



The Board of Trustees of the City of Eagle Pass Water Works System will meet in a REGULAR SESSION on Wednesday, January 30, 2019 at 12:00 noon at the office of the City of Eagle Pass Water Works System, 2107 N. Veterans Blvd., Eagle Pass, Maverick County, Texas.

AGENDA

1. Establishment of quorum.
2. Citizens Communication.
3. Approval of the minutes of the meeting held on December 5, 2018.
4. Presentation from PFM on financial advisory services.
5. Discussion and possible action on awarding bid for the EPWWS Cast Iron Replacement Project TWDB ID 62556.
6. Discussion and possible action on awarding bid for the EPWWS Elevated Storage Tanks Rehabilitation Project TWDB ID 62556.
7. Discussion and possible action on awarding bid for the EPWWS Water Treatment Plant and Belt Filter Press Building Project TWDB ID 62556.
8. Discussion and possible action on awarding bid for the EPWWS New Ground Storage Tanks Project TWDB ID 62556.
9. Discussion and possible action on awarding bid for the EPWWS Roosevelt Street Water Main Replacement Project.
10. Discussion and possible action on a Resolution to approve the purchase of 500 acre feet per annum of Rio Grande River Class "B" irrigation water rights from Starr Produce Company, ("Seller") ("Water Rights") at a purchase price of \$600,000 (\$1,200 per acre foot); and to authorize and delegate to the General Manager the authority to negotiate, finalize and execute any and all documents related to the purchase of the Water Rights, finalizing the purchase transaction and changing the (i) ownership (i.e., by severing the Water Rights from Seller's Certificate of Adjudication No. 23-787, as amended, and transferring the Water Rights to the City of Eagle Pass Water Works System ("EPWWS")); (ii) place and purpose of use (i.e., conversion of the 500 acre feet per annum of irrigation Water Rights to 200 acre feet per annum of municipal use water rights); and (iii) point of diversion of the Water Rights before the Texas Commission on Environmental Quality ("TCEQ") as well as the further right to participate in all

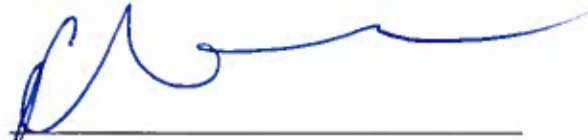
necessary proceedings before the TCEQ to change the ownership, place and purpose of use, and point of diversion of the Water Rights to final conclusion; and to further authorize and delegate to Starr Produce Company, as the Seller the authority to file on behalf of EPWWS all necessary application(s) with the TCEQ requesting that the Water Rights be severed from Seller's Certificate of Adjudication No. 23-787, as amended, and transferred to EPWWS, and that the place and purpose of use, and the point of diversion of the Water Rights be changed all as required by EPWWS.

11. Consultation with the Eagle Pass Water Works System's attorneys regarding legal matters related to Eagle Point Ranch, LP, Robert Mayo and Rick Anderson (Plaintiffs) v. City of Eagle Pass Water Works System, City of Eagle Pass, and Robert Gonzalez (Defendants); Cause No. 18-12-36712-MCV; In the District Court, 23rd Judicial District, Maverick County, Texas, pursuant to Section 551.071 of the Texas Government Code.

12. General Manager's Update.

a. Update on 4th Annual Water and Wastewater Regional Conference.

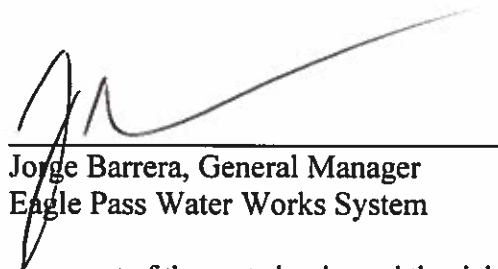
13. Adjourn



Claudia Wright, Chairwoman
City of Eagle Pass Water Works System

CERTIFICATION

This is to certify that the above Notice of Meeting was posted on the Bulletin Board at the City Hall, in Eagle Pass, Maverick County, Texas, on Friday, January 25, 2019 at 12:00 pm.



Jorge Barrera, General Manager
Eagle Pass Water Works System

The Water Works Board 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 under Chapter 551 of the Texas Government Code.

The Board of Trustees of the City of Eagle Pass Water Works System met in REGULAR SESSION on December 5, 2018 at 12:00 noon at the office of the City of Eagle Pass Water Works System, 2107 N. Veterans Blvd., Eagle Pass, Maverick County, Texas.

