



**City Council
Special Meeting
June 13, 2023**



A G E N D A

**CITY COUNCIL SPECIAL MEETING
TUESDAY, JUNE 13, 2023, AT 5:30 P.M. CST
COUNCIL CHAMBERS, CITY HALL,
100 SOUTH MONROE STREET, EAGLE PASS,
MAVERICK COUNTY, TEXAS**

ESTABLISHMENT OF QUORUM

MOMENT OF REVERENCE

CITIZENS COMMUNICATIONS AND RECOGNITIONS

MAYOR'S CONSENT AGENDA ANNOUNCEMENT

A Consent Agenda is contained in this meeting agenda. The consent agenda is designed to assist in making the meeting shorter and more efficient. Items left on the Consent Agenda may not be discussed when the Consent Agenda comes before the Council. If any Council Member wishes to discuss a Consent Agenda item, please tell me now and I will remove the Item from the Consent Agenda and place it in an appropriate place on the meeting agenda so it can be discussed when that item is taken up by the Council. Does any Council Member request removal of a Consent Agenda item?

CONSENT AGENDA ITEMS

1. Second reading of an ordinance changing the zoning district classification of 2.114 acres located in Survey 8, Abstract Number 1111, Maverick County, Texas, and being part of and out of Block a of Holly Park Subdivision Unit 5 according to the map of recorded under envelope 48, Side B of the map records of Maverick County, Texas, for reference, said 2.114 acre tract being that certain called 2.1117 acre tract conveyed from Maxey Family Limited Partnership, a Texas Limited Partnership, to Daniel W. Hartman and wife, Irma Alicia Hartman by warranty deed with vendor's lien recorded under book 560, page 70 of the official public records of Maverick County, Texas, said 2.114 acre tract also being that certain called 2.117 acre tract conveyed from Kalyk Development, LLC, to Lewis E. Stock by warranty deed recorded under book 1876, page 460 of the official public records of Maverick County, Texas, from B-1 Neighborhood Business District to B-3 General Business District :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 amending Chapter 27 (Water and Sewer), Article II, Sections 27-40 and 27-41 of the Code of Ordinances of the City of Eagle Pass, Texas to update; 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.

3. Third and final reading of an ordinance of the City of Eagle Pass Code of Ordinances establishing a Public Health Department under Texas Health and Safety Code Section 121; 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.

ORDINANCE(S)

4. Consideration and possible approval of an ordinance amending Section 5-32, Article III, Chapter 5 (Alcoholic Beverages) of the Code of Ordinances of the City of Eagle Pass, Texas, to include Fifty-Seven Heights Subdivision Unit #2 Block 1 Lot 1 (2927 E. Main Street), within the areas in which the sale of alcoholic beverages for consumption on the premises is permitted; 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)

5. Consideration and possible approval of a resolution of the City Council of the City of Eagle Pass, Texas supporting City of Eagle Pass application to the Texas Department of Transportation's 2023 Transportation Alternatives Set-Aside (ta) call for projects.

EXECUTIVE SESSION

6. Executive Session pursuant to Sections 551.071 & 551.074 of Chapter 551, Texas Government Code—Consultation with Attorney and Personnel Matters— regarding the evaluation, and possible termination, of legal services with Langley and Banack, Incorporated, 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 Assistant City Secretary, do hereby certify that the Notice of Meeting was posted on the bulletin board located in the lobby at City Hall, 100 South Monroe Street, Eagle Pass, Texas, on Friday, June 9, 2023, at 4:00 p.m.

