



CITY COUNCIL AGENDA

Tuesday, December 8, 2015

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, December 8, 2015, at 5:30 p.m. in the City Council Chambers located at 307 East 4th Street, Big Spring, Texas.

As a courtesy to those in attendance, please place your cell phone on “Silent” or “Vibrate.”

Please, no talking during the meeting; take any conversations outside, so others can hear.

Thank You!

The City of Big Spring Council reserves the right to consider business out of the posted order, and at any time during the meeting, reserves the right to adjourn into executive session on any of the above posted agenda items which are not listed as executive session items and which qualify to be discussed in closed session under Chapter 551 or the Texas Government Code.

Open Session

1. Call to Order McLellan
2. Invocation and Pledge of Allegiance to the United States Flag and to the Texas State Flag McLellan

“Honor the Texas flag; I pledge allegiance to thee, Texas, one State under God, one and indivisible.”

Announcements and Public Hearings

Public Hearing Comments – The Council will take public input on public hearing items **prior** to any Action. Each member of the public should make remarks **from the podium** and **begin by stating his/her name**. Citizens will be limited to **three minutes**, unless waived by the Mayor for **all speakers**. No individual will be allowed to speak more than once, until every citizen wishing to comment has done so.

Announcement

3. McLellan

Disposition of Minutes

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| 4. | Approval of the Minutes of the Regular Meeting of November 10, 2015 | 5-9 | Davis |
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Consent Items

- | | | | |
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| 5. | Final Reading of a Resolution Casting Vote(s) to Elect Directors for the Howard County Appraisal District for the Years 2016 and 2017 | 10-13 | Moore |
| 6. | Final Reading of a Resolution of the City Council of the City of Big Spring, Texas, Authorizing City Staff to Submit Invoices and Proof of Payment for Capital Equipment, Previously Purchased with City Funds, to JP Morgan Chase for Inclusion in the 2014-15 Lease Financing Package; Receive Reimbursement for the Capital Equipment Previously Purchased with City Funds; and Avoid Funding Fees Applicable to a Refund/Credit of the Remaining Lease Fund Balance | 14 | Moore |
| 7. | Final Reading of an Ordinance Amending Ordinance Number 044-2015 Which Adopted the Annual Budget for the Fiscal Year Beginning October 1, 2015 and Ending September 30, 2016 by Increasing the General Fund Budget for the Purpose of Purchasing an Animal Control Truck; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date | 15-16 | Moore |
| 8. | Acceptance of the Zoning Board of Adjustments and Appeals Minutes for the Meeting of August 13, 2015 | 17-18 | Womack |
| 9. | Acceptance of the Convention and Visitors Bureau Committee Minutes for the Meetings of July, 1, 2015 and August 5, 2015 | 19-22 | Wegman |
| 10. | Acceptance of the Howard County Appraisal District Board of Directors Board Minutes for the Meeting of October 13, 2015 | 23-24 | Darden |

Bids

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|-----|---|-------|--------|
| 11. | Award Bid for Lease Purchase Financing for Various Equipment and Authorizing the Mayor or His Designee to Execute Any Necessary Documents | 25-28 | Medina |
| 12. | Award Bids to Purchase Airpark Equipment and Authorizing the City Manager or His Designee to Execute Any Necessary Documents | 29 | Medina |
| 13. | Award Bids to Purchase Street Department Equipment and Authorizing the City Manager or His Designee to Execute Any Necessary Documents | 30 | Medina |

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| 14. | Award Bids to Purchase Golf Course Equipment and Authorizing the City Manager or His Designee to Execute Any Necessary Documents | 31 | Medina |
| 15. | Award Bids to Purchase Four (4) ½ Ton Pickups and Authorizing the City Manager or His Designee to Execute Any Necessary Documents | 32 | Medina |
| 16. | Permission to Advertise for Crack Seal Bids and Authorizing the City Manager or His Designee to Execute Any Necessary Documents | 33-34 | Medina |

Routine Business

- | | | | |
|-----|---|--|-------|
| 17. | Vouchers for 11/12/15 \$ 1,443,189.53 | | |
| | Vouchers for 11/19/15 \$ 956,555.32 | | |
| | Vouchers for 12/03/15 \$ 521,959.17 | | Myers |

New Business

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| 18. | Consideration and Approval for a Temporary Permit Allowing for Placement of a Manufactured Home as Outlined by Article 8, Entitled "Supplemental Use Standards," Section 8-6, Subsections 1.(c) and 2. of the Zoning Ordinance | 35-38 | Johnston |
| 19. | First Reading of a Resolution Inviting the United States Army Special Operations Command (USASOC) to Conduct Military Training in Big Spring, Howard County, Texas from March 10, 2016 through June 5, 2016; and Providing an Effective Date | 39 | Williams |
| 20. | First Reading of an Ordinance of the City Council of the City of Big Spring, Texas, Amending Ordinance Number 044-2015 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2015 and Ending September 30, 2015 by Increasing the General Fund Budget for the Purpose of Street Improvements; Providing for Severability; Providing for Publication; and Providing an Effective Date | 40 | Moore |
| 21. | First Reading of an Ordinance of the City Council of the City of Big Spring, Texas Authorizing the Issuance of General Obligation Refunding Bonds; Establishing Procedures and Delegating Authority for the Sale and Delivery of the Bonds; Providing for the Security and Payment of Said Bonds; Providing for Severability; and Providing an Effective Date | 41-70 | Moore |
| 22. | Consideration and Approval of an Amendment to the Economic Development Corporation Performance Agreement with the City of Big Spring to Provide Additional Funding for Improvements to the Rail Spur Infrastructure at the McMahon Wrinkle Industrial Airpark | 71-72 | Edwards |