MEMBERS PRESENT: Marco Salinas, Johnny Ruiz and Jose C. Rodriguez
MEMBERS ABSENT: Claudia Wright, Mayor Ramsey English Cantu
OTHERS PRESENT: Jorge Barrera, Rafael Garza and Alicia Flores

- Citizens Communication - None

-The Minutes of the meeting held on November 7, 2018 were read and approved on a motion by Johnny Ruiz, seconded by Jose C. Rodriguez.

- In the matter of discussion and possible action on approval on a 30 year water and sewer service availability agreements for Replat of lot 2, Block 1 of Northridge Subdivision, the agreements were presented to the Board along with the plans of the area and all questions were answered by Administration.

Thereafter, Jose C. Rodriguez made a motion, seconded by Johnny Ruiz to approve the 30 year water and sewer service availability agreements for Replat of lot 2, Block 1 of Northridge Subdivision.

The motion passed with the following vote:

AYE	Marco Salinas, Johnny Ruiz and Jose C. Rodriguez
NAY	None
ABSTAIN	None

- In the matter of consideration and possible action to amend Water Conservation Plan 2018, the general manager explained that the utility profile was updated and the form TCEQ submitted was used and that sections IV: Metering, Control of Unaccounted Water, Leak Detection and Repair and VI: Record Management System were updated to include the language TCEQ requested.

Thereafter, Johnny Ruiz made a motion, seconded by Jose C. Rodriguez to amend Water Conservation Plan 2018 on December 5, 2018.

The motion passed with the following vote:

AYE	Marco Salinas, Johnny Ruiz, and Jose C. Rodriguez
NAY	None
ABSTAIN	None

- In the matter of discussion and possible action on ratifying the expenditure of funds in the amount of \$112,025.00 for procurement of emergency sewer utility repair services by Alvin E. Stock Contractors (and memorialized in a contract between the City of Eagle Pass Water Works System and Alvin E. Stock Contractors in the amount \$112,025.00) to repair, reconstruct and reroute a 30-inch sewer main break within an existing easement located and a new easement to be located on a 74-acre tract of land out of Survey 40, Abstract 77 and Survey 41, Abstract 836 lying and situated in Maverick County, Texas and owned by Rio Estates, Ltd. in order to preserve and protect the public health and safety of the residents in and around the area of the sewer main break, Administration explained to the Board what had happened to line in the area.

An emergency situation occurred with a 30" wastewater line, it had to be plugged, bypassed and repaired. A. E. Stock Contractors, who are bonded, were asked to submit a price for the work. The price of \$112,025.00 was good and fair and being an emergency, immediately was asked to fix the wastewater line.

Thereafter, Marco Salinas made a motion, seconded by Jose C. Rodriguez to ratify the expenditure of funds in the amount of \$112,025.00 for procurement of emergency sewer utility repair services by Alvin E. Stock Contractors to repair, reconstruct and reroute a 30-inch sewer main break.

The motion passed with the following vote:

AYE	Marco Salinas, Johnny Ruiz, and Jose C. Rodriguez
NAY	None
ABSTAIN	None

- Discussion and possible action on a resolution (i) ratifying a Right of Entry Agreement between the City of Eagle Pass Water Works System ("System") and Rio Estates, Ltd. granting the System consent to immediate entry and possession of a land area comprising a new easement (as described in the Right of Entry Agreement) to be located on a 74-acre tract of land out of Survey 40, Abstract 77 and Survey 41, Abstract 836 lying and situated in Maverick County, Texas and owned by Rio Estates, Ltd. to repair, reconstruct and reroute a 30-inch sewer main break within the new easement in order to preserve and protect the public health and safety of the residents in and around the area of the sewer main break; (ii) ratifying the expenditure of \$2,000 for the Right of Entry Agreement; and (iii) authorizing and directing the System to acquire, by negotiation or condemnation, a new easement from Rio Estates, Ltd. as described in the Right of Entry Agreement for the public improvements including sewer facilities, subject to City Council approval; and (iv) recommending that the City Council of Eagle Pass authorize and direct the System to acquire, by negotiation or condemnation, a new easement from Rio Estates, Ltd. As described in the Right of Entry Agreement for the public purpose of using the new easement for public improvements including sewer facilities.

Thereafter, Jose C. Rodriguez made a motion, seconded by Johnny Ruiz to ratify a Right of Entry Agreement between the City of Eagle Pass Water Works System ("System") and Rio Estates, Ltd. granting the System consent to immediate entry and possession of a land area comprising a new easement (as described in the Right of Entry Agreement) to be located on a

74-acre tract of land out of Survey 40, Abstract 77 and Survey 41, Abstract 836 lying and situated in Maverick County, Texas and owned by Rio Estates, Ltd. to repair, reconstruct and reroute a 30-inch sewer main break within the new easement in order to preserve and protect the public health and safety of the residents in and around the area of the sewer main break for \$2,000.00.

The motion passed with the following vote:

AYE	Marco Salinas, Johnny Ruiz, and Jose C. Rodriguez
NAY	None
ABSTAIN	None

- General Managers Update:

a. General Manager updated the Board that EPWWS had two pre-bid meetings with contractors for Cast Iron Pipe Replacement Project and the Water Plant expansion.

- Meeting was adjourned by a motion by Jose C. Rodriguez, seconded by Johnny Ruiz at 1:02 pm.

Claudia Wright, Chairwoman
Eagle Pass Water Works System

Marco Salinas, Vice Chairman
Eagle Pass Water Works System

Eagle Pass Water Works System (EPWWS)
 Cast Iron Pipe Replacement Project (CIPRP)
RFCSP Tabulation
 Engineer: Tetra Tech Inc.
 Prepared by: Jaime Kypuros

12/21/2018

	Proposer	Base Bid	Base Bid Plus Alternates
	<i>Estimate</i>	\$ 18,215,291.97	\$ 20,221,631.31
Bid No. 1	A E Stock Contractor Ltd.	\$ 20,174,864.25	\$ 22,435,015.50
Bid No. 2	Thermavue Solutions Inc.	\$ 14,820,262.57	\$ 16,604,016.47
Bid No. 3			
Bid No. 4			

*Note: No Bid Bond therefore deemed as "non-responsive bid"

Elevated Storage Tank Rehabilitation
 Bid Tabulation
 Engineer: Tetra Tech Inc.
 Prepared by: Jaime Kypuros
 1/8/2019

	<u>Proposer</u>	<u>Base Bid</u>	<u>Base Bid Plus Alternates</u>	<u>Total Price (Base, Alternates, & Supplemental)</u>	<u>Grand Total</u>
	Engineering Estimate	\$ 1,770,122.16	\$ 230,000.00	\$ 200,000.00	\$ 2,200,122.16
Proposal No. 1	Gulf States Protective Coatings	\$ 1,515,335.00	\$ 178,900.00	\$ 420,000.00	\$ 2,114,235.00
Proposal No. 2	E.J. Chris Contracting	\$ 1,880,000.00	\$ 166,000.00	\$ 153,500.00	\$ 2,199,500.00
Proposal No. 3	N.G. Painting	\$ 2,108,000.00	\$ 201,500.00	\$ 137,500.00	\$ 2,447,000.00
Proposal No. 4	Thermavue	\$ 1,368,403.20	\$ 240,837.00	\$ 156,100.00	\$ 1,765,340.20

* Review Committee
 Recommended Contractor

* No bid bond therefore
 deemed "non-responsive"

Eagle Pass Water Works System (EPWWS)
Water Treatment Plant Expansion and Improvements Projects
Bid Tabulation
Engineer: Tetra Tech Inc.
Prepared by: Jaime Kypuros
1/15/2019

	Proposer	Cost Proposal
	Estimate	\$ 12,158,000.00
Bidder No. 1	Associated Construction Partners	\$ 14,700,000.00
Bidder No. 2		
Bidder No. 3		



EAGLE PASS WATER WORKS SYSTEM

BID TABULATION

Roosevelt St. Water Main Replacement

DUE DATE/TIME: 01/25/2019 at 9:00am

Conducted by: Rafael H. Garza Jr.

Witnessed by: Miguel A. Sanchez

Bidder Name	Date in	Time in	Amount
ALVIN E. STOCK CONTRACTOR, HD.	JAN 24, 2019	3:32PM	\$119,742.10
S.E. Utilities Contractor, LLC	JAN 25, 2019	8:01 AM	\$135,250.00
4WARD CONSTRUCTION LLC	JAN 25, 2019	8:48AM	\$170,000.00

RESOLUTION 2019 WR-6

OF THE CITY OF EAGLE PASS WATER WORKS SYSTEM ("EPWWS") BOARD OF TRUSTEES APPROVING THE PURCHASE OF 500 ACRE FEET PER ANNUM OF RIO GRANDE CLASS "B" IRRIGATION WATER RIGHTS FROM STARR PRODUCE COMPANY ("SELLER") ("WATER RIGHTS") AT A PURCHASE PRICE OF \$600,000.00 (\$1200.00 PER ACRE FOOT); AND TO AUTHORIZE AND DELEGATE TO THE GENERAL MANAGER THE AUTHORITY TO NEGOTIATE , FINALIZE AND EXECUTE ANY AND ALL DOCUMENTS RELATED TO THE PURCHASE OF THE WATER RIGHTS, FINALIZING THE PURCHASE TRANSACTION AND CHANGING THE (I) OWNERSHIP (I.E., BY SEVERING THE WATER RIGHTS FROM SELLER'S CERTIFICATE OF ADJUDICATION NO. 23-787, AS AMENDED, AND TRANSFERRING THE WATER RIGHTS TO EPWWS); (II) PLACE AND PURPOSE OF USE (I.E., CONVERSION OF THE 500 ACRE FEET PER ANNUM OF IRRIGATION WATER RIGHTS TO 200 ACRE FEET PER ANNUM OF MUNICIPAL USE WATER RIGHTS); AND (III) POINT OF DIVERSION OF THE WATER RIGHTS BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ("TCEQ") AS WELL AS THE FURTHER RIGHT TO PARTICIAPTE IN ALL NECESSARY PROCEEDINGS BEFORE THE TCEQ TO CHANGE THE OWNERSHIP, PLACE AND PURPOSE OF USE, AND POINT OF DIVERSION OF THE WATER RIGHTS TO FINAL CONCLUSION; AND TO FURTHER AUTHORIZE AND DELEGATE TO STARR PRODUCE COMPANY, AS THE SELLER THE AUTHORITY TO FILE ON BEHALF OF EPWWS ALL NECESSARY APPLICATION(S) WITH THE TCEQ REQUESTING THAT THE WATER RIGHTS BE SEVERED FROM SELLER'S CERTIFICATE OF ADJUDICATION NO. 23-787, AS AMENDED, AND TRANSFERRED TO EPWWS, AND THAT THE PLACE AND PURPOSE OF USE, AND THE POINT OF DIVERSION OF THE WATER RIGHTS BE CHANGED ALL AS REQUIRED BY EPWWS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE AND ESTABLISHIGN AN EFFECTIVE DATE.

WHEREAS, the City of Eagle Pass Water Works System ("EPWWS") is in need of additional water rights to the Rio Grande to meet its water supply requirements; and

WHEREAS, Starr Produce Company has title to water rights to the Rio Grande River and has offered to sell to EPWWS 500 acre feet per annum of Rio Grande River Class "B" irrigation water rights at a purchase price of \$600,000.00 or \$1200.00 per acre-foot; and

WHEREAS, the EPWW Board of Trustees ("Board") finds that the purchase and acquisition of these water rights is in the best interest of the customers of EPWWS and the residents of the City of Eagle Pass, Texas.

NOW, THEREFORE, BE IT RESOLVED, by the City of Eagle Pass Water Works System Board of Trustees:

1. That the purchase of 500 acre feet per annum of Rio Grande River Class "B" irrigation Water Rights from Starr Produce Company ("Seller") ("Water Rights") at a purchase price of \$600,000.00 or \$1200.00 per acre foot is hereby authorized and approved.
2. That the EPWWS General Manager is hereby authorized and delegated the authority to negotiate, finalize and execute any and all documents including, but not limited to a Water Rights Sales Agreement between EPWWS and Starr Produce Company related to the purchase of the Water Rights, and finalizing the purchase transaction of the Water Rights.
3. That the EPWWS General Manager is further authorized and delegated the authority to work with Starr Produce Company, as the Seller to change the (i) ownership of the Water Rights (i.e., by severing the Water Rights from Seller's Certificate of Adjudication No. 23-787, as amended, and transferring the Water Rights to EPWWS); (ii) place and purpose of use of the Water Rights (i.e., conversion of the 500 acre feet per annum of irrigation Water Rights to 200 acre feet per annum of municipal use water rights); and (iii) point of diversion of the Water Rights before the Texas Commission on Environmental Quality ("TCEQ") as well as the further right to participate in all necessary proceedings before the TCEQ to change the ownership, place and purpose of use, and point of diversion of the Water Rights to final conclusion.
4. That Starr Produce Company, as the Seller is hereby authorized and delegated the authority to file on behalf of EPWWS all necessary application(s) with the TCEQ requesting that the Water Rights be severed from Seller's Certificate of Adjudication No. 23-787, as amended, and transferred to EPWWS, and that the place and purpose of use, and the point of diversion of the Water Rights be changed all as required by EPWWS.
5. That it is hereby officially found and determined that the meeting at which this Resolution 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.
6. 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 EPWWS Board 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.
7. This Resolution becomes effective immediately after being passed and approved.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

CITY OF EAGLE PASS WATER WORKS
SYSTEM

By: _____
Claudia Wright
Chairman, Board of Trustees

EAGLE POINT RANCH, LP,
ROBERT MAYO and
RICK ANDERSON
Plaintiff,
VS.

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IN THE DISTRICT COURT

293rd JUDICIAL DISTRICT

CITY OF EAGLE PASS WATER
WORKS SYSTEM, CITY OF EAGLE
PASS, AND ROBERTO GONZALEZ
Defendants.

MAVERICK COUNTY, TEXAS

**DEFENDANTS CITY OF EAGLE PASS AND CITY OF EAGLE PASS WATER WORKS
SYSTEM'S ORIGINAL ANSWER AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes Defendants THE CITY OF EAGLE PASS (hereinafter referred to as "CITY") and THE CITY OF EAGLE PASS WATER WORKS SYSTEM (hereinafter referred to as "EPWWS") and file their Original Answer to Plaintiffs' Original Petition and would show the Court as follows:

I.
GENERAL DENIAL

1. Defendants CITY and EPWWS generally deny all material allegations contained in Plaintiffs' Original Petition, and calls upon Plaintiffs to prove their allegations by a preponderance of the evidence as required by the laws of the State of Texas.

II.
AFFIRMATIVE DEFENSES

2. Defendant CITY is a municipal corporation and governmental entity organized under the laws of the State of Texas and hereby asserts its sovereign or governmental immunity as a bar to and/or limitation from Plaintiffs' claims, request for relief and damages.

3. Defendant EPWWS is a governmental entity organized under the laws of the State of Texas and hereby asserts sovereign or governmental immunity as a bar and/or limitation from Plaintiffs' claims, request for relief and damages.

4. Defendants aver Plaintiff Eagle Point Ranch L.P. lacks standing to bring claims asserted herein.

5. Defendants CITY and EPWWS further assert they are not liable for:

- a) discretionary functions or legislative decisions;
- b) damages proximately caused by the acts and/or omissions of any other person, party or entity;
- c) claims that do not overcome Defendants' sovereign, governmental and/or absolute immunities, including but not limited to a claim involving governmental and/or legislative functions;
- d) claims that do not properly invoke the jurisdiction of the court;
- e) claims that are barred by the applicable statute of limitations;
- f) claims for intentional torts;
- g) exemplary or punitive damages;
- h) claims that are barred by indemnification and/or release;
- i) damages proximately caused by the acts and/or omissions of any other person, party or entity;
- j) claims that do not satisfy the statute of frauds; and
- k) ratification, laches, estoppel and waiver of rights based on undue delay.

III. **REQUESTS FOR DISCLOSURE**

6. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants CITY and EPWWS request Plaintiffs disclose, within 30 days of the service of this request, the information or material as described in Rule 194.2.

IV.
PRAYER

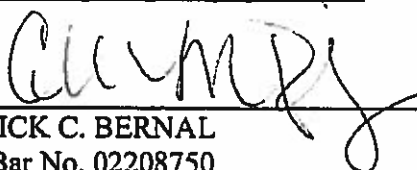
WHEREFORE, PREMISES CONSIDERED, Defendant CITY and EPWWS pray Plaintiffs take nothing by this suit and that upon final hearing herein all relief sought by Plaintiffs against the CITY and EPWWS be denied, and that Defendants CITY and EPWWS recover its court costs incurred in defending the case and for all other and further relief, at law or in equity, general or special, to which they may be justly entitled.

DATED this 11th day of January, 2019.

Respectfully submitted,

DENTON NAVARRO ROCHA BERNAL & ZECH
A Professional Corporation
2517 N. Main Avenue
San Antonio, Texas 78212
Telephone: (210) 227-3243
Facsimile: (210) 225-4481
patrick.bernal@rampage-sa.com
clarissa.rodriguez@rampage-sa.com

By: _____

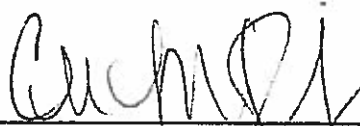

PATRICK C. BERNAL
State Bar No. 02208750
CLARISSA M. RODRIGUEZ
State Bar No. 24056222
ATTORNEYS FOR DEFENDANT
THE CITY OF EAGLE PASS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served in accordance with the Texas Rules of Civil Procedure on this 17th day of January, 2019, to the following:

Richard G. Foster
Raj S. Aujila
Porter Rogers Dahlman & Gordon, P.C.
Trinity Plaza II Bldg.
745 East Mulberry, Suite 450
San Antonio, Texas 78212

E-NOTIFICATION



PATRICK C. BERNAL
CLARISSA M. RODRIGUEZ

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