Ita A. Cortinas
Assistant City Secretary

Item

#1

ORDINANCE NO. 2023

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF 2.114 ACRES LOCATED IN SURVEY 8, ABSTRACT NUMBER 1111, MAVERICK COUNTY, TEXAS, AND BEING PART OF AND OUT OF BLOCK A OF HOLLY PARK SUBDIVISION UNIT 5 ACCORDING TO THE MAP OF RECORDED UNDER ENVELOPE 48, SIDE B OF THE MAP RECORDS OF MAVERICK COUNTY, TEXAS, FOR REFERENCE, SAID 2.114 ACRE TRACT BEING THAT CERTAIN CALLED 2.1117 ACRE TRACT CONVEYED FROM MAXEY FAMILY LIMITED PARTNERSHIP, A TEXAS LIMITED PARTNERSHIP, TO DANIEL W. HARTMAN AND WIFE, IRMA ALICIA HARTMAN BY WARRANTY DEED WITH VENDOR'S LIEN RECORDED UNDER BOOK 560, PAGE 70 OF THE OFFICIAL PUBLIC RECORDS OF MAVERICK COUNTY, TEXAS, SAID 2.114 ACRE TRACT ALSO BEING THAT CERTAIN CALLED 2.117 ACRE TRACT CONVEYED FROM KALYK DEVELOPMENT, LLC, TO LEWIS E. STOCK BY WARRANTY DEED RECORDED UNDER BOOK 1876, PAGE 460 OF THE OFFICIAL PUBLIC RECORDS OF MAVERICK COUNTY, TEXAS, FROM B-1 NEIGHBORHOOD BUSINESS DISTRICT TO B-3 GENERAL BUSINESS DISTRICT :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, a Public Hearing of the Planning and Zoning Commission of the City of Eagle Pass was held on May 11, 2023, at 5:30 p.m. in the Council Chambers at City Hall, after publication of notice thereof as required by law, on the proposal to change the zoning district classification as stated in the CAPTION hereof; and

WHEREAS, a Public Hearing of the City Council of the City of Eagle Pass was held on June 6, 2023, at 5:30 p.m. in the Council Chambers at City Hall, after publication of notice thereof as required by law, on the proposal to change the zoning district classification as stated in the CAPTION hereof; and

WHEREAS, following the Planning and Zoning Commission public hearing and meeting, the Planning and Zoning Commission recommended to the City Council that the proposed rezoning be effected; and

WHEREAS, the City Council of the City of Eagle Pass is of the opinion that it is in the best interest of the City and its residents to effect such a change in order to promote orderly development of the City.

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

SECTION 1. 2.114 acres located in survey 8, Abstract Number 1111, Maverick County,

Texas, and being part of and out of Block A of Holly Park Subdivision Unit 5 according to the map of recorded under envelope 48, Side B of the map records of Maverick County, Texas, for reference, said 2.114 acre tract being that certain called 2.1117 acre tract conveyed from Maxey family Limited Partnership, a Texas limited partnership, to Daniel W. Hartman and wife, Irma Alicia Hartman by warranty deed with vendor's lien recorded under Book 560, Page 70 of the official public records of Maverick County, Texas, said 2.114 acre tract also being that certain called 2.117 acre tract conveyed from Kalyk Development, LLC, to Lewis E. Stock by warranty deed recorded under Book 1876, Page 460 of the official public records of Maverick County, Texas, from B-1 Neighborhood Business District to B-3 General Business District.

SECTION 2.

This Ordinance shall not be construed to interfere with, or to abrogate or annul any previously adopted Zoning Ordinances of the City of Eagle Pass nor the "Zoning District Map--Eagle Pass, Texas" therein referred to, except to the extent and in the particulars hereinabove specifically provided; and neither said Zoning Ordinance, nor said Map shall be otherwise affected hereby.

SECTION 3.

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.

READ, PASSED, AND APPROVED ON FIRST READING on this 13th Day of June, A.D., 2023.

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

AYES:
NAYS:
ABSTAINED:

ABSENT:

READ, PASSED, AND APPROVED ON SECOND READING, this ____ Day of _____, A.D., 2023.

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., 2023.

ATTEST:

Rolando Salinas
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. 2023

AN ORDINANCE AMENDING CHAPTER 27 (WATER AND SEWER), ARTICLE II, SECTIONS 27-40 AND 27-41 OF THE CODE OF ORDINANCES OF THE CITY OF EAGLE PASS, TEXAS TO UPDATE; 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

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

SECTION 1. That Chapter 27, Article II, Sections 27-40 and 27-41 of the City's Code of Ordinances is hereby amended to read as follows the rest remains the same:

Sec. 27-40. Flush toilets connected to sewers, required when within two hundred feet of sewer line.

