommendation: Staff recommends approval.

Commissioner Pete Morales motioned to approve, Commissioner AJ Garcia seconded. Motion carried.

G. Consideration and Action to Approve a Resolution finding that AEP Texas Inc's requested increase to its electric transmission and distribution rates and charges within the city should be denied.

City Manager Robert L. Salinas stated that on February 29, 2024, AEP Texas Inc. filed an application with cities retaining original jurisdiction seeking to increase system-wide distribution rates by \$100.4 million per year (an increase of 13.1%), and increase to transmission rates by \$63.1 million (a decrease of 9.29%). According to AEP Texas, the impact of this approval on an average residential customers would be an increase of about \$4.59 per month. In a prior City action, AEP Texas' rate request was suspended from taking effect for 90 days, the fullest extent permissible under the law. This time period has permitted the city, through its participation with Cities Served by AEP Texas to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of experts engaged by Cities, AEP Texas' request for a rate increase should be denied. Accordingly, the purpose of the Resolution is to deny the rate change application proposed by AEP Texas.
Explanation of "Be It Resolved".

Commissioner Pete Morales motioned to approve. Commissioner AJ Garcia seconded. Motion carried.

H. Consideration and Action Regarding the Designation of ARPA Funds for Upgrades to Lift Station No. 8, Water Well Pump Repair and Potential Sewer Upgrades within Buena Vista Subdivision

City Manager Robert L. Salinas stated that the City originally set aside ARPA funds for various sewer and drainage projects. Due to several complaints and concerns that have been recently brought up regarding the existing lift station No. 8 (Nebraska St. and Alamo Rd.) and a broken water well pump, I am requesting the transfer of some of the ARPA funds to be used to complete these repairs. We are also looking at the potential of a sewer upgrade at Buena Vista Subdivision that will include the installation of 350' of sewer line that will allow for any overflow to go into another sewer system. Doing this should remove any future overflow concerns for this area. Of all of the ARPA projects, the Alamo/Duranta Drainage Project has the most funds allocated to it (\$1,055,527). I am asking that \$250,000 of the funds allocated to Alamo/Duranta Drainage be transferred to fund these 3 repairs. Recommendation Staff, recommends approval.

Commissioner Pete Morales asked if the wet well was going to be replaced

City Manager Robert L. Salinas stated that with these funds the goal is to acquire some property that we have been in discussion with the developer to the south of the lift station as well as the property owner to the east of the lift station. He is hoping to install a new wet well and provide a new area for that lift station to outfall into.

Commissioner Pete Morales asked that if this project was to repair the wet well

City Manager Robert L. Salinas answered that they will be doing a full upgrade not just a repair. The old wet well will be decommission

Commissioner AJ Garcia asked City Engineer Ronnie Cruz if he had any comments for this particular project.

City Engineer Ronnie Cruz stated that the lift station is falling apart it is not fixable. Unfortunately, there is no access to the lift station. Therefore, we are trying to acquire the adjacent property to build a new one.

Commissioner Pete Morales motioned to approve. Commissioner AJ Garcia seconded. Motion carried.

I. Consideration and Action to update the Appointment of the Rio Grande Regional Response Group (RGRRG) primary member.

Alamo Fire Chief Roy Contreras stated that the Rio Grande Regional Response Group (RGRRG) is requesting an individual who shall Represent our jurisdiction and/or organization. Meeting had been canceled due to the Covid Pandemic but is now back on track. The group will be meeting quarterly and will need to update its members.

Commissioner Pete Morales motioned to approve. Commissioner AJ Garcia seconded. Motion carried.

J. Consideration and Possible Action on an emergency purchase of a new HVAC RTU#3 for City Hall

Purchasing Agent Adela Perez stated that the HVAC RTU#3 needed to be replaced at City Hall. The old unit had been operating since 2004. SKO ELITE REPAIR LLC., had the unit in stock, and was installed within 24 hours after contact was made. This vendor has been vetted with TIPS (The Interlocal Purchasing System), whose pricing is under TIPS Contract# 24010402. Since their contract through TIPS was confirmed, there was no need to activate a competitive price quote process.

Mayor J.R. Garza motioned to approve, Commissioner Pete Morales seconded. Motion carried.