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| 23. | Consideration and Approval of the Investment Report for the Quarter Ending September 30, 2015 | 73-75 | Moore |
| 24. | Approval of the Minutes of the Regular Meeting of the Big Spring Economic Development Corporation Held on October 27, 2015 and of the Special Meeting on November 9, 2015 | 76-80 | Edwards |

City Manager's Report

- | | | | |
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| 25. | | | Darden |
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Council Input

- | | | | |
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| 26. | Input | | McLellan |
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Executive Session - City Attorney's Report

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| 27. | Adjourn into Executive Session in Accordance with Texas Government Code Section 551.071(1) to Consult with the City Attorney Concerning Pending or Contemplated Litigation, City of Big Spring vs. Butler | | McLellan |
| 28. | Reconvene in Open Session and Take Any Necessary Action | | McLellan |
| 29. | Adjourn | | McLellan |

I hereby certify that this agenda was posted on the official bulletin boards at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas. Given by order of the City Council and Posted on Friday, December 4, 2015 at 5:00 p.m. in accordance with Title 5, Texas Government Code, Chapter 551.

In addition, this agenda and supporting documents are posted on the City of Big Spring's website, www.mybigspring.com in accordance with legal requirements.


 Tami L. Davis, Assistant City Secretary

THE MEETING FACILITY IS ACCESSIBLE TO DISABLED PERSONS. ANY DISABLED PERSON NEEDING SPECIAL ACCOMMODATIONS OR HEARING-IMPAIRED PERSONS WISHING TO HAVE AN INTERPRETER SHOULD CONTACT LESA GAMBLE AT 264-2401. REQUESTS FOR AN INTERPRETER SHOULD BE MADE AT LEAST 48 HOURS IN ADVANCE OF THE MEETING TIME.

Agenda Removal Notice - This public notice was removed from the official posting board at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas on

STATE OF TEXAS :
COUNTY OF HOWARD :
CITY OF BIG SPRING :

The City Council of the City of Big Spring, Texas, met in a regular meeting in the City Council Chambers located at 307 E. 4th, Big Spring, Texas, at 5:30 p.m., November 10, 2015, with the following members present:

LARRY MCLELLAN	Mayor
JUSTIN MYERS	Mayor Pro Tem
RAUL MARQUEZ	Councilmember
CARMEN HARBOUR	Councilmember
STEVE WAGGONER	Councilmember
RAUL BENAVIDES	Councilmember
JIM DEPAUW	Councilmember

Same and constituting a quorum; and

TODD DARDEN	City Manager
KAYE EDWARDS	City Attorney
JOHN MEDINA	Assistant City Manager/ Human Resource Director
CHAD WILLIAMS	Police Chief
CRAIG FERGUSON	Fire Chief
JOHNNY WOMACK	Public Works Director
DON MOORE	Finance Director/ City Secretary
JIM LITTLE	Airpark Director
TIM GREEN	Municipal Court Judge
DEBBIE WEGMAN	Community Services Director

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Randy Cotton, Trinity Baptist Church, gave the invocation and Mayor McLellan led the Pledge of Allegiance to the American and Texas Flags.

ANNOUNCEMENT

PROCLAMATION FOR "VETERANS DAY 2015"

Mayor McLellan read a proclamation for "Veterans Day 2015" and recognized the veterans that were present at the meeting.

DISPOSITION OF MINUTES

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF OCTOBER 27, 2015

Motion was made by Mayor Pro Tem Myers, seconded by Councilmember Harbour, with all members of the Council voting "aye" approving the above listed minutes.

CONSENT ITEMS

ACCEPTANCE OF THE MCMAHON-WRINKLE AIRPORT DEVELOPMENT BOARD MINUTES FOR THE MEETING OF SEPTEMBER 17, 2015

Motion was made by Councilmember Benavides, seconded by Councilmember Harbour, with all members of the Council voting "aye" approving the above listed minutes.

BIDS

AWARD BID FOR BROADCAST EQUIPMENT FOR REBROADCASTING ON CHANNEL 17 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Mayor Pro Tem Myers, seconded by Councilmember Horton, with all members of the Council voting "aye" awarding the bid for broadcast equipment for rebroadcasting on Channel 17 to RushWorks TV in the amount of \$40,723.00.

PERMISSION TO PURCHASE A SANITATION TRUCK AND A ROLL-OFF TRUCK AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Marquez, seconded by Councilmember Harbour, with all members of the Council voting "aye" approving staff to purchase, through the Buy Board Purchasing Cooperative, a sanitation truck from SEC in the amount of \$217,476.00 and a roll-off truck from Rush Truck Center in the amount of \$135,758.00.