Every structure, building or property (plat) used or intended to be used for human habitation or occupancy, as a place of residence or as a place of business or otherwise, upon premises situated within the territorial limits of the city and within a distance of two hundred (200) feet from a public sewer line, shall be equipped, by the record owner of such premises or by the agent of such owner, with sanitary water flush closets connected for operation with sewer line in the most direct manner possible and with a separate sewer connection for each such structure, building or property (plat) situated on such premises before a water connection can be issued.

Sec. 27-4. Flush toilets connected to septic tanks, required when not within two hundred feet of sewer line.

Every structure, building or property (plat) used or intended to be used for human habitation or occupancy, as a place of residence or as a place of business or otherwise, upon premises situated within the territorial limits of the city, but not within a distance of two hundred (200) feet from a public sewer line, shall be equipped, by the record owner of such premises or by the agent of such owner, with sanitary water flush closet or closets connected for operation with either a septic tank or a cesspool, before a water connection can be issued, to be of a construction approved by the city health officer or by the director of the Southwestern Texas Health Unit or his assistant.

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 phase, 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 6th Day of June, A.D., 2023.

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

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

READ, PASSED, AND APPROVED ON SECOND READING, this 13th Day of June, A.D., 2023.

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., 2023.

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

AYES:
NAYS:
ABSTAINED:
ABSENT:

APPROVED AS TO FORM AND LEGALITY:

Langley & Banack, Inc.
City Attorney

Item

#3

ORDINANCE NO. 2023-

**AN ORDINANCE OF THE CITY OF EAGLE PASS
CODE OF ORDINANCES ESTABLISHING A
PUBLIC HEALTH DEPARTMENT UNDER
TEXAS HEALTH AND SAFETY CODE SECTION
121**

WHEREAS, the City of Eagle Pass, Texas recognizes the importance of maintaining and improving the public health of its residents and visitors; and

WHEREAS, Subchapter D of Chapter 121 of the Texas Health and Safety Code provides for the establishment of a local health department to promote and protect public health; and

WHEREAS, a public health department can provide essential public health services, including disease prevention and control, environmental health services, emergency preparedness and response, and health education and promotion; and

WHEREAS, the City of Eagle Pass, Texas desires to establish a public health department to protect and promote the public health and welfare of its citizens, to prevent the spread of communicable diseases, and to ensure a safe and healthy environment for all residents and visitors.

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

SECTION 1: There is hereby established a Public Health Department for the City of Eagle Pass, hereinafter referred to as the "Department," pursuant to the provisions of Subchapter D of Chapter 121 of the Texas Health and Safety Code.

SECTION 2: The Department is established for the purpose of promoting and protecting public health, preventing disease and injury, and ensuring a healthy environment for the residents and visitors of the City of Eagle Pass, Texas. The Department may provide essential public health services, as defined in Section 121.002 of the Texas Health and Safety Code, including but not limited to:

- a) Disease prevention and control, including investigations of infectious diseases, contact tracing, and disease surveillance;
- b) Emergency preparedness and response, including planning and response to natural disasters, outbreaks of infectious disease, and other public health emergencies; and
- c) Health education and promotion, including outreach and education to promote healthy behaviors, prevent chronic diseases, and improve the overall health of the community.

SECTION 3: The Department shall be organized in accordance with the provisions of Chapter 121 of the Texas Health and Safety Code and shall operate under the direction of

a Director appointed by the City Council, who shall be the chief administrative officer, and if the Director is a physician, the Director is also the Health Authority; however, if the Director is not a physician, the Director shall appoint a physician as the health authority, subject to the approval of the City Council and the Department.

SECTION 4: The Department shall have the powers and duties provided for in Chapter 121 of the Texas Health and Safety Code, including, providing essential public health services to:

- a) monitor the health status of individuals in the community to identify community health problems;
- b) diagnose and investigate community health problems and community health hazards;
- c) inform, educate, and empower the community with respect to health issues;
- d) mobilize community partnerships in identifying and solving community health problems;
- e) develop policies and plans that support individual and community efforts to improve health;
- f) enforce laws and rules that protect the public health and ensure safety in accordance with those laws and rules;
- g) link individuals who have a need for community and personal health services to appropriate community and private providers;
- h) ensure a competent workforce for the provision of essential public health services;
- i) research new insights and innovative solutions to community health problems; and
- j) evaluate the effectiveness, accessibility, and quality of personal and population-based health services in a community.

