



**City Council
Special
Meeting
May 26, 2020**



A G E N D A

**CITY COUNCIL SPECIAL MEETING
TUESDAY MAY 26, 2020, AT 12:00 P.M. CST
COUNCIL CHAMBERS, CITY HALL BUILDING,
100 SOUTH MONROE STREET, EAGLE PASS,
MAVERICK COUNTY, TEXAS**

PURSUANT TO SECTION 551.122 OF THE TEXAS GOVERNMENT CODE AND THE DECLARATION BY GOVERNOR GREG ABBOTT ON MARCH 16, 2020, 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 May 26, 2020 FROM 9:00 AM TO 11:30 AM AT 830-773-1111 OR SEND EMAIL TO irodriguez@eaglepasstx.us

ESTABLISHMENT OF QUORUM

MOMENT OF REVERENCE

CITIZENS COMMUNICATIONS AND RECOGNITIONS

ORDINANCE(S)

1. Second reading of an ordinance deleting Section 19-58 (l) (3) of Chapter 19 of the Code of Ordinance and adding a new section 19-58 (l) (3) adopting a Charity Care Policy of EMS Services; 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.
2. Second reading of an ordinance of the City of Eagle Pass, Texas amending Section 19-146, Article VIII, Chapter 19 (Offenses and Miscellaneous); by adding new subsection (a), (b) to establish transactions and convenience fees ; 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)

3. Consideration and possible approval of a resolution supplementing and/or amending the current Disaster Declaration resolution by adding, modifying, and/or revising measures to prepare for, respond to and mitigate the spread of Covid-19.
4. 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 Westlakes Storm Drainage Improvements.

EXECUTIVE SESSION

5. Executive session pursuant to Section 551.071 & 551.072, Chapter 551, Texas Government Code – Consultation with attorney and deliberation about real property—regarding the donation agreement with WECO & Associates, Ltd and Amendment #1; 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, May 22, 2020 at 5:55 p.m.

Imelda B. Rodriguez
City Secretary

Item

#1

ORDINANCE NO. 2020-

AN ORDINANCE DELETING SECTION 19-58 (I) (3) OF CHAPTER 19 OF THE CODE OF ORDINANCES AND ADDING A NEW SECTION 19-58 (I) (3) ADOPTING A CHARITY CHARE POLICY FOR EMS SERVICES; 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 EMS Service is part of the Texas Ambulance Supplemental Payment Program in which ambulance providers may receive a supplemental payment if the provider's allowable costs exceed the fee-for-service revenues received during the same period; and

WHEREAS, beginning in fiscal year 2020, the program will be revised to reimburse providers for uncompensated Charity Care costs only and will no longer include reimbursement of uninsured and Medicaid shortfall costs; and

WHEREAS, the program requires that the City adopted a Charity Care policy in order to eligible for Charity Care cost reimbursement

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

SECTION 1. The City Manager, or his designee, shall adopt a Charity Care Policy and the procedures for administering the policy. The Charity Care Policy shall provide that the fees charged for ambulance services provided by the City may be fully or partially waived if the City is entitled to receive partial reimbursement under the federally approved Ambulance Supplemental Payment Program for the service provided to the persons as follows:

1. A 100% waiver if the person's adjusted gross income falls below 125% of the federal poverty line;
2. A 75% waiver if the person's adjusted gross income falls below 150% of the federal poverty line;
3. A 50% waiver if the person's adjusted gross income falls below 175% of the federal poverty line;
4. A 25% waiver if the person's adjusted gross income falls below 200% of the federal poverty line;

SECTION 2. Severability. If any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or unlawful by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of

this Ordinance, since the phrases, clauses, sentences, paragraphs, and sections would have been enacted by the city council without the incorporation in this Ordinance of any such unconstitutional or unlawful phrase, clause, sentence, paragraph, or section.

SECTION 3. This Ordinance shall become effective from and after its passage and publication as provided by law.

READ, PASSED, AND APPROVED ON FIRST READING, this 19th Day of May, A.D., 2020.