PUBLIC HEARING: Discussion and Possible Action on an Ordinance to Rezone Lot 1, B&D Subdivision; and the S. 560.80' of the N. 956.80' of the E. 660' of Lot 9, BK 38, Alamo Land & Sugar Company's Subdivision; and the S. 363.20' of the N. 1320' of the E. 660' of Lot 9, BK 38, Alamo Land & Sugar Company's Subdivision FROM R-1 Single Family Dwelling Residential TO R-2 Multi-family and Townhouse District; Applicant is Vienna Investment, LLC

Planning Director Sergio Zavala stated that the acreage is ¼ mile west of Border Road, and lies on the south side of Duranta Avenue. The panhandle-shaped tract is vacant. Surrounding zonings are;

- North-Commercial
- East- Single-dwelling residential (R-1)
- West-Single-dwelling residential (R-1)
- South- Industrial (M)

Surrounding LAND USES are:

- North - auto salvage yard
- East - SF residential in acreage setting
- West - SF res/vast vacant acreage
- South - vast vacant acreage

Future Land Use Map (FLUM) designation is Heavy Commercial (HC). In examining the R-2 proposal, the acreage is between a Commercial zone to the north and an Industrial zone to the south. With a FLUM designation of Heavy Commercial, it would appear that a commercial use would be the likely use. However, such a zone would introduce heavier commercial traffic to Duranta Avenue, as well. Also, a heavy commercial user may have a higher detrimental 'value' effect to surrounding R-1 properties. With the above expressed, the R-2 district now seems a more palatable zone between the auto salvage yard/heavy commercial use to the north and the future industrial use to the south. The R-2 would appear to minimize value loss to the ad joiners, as well. There was no public opposition at the P&Z hearing of May 15, 2024. Planning's Recommendation: Approval.

No citizen participation

K. Discussion and Possible Action on an Ordinance to Rezone Lot 1, B&D Subdivision; and the S. 560.80' of the N. 956.80' of the E. 660' of Lot 9, BK 38, Alamo Land & Sugar Company's Subdivision; and the S. 363.20' of the N. 1320' of the E. 660' of Lot 9, BK 38, Alamo Land & Sugar Company's Subdivision FROM R-1 Single Family Dwelling Residential TO R-2 Multi-family and Townhouse District; Applicant is Vienna Investment, LLC

Commissioner Pete Morales motioned to approve, Mayor J.R. Garza seconded. Motioned carried.

PUBLIC HEARING: Discussion and Possible Action to Approve an Ordinance to Award a Conditional Use Permit for Non-residential (church) parking on property zoned R-1 Single Family Dwelling Residential, being Lot 15, New Palm Subdivision whose street address is 369

E. Austin Avenue, Alamo, TX; Applicant is the Primera Iglesia Bautista of Alamo (PIBA)

Planning Director Sergio Zavala stated that the R-1 zoned lot has 1960-recorded dimensions of 75' x 160'; and is at the SE corner of Austin Avenue and S. 4th Street. There is correspondence received May 2nd that is important to understand the many services provided to the community, e.g., ministry programs such as the Learning Academy Daycare; PIBA KIDS, Youth Ministry, Food bank, and PIBA missions, too, where donations are received and disbursed to needy others. One of the reasons PIBA desires to use the 369 Austin property is because it'll relieve the congestion from the donation area, as well as the daycare property, too. Having a church (non-res) parking area at this corner site is not seen as debilitating to anyone. It is a silent use and there should be no disruptions to any nearby neighbor. However, PIBA desires to use a caliche parking lot which is contrary to code, i.e., off-street parking is paved with concrete or asphalt. Now, as of May 10th, the subject (vacant) property has a tattered chain link fence, there is a Jenee' gap on the east side, and the asphalt driveway is overgrown with grass. There are no area sidewalks so this can be deferred at this time especially since it's a church parking lot only, i.e., no active business or church use. Planning's Recommendation: Approval subject to:

- Install 6' wood fence buffer in the fence 'gap' to the east; replace toppled chain link fencing.
- Pave a driveway; min. 24' leading to the parking lot.
- No objections to use caliche at this time since it appears to be temporary; however, if it's discovered that a frequent/more active use is evident. the parking will need to be paved.
- Meet landscaping code around the perimeter of the caliche parking; this'll improve aesthetics and shield the caliche from the perimeter streets; this includes continuous 3' high hedging.
- The site plan shows emergency access to the alley; as such. the alley need not be paved. If discovered that the alley will be frequently used, then the alley needs to be paved via Code.
- CUP not to be transferable to any new owner(s).
- Minimal church signage may be permitted within the property. P & Z Commission Meeting May 15, 2024: With no CUP opposition, item was unanimously approved.

No citizen participation

L. Discussion and Possible Action to Approve an Ordinance to Award a Conditional Use Permit for Non-residential (church) parking on property zoned R-1 Single Family Dwelling Residential, being Lot 15, New Palm Subdivision whose street address is 369 E. Austin Avenue, Alamo, TX; Applicant is the Primera Iglesia Bautista of Alamo (PIBA)

Commissioner Pete Morales motion to approve, Commissioner AJ Garcia seconded. Motion carried.

