



**City Council
Special Meeting
October 12, 2021**



A G E N D A

**CITY COUNCIL SPECIAL MEETING
TUESDAY OCTOBER 12, 2021, AT 5:30 P.M. CST
COUNCIL CHAMBERS, CITY HALL BUILDING,
100 SOUTH MONROE STREET, EAGLE PASS,
MAVERICK COUNTY, TEXAS**

ESTABLISHMENT OF QUORUM

MOMENT OF REVERENCE

CITIZENS COMMUNICATIONS AND RECOGNITIONS

ORDINANCE(S)

1. Second reading of an ordinance amending Section 2-30 (k) and adding new subsections (o) and (p), Article II, Chapter 2 (Administration) of the Code of Ordinances of the City of Eagle Pass updating benefits and leave in compliance with recent statutory changes; 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)

2. 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 Construction Services for the Camino Real International Bridge.

OTHER BUSINESS

3. Consideration and possible awarding/rejection of Invitation for Bid for IFB#2021-026 for Aquatic Swim Center Repairs.
4. Consideration and possible approval of an agreement with Enterprise Fleet Management Trust for the Commercial Open-Ended Equity Fleet Management Program.
5. Consideration and possible awarding/rejection of bids Request for Proposal for RFP#2021-022 for the Design, Production, and Distribution for the Eagle Pass Magazine.

6. Discussion and possible action on Spectrum TV Public Access Channel.

WORKSHOP

7. Discussion and possible action regarding the City's Capital Improvement Plan

EXECUTIVE SESSION

8. Executive Session pursuant to Section 551.074 of Chapter 551, Texas Government Code- Discussion of Personnel-Evaluation of City Manager; 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.

C E R T I F I C A T I O N

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, October 8, 2021 at 4:50 p.m.

Imelda B. Rodriguez
TRMC, City Secretary

Item

#1

ORDINANCE NO. 2021-

AN ORDINANCE AMENDING SECTION 2-30 (k) AND ADDING NEW SUBSECTIONS (o) AND (p), ARTICLE II, CHAPTER 2 (ADMINISTRATION) OF THE CODE OF ORDINANCES OF THE CITY OF EAGLE PASS UPDATING BENEFITS AND LEAVE IN COMPLIANCE WITH RECENT STATUTORY CHANGES; 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, Section 2-30 of the Code of Ordinances addresses benefits and leave for military.

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

SECTION 1. Section 2-30 (k), Article II, Chapter 2 (Administration) of the Code of Ordinances of the City of Eagle Pass is hereby amended to read as follows:

Sec. 2-30 Benefits and leave

(k) *Military leave.* Employees who are members of the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard, Reserves or Public Health Service will be granted a leave of absence for military service, training, or related obligations in accordance with applicable law. Employees on military leave may substitute their accrued paid leave time for unpaid leave. At the conclusion of the leave, upon the satisfaction of certain conditions, an employee generally has a right to return to the same position he or she held prior to the leave or to a position with like seniority, status and pay that the employee is qualified to perform.

Military leave for state service.

- (1) An employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to a paid leave of absence from the employee's duties on a day on which the employee is engaged in authorized training or duty ordered or authorized by proper authority for not more than fifteen (15) workdays in a fiscal year. This paid military leave for state service shall be in addition to any other paid leave available to the employee.

- (2) **In addition to the leave provided under subsection (1) above, an employee described in subsection (1) above who is called to state active duty by the governor or another appropriate authority in response to a “disaster” is entitled to a paid leave of absence from the employee’s duties for each day the employee is called to active duty during the disaster, not to exceed seven (7) workdays in a fiscal year. For purposes of this subsection (2), "disaster" has the meaning assigned by Section 418.004 of the Texas Government Code.**

Employees requiring leave for state service under subsections (1) and (2) above, shall schedule their leave and submit any supporting documentation to their supervisor and their department head. Employees requiring military leave for state service are entitled to return to the same job position held when ordered to training or duty and will not be subjected to loss of time, efficiency rating, vacation time, or any benefit of employment during or because of the absence. Employees should, as soon as practicable after release from duty, provide their supervisor and/or department head with written or actual notice of intent to return to employment.

After the first fifteen (15) or seven (7) working days of military leave for state service, as applicable, employees may, at their option, use any or all **available** paid vacation time or other leave during their absence until such accrued paid leave has been expended.

Unused military leave for state service in a fiscal year cannot be carried over to a subsequent year.

SECTION 2. Section 2-30 (o), and (p) Article II, Chapter 2 (Administration) of the Code of Ordinances of the City of Eagle Pass is hereby adding new subsections to read as follows:

Sec. 2-30 Benefits and leave

(o) *QUARANTINE LEAVE*

Fire fighters, peace officers, detention officers and emergency medical technicians who are ordered to quarantine or isolate by their supervisor or a county health authority due to a possible or known exposure to a communicable disease while on duty are entitled to receive paid leave for the duration of the quarantine/isolation period. The City of Eagle Pass will not reduce an eligible employee’s sick leave balance, vacation leave balance,

holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with this policy.