ATTEST:

Luis E. Sifuentes
Mayor

Imelda B. Rodriguez
City Secretary

AYES: Sifuentes, Davis, Villalpando, Ramon, Salinas
NAYS: None
ABSTAINED: None
ABSENT: None

READ, PASSED, AND APPROVED ON SECOND READING, this 26th Day of May, A.D., 2020.

ATTEST:

Luis E. Sifuentes
Mayor

Imelda B. Rodriguez
City Secretary

AYES:
NAYS:
ABSTAINED:
ABSENT:

READ, PASSED, AND APPROVED ON THIRD AND FINAL READING this _____ Day of _____, A.D., 2020.

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

#2

ORDINANCE NO. 2020

AN ORDINANCE OF THE CITY OF EAGLE PASS, TEXAS AMENDING SECTION 19-146, ARTICLE VIII, CHAPTER 19 (OFFENSES AND MISCELLANEOUS); BY ADDING NEW SUBSECTIONS (A), (B) TO ESTABLISH TRANSACTION AND CONVENIENCE FEES ; 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 Council of the City of Eagle Pass, Texas ("City Council") desires to revise and update certain fees involving services provided to the public by the City of Eagle Pass.

WHEREAS, in order for the City of Eagle Pass to collect said fees, it is necessary that the Council authorize the City Manager to do so by Ordinance.

WHEREAS, generally, Chapter 132 of the Texas Local Government Code authorizes the governing body of a municipality to authorize a municipal official who collects, fees, fines, court costs and other charges to accept payment by credit card and other electronic means and further authorizes the collection of a processing fee for use of a credit card and the collection of a service charge if a credit card is not honored by the credit card company;

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

SECTION 1. That Section 19-146, (a), (b), Article IX, Chapter 19 of the Code of Ordinance of the City of Eagle Pass, Texas, are adopted to read as follows:

ARTICLE IX. – MISCELLANEOUS FEES

Sec. 19-146. - Fees for other services-various departments

(a)

The city manager is hereby authorized and directed to collect the following fees for services provided by City departments:

Certification (City or Municipal Court Seal)	\$15.00
Subpoena (Questionnaire).....	\$25.00
Fee for Non-sufficient funds for returned checks (NSF).....	\$30.00
Letters of clearance (Municipal Court)	\$25.00

(b)

The City authorizes each department to set a processing fee in an amount that is reasonably related to the expense incurred by the municipality in processing the payment by credit card or other electronic means. However, the processing fee must not exceed five (5%) of the amount of the fee, fine, court cost, or other charge being paid.

SECTION 2. Severability. If any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or unlawful by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the phrases, clauses, sentences, paragraphs, and sections would have been enacted by the city council without the incorporation in this Ordinance of any such unconstitutional or unlawful phrase, clause, sentence, paragraph, or section.

SECTION 3. This Ordinance shall be in full force and effect from and after its final passage and publication thereof, in accordance with the City Charter of the City of Eagle Pass.

READ, PASSED, AND APPROVED ON FIRST READING, on this 19th Day of May, A.D., 2020.

ATTEST:

Luis E. Sifuentes
Mayor

Imelda B. Rodriguez
City Secretary

AYES: Sifuentes, Davis, Villalpando, Ramon, Salinas
 NAYS: None
 ABSTAINED: None
 ABSENT: None

READ, PASSED, AND APPROVED ON SECOND READING, on this 26th Day of May A.D., 2020.

ATTEST:

Luis E. Sifuentes
Mayor

Imelda B. Rodriguez
City Secretary

AYES:
NAYS:
ABSTAIND:
ABSENT:

READ, PASSED, AND APPROVED ON THIRD AND FINAL READING on this ___ Day of ___, A.D., 2020.

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 NUMBER 2020-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
WESTLAKES STORM DRAINAGE
IMPROVEMENTS**

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 Westlakes storm drainage improvements; and

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 Westlakes storm drainage improvements.

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 Westlakes storm drainage improvements 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 26th day of May, A.D., 2020.

ATTEST:

Luis E. Sifuentes
Mayor

Imelda B. Rodriguez
City Secretary