PUBLIC HEARING: Discussion and Possible Action on an Ordinance to Renew a Conditional Use Permit for the Sale of Alcoholic Beverages for on-site consumption in an 'Entertainment Establishment' at La Cantina de Mario being at Lots 9-11, Block 2, Cabana South Subdivision being 916 W. Frontage Road, Alamo, TX; site is commercially zoned, and the applicant is Mario Zuniga

Planning Director Sergio Zavala stated that the commercially zoned site is approximately 1000' east from Alamo Road, along the north side of the Expressway's Frontage Road. The property has an existing commercial structure that is used for a cantina with sufficient paved parking to the north and west; it has no driveway access to the alley. The warehouse to the adjoining west closes at 6pm; thus, the parking spaces will be freed up entirely a bit after 6pm. The tenant fenced off the parking spaces that would back-up to the Frontage Road and uses this containment area for patrons to safely lounge being away from the residential area to the north. The days and hours of operation are from 5pm to 2am. In the past year, there was 1 noise complaint made at 1:59 am on Feb. 3, 2024. However, it was disclosed to P&Z that this 'noise' complaint was actually caused by a neighboring property. Regardless, Staff's perspective is that

with a full year of operation, and with only 1 noise complaint in the area, this doesn't appear to be a significant issue. There was no public opposition at P&Z's hearing either. Staff's Recommendation: Approval subject to continued compliance to the City Commission's action, which includes obeying the City's Noise Code; TABC compliance; meet health codes. P&Z Commission Meeting of 5-15-24: Unanimously approved subject to Staff's recommendation.

No citizen participation

M. Discussion and Possible Action on an Ordinance to Renew a Conditional Use Permit for the Sale of Alcoholic Beverages for on-site consumption in an 'Entertainment Establishment' at La Cantina de Mario being at Lots 9-11, Block 2, Cabana South Subdivision being 916 W. Frontage Road, Alamo, TX; site is commercially zoned, and the applicant is Mario Zuniga

Commissioner AJ Garcia motioned to approve, Mayor J.R. Garza seconded. Motion carried.

PUBLIC HEARING: Discussion and Possible Action on an Ordinance to Approve a Conditional Use Permit for the Sale of Alcoholic Beverages for on-site consumption in a 'Lounge' setting; Lots 1 & 2, BK 2; and Lot 1, BK 3, North Alamo Heights Subdivision, being 835 E. Frontage Road, Alamo, TX; the applicant is Vasquez Group, LLC

Planning Director Sergio Zavala stated that the site is at the SE corner of the Expressway's Frontage Road and 9th Street; and is surrounded by commercial zonings. There are 2 SF residences to the east and south - variance is needed due to homes being within 300'. It has a commercial events-type structure with paved off-street parking on all sides. If the CUP to sell alcoholic beverages for on-site consumption is approved, Vasquez Group proposes to be open from 6pm to 1pm from Wed thru Sundays. On landscaping, since all front and sides are paved, the applicant has agreed to place 4 trees in large pots. There is no nearby fire hydrant. The water distribution map reflects 3", 4", and 6" water lines. P&Z acted to at least have the Fire Marshal/Fire Dept. meet with Management, et.al., to develop a (long range) plan to serve this vicinity with fire protection.

At P&Z's public hearing of May 15th, there was no public input provided by those present. Staff's Recommendation: Approval subject to:

- 1) 1 year renewal w/no objection to variance on distance to area residences;
- 2) if food is sold, to meet prevailing health codes;
- 3) secure TABC license;
- 4) provide 4 ornamental trees in pots;
- 5) comply with Noise Code; and
- 6) have the Fire Marshal's office and Management develop a firm plan on how/when fire protection will be provided in this mixed-use area.

No citizen participation

N. Discussion and Possible Action on an Ordinance to Approve a Conditional Use Permit for the Sale of Alcoholic Beverages for on-site consumption in a 'Lounge' setting; Lots 1 & 2, BK 2; and Lot 1, BK 3, North Alamo Heights Subdivision, being 835 E. Frontage Road, Alamo, TX; the applicant is Vasquez Group, LLC

Commissioner Pete Morales motioned to approve, Commissioner AJ Garcia seconded. Motion carried.