For purposes of this policy, the term:

- (1) “Emergency Medical Technician” means a paid employee of the City who is certified as an emergency medical technician under Chapter 773, Health and Safety Code.
- (2) “Fire fighter” means a paid employee of the City’s fire department who: (a) holds a position that requires substantial knowledge of firefighting; (b) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and (c) performs at least one of the following functions: (i) fire suppression; (ii) fire prevention; (iii) fire training; (iv) fire safety education; (v) fire maintenance; (vi) fire communications; (vii) fire medical emergency technology; (viii) fire photography; (ix) fire administration; or (x) fire arson investigation.
- (3) “Peace officer” means police officers licensed by the Texas Commission on Law Enforcement and employed by the City.
- (4) “Paid quarantine leave” means: (a) all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits provided by the City; and (b) if applicable, reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation costs.

The employee’s supervisor will work with the employee’s Department Head in conjunction with Human Resources to determine eligibility and the duration of paid quarantine leave under this policy.

(p) MENTAL HEALTH LEAVE

DEFINITIONS

1. Traumatic event is an event which occurs in the peace officer(s) or fire fighter(s) scope of employment when the officer or fire fighter is involved in the response to, or investigation of, an event that causes the officer or firefighter to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.

Traumatic events may include, but are not limited to, the following:

- (a) Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties;
 - (b) Incidents involving multiple casualties which may include shootings or traffic accidents;
 - (c) Line of duty death or suicide of a department member;
 - (d) Death of a child resulting from violence or neglect;
 - (e) Officer(s) involved shooting of a person.
2. Mental health leave is administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer's employment.
 3. Mental Health Professional means a licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

REQUESTS AND DURATION OF LEAVE

Any peace officer **or firefighter** who is directly involved in a "traumatic event" may submit a written request to **their** Department Head and/or the City's Human Resource Department requesting up to **three** (3) working days of paid mental health leave per calendar year, subject to the following conditions:

1. the leave must be:
 - a. approved by the City's Human Resources Department; or
 - b. ordered by a mental health professional; and
2. the leave must be taken as a result of a traumatic event that occurred while on duty.

Additional three-day extensions of mental health leave may be available under certain circumstances. Any request for an extension of mental health leave should be accompanied by documentation from a mental health professional who is treating the officer **or fire fighter**. Each officer **or fire fighter** may request no more than two extensions, each supported by sufficient documentation. The City's Human Resources Department is responsible for granting any extension(s) upon receipt of a request.

A request for mental health leave under this policy shall be treated as a priority matter and a decision on the granting of the leave shall be made as soon as practicable following the submission of the written request and any necessary documentation.

NO EFFECT ON PAID LEAVE BALANCES

The City of Eagle Pass will not reduce an eligible employee's sick leave, vacation leave, holiday, or other paid leave balance for mental health leave taken under this policy.

CONFIDENTIALITY

Requests for mental health leave under this policy shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the peace officer's or fire fighter's immediate chain of command, and only as necessary to facilitate the use of the leave.

Confidentiality may be waived by the peace officer or fire fighter seeking mental health leave, or under circumstances that indicate the peace officer or fire fighter is a danger to himself/herself or others and department personnel must confer with mental health professionals regarding the employee.

SECTION 4.

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 5.

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 5th Day of October, A.D., 2021.

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

AYES: Salinas, Diaz, Ramon, Cruz
NAYS: None
ABSTAINED: None
ABSENT: Davis

READ, PASSED, AND APPROVED ON SECOND READING, this 12th Day of October, A.D., 2021.

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

AYES:
NAYS:
ABSTAINED:
ABSENT:

READ, PASSED, AND APPROVED ON THIRD AND FINAL READING this ____ Day of _____ A.D., 2021.

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

AYES:
NAYS:
ABSTAINED:
ABSENT:

APPROVED AS TO LEGALITY:

Langley & Banack, Inc.
City Attorney

Item

#2

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
CONSTRUCTION SERVICES FOR THE
CAMINO REAL INTERNATIONAL BRIDGE**

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
Construction Services for the Camino Real
International Bridge;**

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 Construction Services for the Camino Real International Bridge.

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 Construction Services for the Camino Real International Bridge 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 12th day of October, A.D., 2021.

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

Item

#3

COUNCIL COMMUNICATION

MEETING DATE: October 12, 2021	SUBJECT OF DELIBERATION: Consideration and possible awarding for IFB#2021-026 Aquatic Swim Center Repairs
REQUESTED BY: Jesse Rodriguez, Finance Director	DEPARTMENT SOURCE: Finance Department
BACKGROUND/PREVIOUS ACTION: The City received one (1) proposal: 4ward Construction	
COST: \$75,543.75	BUDGETED or FUNDING SOURCE? : General Fund (Parks & Rec)
RECOMMENDATION FROM DEPARTMENT DIRECTOR: To approve award	
FINANCE DIRECTOR'S COMMENTS: Same as above.	
CITY MANAGER'S COMMENTS:	
LEGAL COUNSEL COMMENTS:	
ATTACHMENTS:	
SUGGESTED MOTION: To award 4ward Construction	

City of Eagle Pass
IFB # 2021-026
AQUATIC SWIM CENTER REPAIRS
SEP 10, 2021 @ 3:00pm

RESPONSES RECEIVED

COMPANY NAME
4word construction / \$244,177.25 - 16 weeks

Minerva Delgado