SECTION 5: The Department shall be funded by the City of Eagle Pass and may receive grants and other funding as provided for by law.

SECTION 6: The Department may contract with individuals or entities to perform services, provide goods, or otherwise assist in the operation of the Department.

SECTION 7. 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 8. This ordinance shall be in full force and effect from and after its final passage and publication as provided by law.

READ, PASSED, AND APPROVED ON FIRST READING on this 15th Day of May, A.D., 2023.

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

AYES: Salinas, Diaz, Garcia
NAYS: None
ABSTAINED: None
ABSENT: Davis and Cruz

READ, PASSED, AND APPROVED ON FIRST READING on this 6th Day of June, A.D., 2023.

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

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

READ, PASSED, AND APPROVED ON FIRST READING on this 13th Day of June, A.D., 2023.

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

AYES:
ABSTAINED:
ABSENT:

APPROVED AS TO FORM AND LEGALITY:

Langley & Banack, Inc.
City Attorney

Item

#4

ORDINANCE NO. 2023-07

AN ORDINANCE AMENDING SECTION 5-32, ARTICLE III, CHAPTER 5 (ALCOHOLIC BEVERAGES) OF THE CODE OF ORDINANCES OF THE CITY OF EAGLE PASS, TEXAS, TO INCLUDE FIFTY-SEVEN HEIGHTS SUBDIVISION UNIT #2 BLOCK 1 LOT 1 (2927 E. MAIN STREET), WITHIN THE AREAS IN WHICH THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES IS PERMITTED; 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

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

SECTION 1. Section 5-32, Article III, Chapter 5 of the Code of Ordinances of the City of Eagle Pass, Texas, is hereby amended by adding at the end of the description, therein contained, of the areas in which alcoholic beverages may be sold, given, or dispensed, or delivered for consumption on the premises, the following language to-wit:

“Fifty-Seven Heights Subdivision Unit #2 Block 1 Lot 1 (2927 E. Main Street).”

SECTION 2. 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 3. This Ordinance shall be in full force and effect from and after its final passage in accordance with the City Charter of the City of Eagle Pass.

READ, PASSED, AND APPROVED ON FIRST READING, on this 13th Day of June, A.D., 2023.

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

AYES:
NAYS:
ABSTAINED:
ABSENT:

**READ, PASSED, AND APPROVED ON SECOND READING, this _____ Day of, A.D.,
_____ 2023.**

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

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

**READ, PASSED, AND APPROVED ON THIRD AND FINAL READING this _____ Day
of _____, A.D., 2023.**

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

AYES:
NAYS:
ABSTAINED:
ABSENT:

APPROVED AS TO FORM AND LEGALITY:

Langley & Banack, Inc.
City Attorney

Item

#5

RESOLUTION NO. 2023-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAGLE PASS, TEXAS SUPPORTING CITY OF EAGLE PASS APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2023 TRANSPORTATION ALTERNATIVES SET-ASIDE (TA) CALL FOR PROJECTS

WHEREAS, the Texas Department of Transportation issued a call for communities to apply for funding assistance through the Transportation Alternatives Set-Aside (TA) Program.

WHEREAS, the TA funds may be used for development of preliminary engineering (plans, specifications, and estimates and environmental documentation) and construction of pedestrian and/or bicycle infrastructure. The TA funds require a local match, comprised of cash or Transportation Development Credits (TDCs), if eligible. The City of Eagle Pass would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds.

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

SECTION 1. The City of Eagle Pass supports funding this project as described in the 2023 TA Detailed Application (including the preliminary engineering budget, if any, construction budget, the department's 15% direct state cost for oversight, and the required local match, if any) and is willing to commit to the project's development, implementation, construction, maintenance, management, and financing. The City of Eagle Pass is willing and able to enter into an agreement with the department by resolution or ordinance, should the project be selected for funding.

READ, PASSED, AND APPROVED, this 16th Day of June, A.D., 2023.

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary