



**City Council
Special Meeting
March 30, 2021**



A G E N D A

**CITY COUNCIL SPECIAL MEETING
TUESDAY MARCH 30, 2021, AT 5:30 P.M. CST
COUNCIL CHAMBERS, CITY HALL BUILDING,
100 SOUTH MONROE STREET, EAGLE PASS,
MAVERICK COUNTY, TEXAS**

PURSUANT TO SECTION 551.125(b);551.127(b)(g); 551.007 OF THE TEXAS GOVERNMENT CODE AND THE DECLARATION EXTENDED BY GOVERNOR GREG ABBOTT ON MARCH 6, 2021, THIS MEETING OF THE CITY COUNCIL OF THE CITY OF EAGLE PASS, TEXAS SHALL BE OPEN AND ACCESSIBLE TO THE PUBLIC VIA THE FOLLOWING FREE-OF-CHARGE VIDEOCONFERENCE LINK: <https://www.facebook.com/OfficialCityEaglePassTexas> AN ELECTRONIC COPY OF THE AGENDA PACKET FOR THE REGULAR MEETING OF THE CITY COUNCIL IS ALREADY AVAILABLE TO THE PUBLIC AT THE FOLLOWING URL: <https://www.eaglepasstx.us/AgendaCenter>. IN LIGHT OF THE ONGOING NATIONAL EMERGENCY AND URGENT THREAT TO PUBLIC HEALTH CAUSED BY THE COVID-19 PANDEMIC, MEMBERS OF THE PUBLIC ARE ENCOURAGED TO FOLLOW THE RECOMMENDATIONS OF GOVERNMENT LEADERS AND THE CDC REGARDING SOCIAL DISTANCING AND SELF-QUARANTINE.

IF YOU ARE A CITIZEN WISHING TO PARTICIPATE IN CITIZENS COMMUNICATIONS, PLEASE CALL ON TUESDAY March 30, 2021 FROM 2:00 PM TO 4:00 PM AT 830-773-1111 OR SEND EMAIL TO irodriguez@eaglepasstx.us

ESTABLISHMENT OF QUORUM

MOMENT OF REVERENCE

CITIZENS COMMUNICATIONS AND RECOGNITIONS

1. Recognition to the Finance Department for Achievement of Excellence in Financial Reporting.
2. Recognition of the 2020 Census Committee Members.

ORDINANCE(S)

3. Consideration and possible approval of an ordinance amending Sections 12, E (2), 12.1 (D) Appendix A (Zoning Ordinance) of the Code of Ordinances of the City of Eagle Pass, Texas to add an exception prior to adoption; finding that the meeting at which this ordinance is passed is open to the public as required by law; providing a severability clause; and establishing an effective date.

RESOLUTION(S)

4. Consideration and possible approval of a resolution by the City Council of the City of Eagle Pass, Texas, authorizing and approving publication of Notice of Intention to issue one or more series of Certificates of Obligation; and providing for other matters in connection therewith.
5. Consideration and possible approval of a resolution appointing members to the Parks and Recreation Advisory Board of the City of Eagle Pass.
6. Consideration and possible approval of a resolution of the City Council of the City of Eagle Pass, Texas, authorizing the use of Competitive Sealed Proposals as the method of purchase that provides the best value to the municipality for International Bridge Toll System Upgrade.

OTHER BUSINESS

7. Consideration and approval of a Plan of Finance to issue one or more series of Certificates of Obligations for Capital Improvement Projects, authorizing city staff, bond counsel and financial advisor to proceed with such financing, and approving other matters incident and related thereto.
8. Presentation and possible approval of the City of Eagle Pass Comprehensive Annual Financial Report (CAFR) for fiscal year ended September 30, 2020, as conducted by the Firm of Martinez, Rosario & Company L.L.P.
9. Consideration and possible action on funding available through the American Rescue Plan Act of 2021.
10. Consideration and possible awarding of bids for Request for Proposal RFQ#2020-008 Architectural Services-Riskind Building.
11. Consideration and possible action to rescind and re-awarding of bids for Invitation for Bids IFB#2020-12 Eagle Pass Sports Complex Single Land Bullpens, Basketball Court, Volleyball Court and Storage Building.
12. Consideration and possible approval of a change order for RAFSA Construction for the Eagle Pass Sports Complex.
13. Discussion and possible action on setting fee schedules for the Eagle Pass Sports Complex.
14. Discussion and possible action on requesting an amendment to the Presidential Permit for the Camino Real Bridge.

EXECUTIVE SESSION

15. Executive Session pursuant to Section 551.071, of Chapter 551, Texas Government Code – Consultation with attorney regarding construction of detention pond at 1325 Patsy Winn Blvd.; and possible action in open session regarding same.
16. Executive Session pursuant to Sections 551.071 and 551.074, Chapter 551, Texas Government Code – Consultation with attorney and discussion of personnel matters – regarding the use of a Contingency Plan for City of Eagle Pass Operations ; and possible action in open session regarding same.

ADJOURNMENT

The City Council reserves the right to consider business out of the posted order and the right to adjourn into Executive Session to discuss items which are not listed as Executive Session items, but which qualify to be discussed in closed session as permitted by the Texas Open Meetings Act, under Chapter 551 of the Texas Government Code.

Entrance and parking spaces for disabled persons are available in front of City Hall.

CERTIFICATION

I, the undersigned City Secretary, do hereby certify that the agenda mentioned above was posted on the Bulletin Board located in the Lobby at City Hall, 100 South Monroe Street, Eagle Pass, Texas, on Friday, March 26, 2021 at 4:45 p.m.

Imelda B. Rodriguez
TRMC, City Secretary

Item

#3

ORDINANCE NO. 2021-

AN ORDINANCE AMENDING SECTIONS 12, E (2), 12.1 (D) APPENDIX A (ZONING ORDINANCE) OF THE CODE OF ORDINANCES OF THE CITY OF EAGLE PASS, TEXAS TO ADD AN EXCEPTION PRIOR TO ADOPTION; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, The City of Eagle Pass has determined that it is in the best interest of the health, safety, and welfare of its citizens to regulate the parking of vehicles on private property; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAGLE PASS, TEXAS:

SECTION 1. Appendix A-Zoning Ordinance of the Code of Ordinances, Eagle Pass, Texas is hereby amended by amending to read as follows:

E. Yard Parking Regulations

(2) Yard Parking Regulations: Parking on unimproved surfaces is prohibited by this ordinance. A person commits an offense if, upon any lot in any Zoning District, the person causes, permits, or allows the parking or storage of any vehicle in the front yard, side yard, and/or rear yard upon any surface other than an improved parking surface. It is presumed that the registered owner of the vehicle or the registered owner of the property is the person who parked, caused, or permitted the vehicle or equipment to be parked in violation of this article.

Exceptions: It is an affirmative defense to prosecution for the parking of vehicles at an existing residence on an unimproved driveway or unimproved parking area where such unimproved driveway or unimproved parking area existed before the effective date of the ordinance from which this section is derived; however, the existing unimproved driveway or unimproved parking area shall be maintained in a fashion that will support vehicular traffic, not allow grass, weeds or other vegetation to grow in the unimproved driveway or unimproved parking area.

SECTION 2. Appendix A-Zoning Ordinance of the Code of Ordinances, Eagle Pass, Texas is hereby amended by amending to read as follows:

Section 12.1 (d)

iii. Permits certain parking and uses on non-asphalt surfaces within Factory Occupancies.

SECTION 3. That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

SECTION 4. If any section, part, or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable, and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION 5. This Ordinance becomes effective immediately after being passed and approved on third and final reading.

READ, PASSED, AND APPROVED ON FIRST READING, this 30th Day of March, A.D., 2021.

ATTEST:

Luis E. Sifuentes
Mayor

Imelda B. Rodriguez
City Secretary

AYES:

NAYS:

ABSTAINED:

ABSENT:

READ, PASSED, AND APPROVED ON FIRST READING, on this 6th Day of April, A.D., 2021.

ATTEST:

Luis E. Sifuentes
Mayor

Imelda B. Rodriguez
City Secretary

AYES:
NAYS:
ABSTAINED:
ABSENT:

**READ, PASSED, AND APPROVED ON SECOND READING, this ____ Day of
April, A.D., 2021.**

ATTEST:

Luis E. Sifuentes
Mayor

Imelda B. Rodriguez
City Secretary

AYES:
NAYS:
ABSTAINED:
ABSENT:

APPROVED AS TO FORM AND LEGALITY:

Langley & Banack, Inc.
City Attorney

Item

#4

RESOLUTION NO. 2021-

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF EAGLE PASS, TEXAS AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE ONE OR MORE SERIES OF CERTIFICATES OF OBLIGATION; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City Council (the "City Council") of the City of Eagle Pass, Texas (the "City") has determined that is advisable and necessary to issue and sell one or more series of certificates of obligation (the "Certificates") in an amount not to exceed \$20,000,000 as provided pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Local Government Code, Section 271.041 through 271.063, for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit (1) construction, improvement, renovation of the International Bridge, (2) construction of a facility for the City's Public Works Department, (3) construction of a gymnasium, (4) improvements and renovation of City Hall, (5) improvement and equipment of city parks and buildings, and purchase of land for park purposes, and (6) the payment of professional services related to the construction and financing of the aforementioned projects; and

WHEREAS, the City Council authorizes the City Manager, City Secretary, and the City Attorney, as appropriate, or their designees, to review, approve, and execute any documents or certificate in order to allow the City to comply with the requirements of appropriate law; and

WHEREAS, prior to the issuance of the Certificates, the City Council is required to publish notice of its intention to issue the Certificates in a newspaper of general circulation in the City, such notice stating (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the Certificates, (ii) the maximum amount proposed to be issued, (iii) the purpose for which the Certificates are to be issued, (iv) and the manner in which the City Council proposed to pay the Certificates; and

WHEREAS, the City Council hereby finds and determines that the City should proceed with the giving of notice of intention to issue the Certificates in the time, form, and manner provided by law;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAGLE PASS, TEXAS THAT:

The City Secretary is hereby authorized and directed to cause notice to be published of the City Council's intention to issue the Certificates in an amount not to exceed \$20,000,000 for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) construction, improvement, renovation of the International Bridge, (2) construction of a facility for the City's Public Works Department, (3) construction of a gymnasium, (4) improvements and renovation of City Hall, (5) improvement and equipment of city parks and buildings, and purchase of land for park purposes, and (6) the payment of professional services related to the construction and financing of the aforementioned projects. The Certificates will be payable from the levy of an annual ad valorem tax, within the

limitations prescribed by law, upon all taxable property within the City and additionally from a limited pledge of and lien on certain of the revenues derived from the operation of the City's Drainage Utility System. The notice hereby approved and authorized to be published shall read substantially in the form and content of Exhibit A attached hereto, which notice is incorporated herein by reference as a part of the Resolution for all purposes.

Section 1. The City Secretary shall cause the notice to be published in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication shall be at least forty-five (45) days prior to the date stated therein for passage of the ordinances authorizing the issuance of the Certificates.

Section 2. The City Secretary is directed to maintain a copy of this Resolution in the City's official record in a manner that will allow any member of the general public to review this Resolution during the normal business hours of the City during the period beginning thirty (30) days after the adoption hereof and ending on the date of the issuance of the Certificates.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 4. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 5. The Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this the 30th day of March, 2021.

READ, PASSED AND APPROVED, this 30th Day of March, A.D., 2021.

ATTEST:

Luis E. Sifuentes
Mayor

Imelda B. Rodriguez
City Secretary

EXHIBIT "A"

NOTICE OF INTENTION TO ISSUE
CITY OF EAGLE PASS, TEXAS CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Eagle Pass, Texas (the "City") will convene at its regular meeting place at the Council Chambers, City Hall Building, 100 South Monroe Street, in Eagle Pass, Texas at 5:30 o'clock p.m., Eagle Pass, Texas time on June 1, 2021, and during such meeting, the City Council will consider the passage of an ordinance and take such other actions as may be deemed necessary to authorize the issuance of one or more series of certificates of obligation in an aggregate principal amount not to exceed \$20,000,000 for the purpose or purposes of paying contractual obligations of the City to be incurred for making permanent and public improvements for other public purposes, to-wit:

- (1) construction, improvement, renovation of the International Bridge,**
- (2) construction of a facility for the City's Public Works Department,**
- (3) construction of a gymnasium, (4) improvements and renovation of City Hall, (5) improvement and equipment of city parks and buildings, and purchase of land for park purposes, and (6) the payment of professional services related to the construction and financing of the aforementioned projects.**

The certificates of obligation (the "Certificates") will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and from a lien on and limited pledge of certain revenues derived by the City from the operation of the City's Drainage Utility System. The Certificates are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971 as amended, Local Government Code Section 271.041 through Section 271.063, Chapter 1502, as amended, Texas Government Code, and the City's Home Rule Charter.

Item

#5

RESOLUTION NO. 2021-R

**A RESOLUTION APPOINTING MEMBERS TO THE
PARKS AND RECREATION ADVISORY BOARD OF
THE CITY OF EAGLE PASS**

WHEREAS, Ordinance No. 98-42 created the Parks and Recreation Advisory Board of the City of Eagle Pass and provides that its members shall be appointed by the City Council; and

WHEREAS, the term of office of all the appointed members of the Parks and Recreation Advisory Board expired on March 17, 2021; and

WHEREAS, Ordinance No. 98-42 also provides that the Parks and Recreation Advisory Board shall consist of five voting members and that each Council Member shall appoint one of the five members of said Board; and

WHEREAS, the persons herein named are qualified residents of the City of Eagle Pass.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAGLE PASS, TEXAS, that:

SECTION 1. The persons herein listed are hereby appointed as Members of the Parks and Recreation Advisory Board of the City of Eagle Pass:

1. _____
2. _____
3. _____
4. _____
5. _____

SECTION 2. The term of office for the above-mentioned members shall be for two years and shall expire on March 17, 2023.

SECTION 3. The Parks and Recreation Advisory Board shall follow the rules, procedures, duties, and responsibilities provided in Ordinance No. 98-42 as adopted and amended.

READ, PASSED AND APPROVED, this 30th Day of March, A.D., 2021.

ATTEST:

Luis E. Sifuentes
Mayor

Imelda B. Rodriguez
City Secretary

Item

#6

RESOLUTION NUMBER 2021-R

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF EAGLE PASS, TEXAS,
AUTHORIZING THE USE OF COMPETITIVE
SEALED PROPOSALS AS THE METHOD OF
PURCHASE THAT PROVIDES THE BEST
VALUE TO THE MUNICIPALITY FOR
INTERNATIONAL BRIDGE TOLL SYSTEM
UPGRADE**

WHEREAS, the City of Eagle Pass, Texas is a home-rule Municipal Corporation duly organized under the laws of the State of Texas;

WHEREAS, it is officially found, determined and declared that the meeting at which this resolution is adopted was open to the public and that public notice of the time, place and subject matter of the public business to be conducted at such meeting, including this resolution, as given to all as required by Title 5, Chapter 551 of the Texas Local Government Code, as amended;

WHEREAS, Section 252.021(c) of the Local Government Code provides that if the governing body of a municipality is considering using a method other than competitive sealed bidding it must determine before notice is given the method of purchase that provides the best value for the municipality;

WHEREAS, it is the desire of the City Council to use a method other than competitive sealed bidding for International Bridge Toll System Upgrade and repairs;

WHEREAS, the City Council finds and determines that the competitive sealed proposals method of purchase or procurement of goods and/or services provides the best value for the municipality for International Bridge Toll System Upgrade .

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAGLE PASS, TEXAS:

SECTION 1. All the above provisions are found to be true and correct and incorporated into this Resolution.

SECTION 2. The City Council of the City of Eagle Pass, Texas hereby finds and determines that the use of competitive sealed proposals (i.e. best value) will provide the best value for the City as it relates to International Bridge Toll System Upgrade and repairs and related services and it directs city staff to implement its findings and determinations;

SECTION 3. If any section, part, or provision of this Resolution is declared unconstitutional or invalid by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Resolution that

its parts shall be severable, and all other parts of this Resolution shall not be affected thereby and they shall remain in full force and effect; and

SECTION 4. This resolution is effective immediately upon its passage.

READ, PASSED, AND APPROVED this 2nd day of March, A.D., 2021.

ATTEST:

Luis E. Sifuentes
Mayor

Imelda B. Rodriguez
City Secretary

Item

#10

COUNCIL COMMUNICATION

MEETING DATE: March 30 th , 2021	SUBJECT OF DELIBERATION: Consideration and possible awarding for RFQ#2021-008 City of Eagle Pass Riskind Building Architectural Services
REQUESTED BY: Jesse Rodriguez, Finance Director	DEPARTMENT SOURCE: Finance Department
BACKGROUND/PREVIOUS ACTION: The City received two (2) proposals: LPA, Inc and Arquitexas	
COST:	BUDGETED or FUNDING SOURCE? : Grant Funded by U.S. Department of Commerce, Economic Development Administration (EDA).
RECOMMENDATION FROM DEPARTMENT DIRECTOR: To approve award	
FINANCE DIRECTOR'S COMMENTS: Same as above.	
CITY MANAGER'S COMMENTS:	
LEGAL COUNSEL COMMENTS:	
ATTACHMENTS: Bid Tabulation	
SUGGESTED MOTION: To award Arquitexas	