O. Discussion and Possible Action on a petition submitted by Amanda Bernal for a speed bump between 1130 and 1134 West Ivy Avenue, Alamo, TX; as reviewed and acted upon by the Traffic Safety Committee

Planning Director Sergio Zavala stated that Item D - Intent of Speed Bump Installation Policy includes the following: "In order for speed bump installations to be effective, they should be located selectively after recommendation from the Public Works Department and the concurrence from the City Commission. The petition states: "We need a speed bump in between this location 1130 W. Ivy and 1134 West Ivy. Here are some signatures." This matter was reviewed by the Traffic Safety Committee (TSC) in March but was 'Tabled' since it reflected 30% owner support at that time. After the City's Planning Director met with Mr. Bernal in explaining the process, the % needed, and how many signatures he needed to meet code, he proceeded to secure the needed signatures meeting the 66% threshold; as such, it was re-considered by the TSC.

Item E - Eligibility Requirements mandate the criteria to qualify; it includes the following:

- Signed petition
- Paved Minor residential street
- Pavement to be 30" to 40" (range)
- It must be a public street (not private)
- Mostly serves low density dwellings
- Max 2 traffic lanes facing each other
- Street is nor an MPO designated street
- Mandated max 30MPH speed limit

The desired West Ivy speed bump, between Alamo Rd. & 12th Street, complies with the above criteria. The TSC convened on May 28th & unanimously approved the speed bump requested by the petitioners. Staff's Recommendation: Approval & concurrence w/Staff & TSC as to the need of the speed bump.

Commissioner AJ Garcia motioned to approve, Commissioner Pete Morales seconded. Motion carried.

P. Discussion and Possible Action to Replace Member that Procedurally Resigned from the Traffic Safety Committee. (tabled on May 21, 2024)

Mayor J.R. Garza motioned to un tabled, Commissioner AJ Garcia seconded. Motion carried.

Planning Director Sergio Zavala stated that on January 2, 2024, the Board of Commissioners created the Traffic Safety Committee (TSC). This is a committee that meets to discuss, plan, and act on traffic safety issues and measures. On Jan. 16, 2024, the Board appointed residents to 3-year terms. All appointed commissions, committees, and boards have their attendance governed by Section 2-1-4 of our Code of Ordinances that state the following: "Members must attend at least 50% of all regular meetings during each 6 months of their tenure regardless of cause and regardless of excuse. No member shall miss more than 3 consecutive meetings. The 6-month period shall be from January 1 through June 30; and from July 1 through December 31 of each year. Failure to comply with attendance requirements, whether excused or not, will be considered as resignation from the board or commission. In the event of such termination, the chairperson of such board of commission shall immediately notify the City Commission who shall then take steps to fill such vacancy." This provision is also found in the TSC Bylaws. My 5-13-24 email informed you that Armando Cano has not attended any TSC meetings.

| <u>TSC Meetings</u> | <u>A. Cano</u> | <u>G. Espinoza</u> | <u>R. Guzman</u> | <u>M. Gutierrez</u> | <u>R. Wright</u> |
|---------------------|----------------|--------------------|------------------|---------------------|------------------|
| 1-31-24 | Absent | Present | Present | Absent | Present |
| 3-4-24 | Absent | Absent | Present | Present | Present |
| 3-15-24 | Absent | Present | Present | Absent | Present |
| 4-29-24 | Absent | Present | Present | Present | Present |
| 5-28-24 | Resign | Present | Present | Present | Present |

NOTE: members must be residents of Alamo; and must be 'qualified electors', i.e., 18 years and registered voters. Planning's Recommendation: In order to magnify input on TSC agenda matters, and reduce risk of not having a quorum which stalls agenda items from being acted on, a new member needs to replace the resigned member; term to expire on January 16, 2027.

Mayor J.R. Garza motioned to appoint Mario Flores. Commissioner AJ Garcia seconded.

Motion carried.

Q. Discussion and Possible Action on an Ordinance Amending Title 8 'Public Utilities', Chapter 2 'Sewer Use and Service', Section 8-2-2 (A) 'Sanitary Disposal Requirements' to Clarify the tenure of a plumbing permit to connect to the city's sewer line and decommission the septic tank(s)

Planning Director Sergio Zavala stated that with the recent sanitary sewer project that extended service to a residential area, the matter of the required plumbing permits tenure was challenged in that normal plumbing permits are valid for one year; however, Section 8-2-2 declares that 90 days are allowed for the connection to be made. There is no tenure given in decommissioning the previously used septic tanks. This proposed ordinance will do the following;

-Clarifies that a 'building' means a 'building that is used, resided in or has an active water meter'; the existing code could mandate the connection to the city's sewer line of a dormant property that has a boarded-up building.

-Declares that a plumbing permit is required to connect to a sewer line that's within 50' of the actively used building.

-Clarifies that the 90-day tenure includes the decommissioning of previously used septic tanks.

-Clarifies the specific 90-calendar days to complete the process of connecting to the city's active sewer line and de-commissioning of the septic tank.

-Clarifies that the 90-day tenure means '90 calendar days'

-Clarifies that the 90-calendar days is the tenure of the plumbing permit to connect to sewer and de-commission the septic tanks; and specifically notes that the general 1-year tenure of a plumbing permit issued under general construction circumstances is superseded by the 90-day health-specific tenure.

Commissioner Pete Morales motioned to approve, Commissioner AJ Garcia seconded. Motion carried.

R. Discussion and Possible Action on an Ordinance to amend Title 9 'Building Regulations', Chapter 1 'Building Codes', Section 9-1-1-2 (A) 'Residential Code' by adopting the updated 2024 International Residential Code (IRC)

Planning Director Sergio Zavala stated that in assessing the current building codes, Planning deemed the need to replace the 2018 version of the International Residential Code (IRC) with the more-updated 2024 IRC. We believe that replacing the 6-year-old (2018) IRC with the more updated 2024 IRC is in the City's best interest. Note: as other codes are examined from time to time, Planning assess whether new adoptions to more current codes will be presented to the City Commission. Planning's Recommendation: Approval.

Commissioner AJ Garcia motioned to approve, Commissioner Pete Morales seconded. Motion carried.

S. Discussion and Possible Action on an Ordinance to Amend Title 9 'Building Regulations', Chapter 4 'Signs', Section 9-4-12 (C)(l)(a)(2) to permit Gas Price signage on a canopy's face when such front State of Texas thoroughfares

Planning Director Sergio Zavala stated that stemming from a recent inquiry regarding gas price signage on canopies, the current 'Canopy Sign' code only permits 1 permanent sign on the canopy ... see attached email of analysis to the proposed 'gas price on canopy' rendering. Gas price signs are exempt, but only if such are 12 square feet or less. Gas Price signage on canopies, when 'Regular/Diesel' is combined, may be 48 sq. ft. In examining the circumstance, the only reasonable way to move forward is to amend the code to allow a combined face of 50 sq. ft. (max) on each of the canopy's face when such a canopy fronts a TX DoT thoroughfare, e.g., Expressway, Alamo Road, SH 495, U.S. Bus. HWY 83. Planning observed that the HEB

gasoline outlet has gas prices on its canopies, too. This ordinance retroactively approves such signage that may've been permitted in the past. Planning's Recommendation: Approval.

Commissioner AJ Garcia motioned to approve, Commissioner Pete Morales seconded. Motion carried.

T. Discussion and Possible Action on an Ordinance to Amend Title 9 'Building Regulations', Chapter 6 'Landscape Regulations', Section 9-6-3 (B)(3) 'Residential Use Landscaping' to Clarify that Private Landscape Improvements will be on Private property

Planning Director Sergio Zavala stated that in early May, Planning received a site plan for apartments showing its landscaping improvements, such as required shrubbery and shade trees, on public ROW instead of in private property. Planning replied with a detailed email explaining the applicable Codes. The designer re-filed the site plan with slight adjustments but still showed landscaped improvements on ROW. In order to clarify the codes' intent, Planning thought it best to amend the applicable code to avoid such questions with its associated delays. The amended code will read as follows:

The paved parking area for multi-family residential uses within a front yard or corner side yard shall provide a five foot (5') to eight foot (8') wide landscaped area located between the parking lot and the lots' front or corner side's private property line(s). Planning's Recommendation: Approval.

Commissioner AJ Garcia motion to approve, Commissioner Pete Morales seconded. Motion carried.

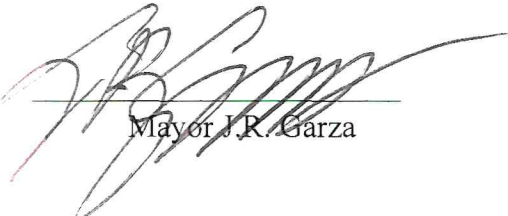
CITIZEN PARTICIPATION: Five minutes per person with no response from the City Commission. Residents must sign up prior to the city meeting.

No citizen participation

I. ADJOURNMENT

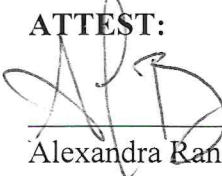
Citizens are encouraged to sign the attendance sheet.

There being no further business, Mayor J.R. Garza adjourned the meeting at 6:46 p.m.



Mayor J.R. Garza

ATTEST:



Alexandra Rangel, Assistant City Manager