PERMISSION TO ADVERTISE FOR BIDS FOR THE AUDITORIUM SOUND SYSTEM IMPROVEMENTS AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Waggoner, seconded by Councilmember Harbour, with all members of the Council voting "aye" approving staff to advertise for bids for the auditorium sound system improvements.

ROUTINE BUSINESS

Councilmember Harbour reviewed the vouchers in the amount of \$993,313.10 (10/29/15) and \$640,790.10 (11/05/15). Motion was made by Councilmember Harbour, seconded by Councilmember Waggoner, with all members of the Council voting “aye” approving the above listed vouchers.

NEW BUSINESS

PRESENTATION BY FREESE AND NICHOLS, INC. ON THE CIP COST ANALYSIS REPORT

Representatives with Freese and Nichols, Inc. updated the Council on the CIP Cost Analysis Report on the infrastructure and capital improvements for the North Sector and the Airpark Sector.

DISCUSSION OF THE CIP COST ANALYSIS REPORT AND ANY NECESSARY ACTION

After a brief discussion, motion was by Mayor Pro Tem Myers, seconded by Councilmember DePauw, with all members of the Council voting “aye” approving the CIP Cost Analysis Report from Freese and Nichols, Inc.

FIRST READING OF A RESOLUTION CASTING VOTE(S) TO ELECT DIRECTORS FOR THE HOWARD COUNTY APPRAISAL DISTRICT FOR THE YEARS 2016 AND 2017

Motion was made by Councilmember DePauw, seconded by Councilmember Benavides, with all members of the Council voting “aye” approving to cast all of the 402.47 votes electing Tim Blackshear for the Howard County Appraisal District for the years 2016 and 2017.

FIRST READING OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AUTHORIZING CITY STAFF TO SUBMIT INVOICES AND PROOF OF PAYMENT FOR CAPITAL EQUIPMENT, PREVIOUSLY PURCHASED WITH CITY FUNDS TO JP MORGAN CHASE FOR INCLUSION IN THE 2014-15 LEASE FINANCING PACKAGE; RECEIVE REIMBURSEMENT FOR THE CAPITAL EQUIPMENT PREVIOUSLY PURCHASED WITH CITY FUNDS; AND AVOID FUNDING FEES APPLICABLE TO A REFUND/CREDIT OF THE REMAINING LEASE FUND BALANCE

Motion was made by Councilmember DePauw, seconded by Councilmember Waggoner, with all members of the Council voting “aye” approving the above captioned resolution.

FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER 044-2015 WHICH ADOPTED THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF PURCHASING AN ANIMAL CONTROL TRUCK; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Myers, seconded by Councilmember Harbour, with all members of the Council voting “aye” approving the above captioned ordinance.

APPROVAL OF AN AGREEMENT WITH AMERICAN FIDELITY ASSURANCE COMPANY FOR AN EXCESS STOP LOSS POLICY AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Mayor Pro Tem Myers, seconded by Councilmember Waggoner, with all members of the Council voting “aye” approving the above captioned agreement.

AUTHORIZATION FOR THE CITY ATTORNEY TO NEGOTIATE AN AGREEMENT WITH CGG LAND, INC. TO CONDUCT GEOGRAPHICAL OPERATIONS (SEISMIC SURVEY) ON CITY-OWNED PROPERTY AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Marquez, seconded by Councilmember Harbour, with all members of the Council voting “aye” authorizing the City Attorney to negotiate the above captioned agreement.

APPROVAL OF AN AMENDMENT WITH BIG STAR OIL & GAS, LLC TO CORRECT LEASE BY INCREASING ACREAGE BY 4.75 ACRES AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Benavides, seconded by Councilmember Waggoner, with all members of the Council voting “aye” approving the above captioned amendment.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION HELD ON SEPTEMBER 15, 2015

Motion was made by Councilmember Harbour, seconded by Councilmember Marquez, with all members of the Council voting “aye” approving the above captioned minutes.

CITY MANAGER’S REPORT

Todd Darden announced the following events;

- City of Big Spring Holiday – November 11th, Veterans Day
- Keep Big Spring Beautiful – E-Waste Collection
 - November 13th – for businesses with 10 or more – 2-4pm
 - November 14th – public – 10-2pm
- City of Big Spring Holiday – November 26th & 27th - Thanksgiving
- Next City Council Meeting – December 8th

COUNCIL INPUT

Mayor McLellan announced that there would be a program on Veterans Day in honor of veterans at Howard College.

Councilmember Harbour thanked the citizens in District One for their patience while staff was working on water lines.

EXECUTIVE SESSION

ADJOURN INTO EXECUTIVE SESSION WITH THE EXECUTIVE DIRECTOR OF THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION UNDER THE PROVISIONS OF TITLE 5, TEXAS GOVERNMENT CODE, SECTION 551.087 TO DISCUSS OR DELIBERATE COMMERCIAL OR FINANCIAL INFORMATION CONCERNING ENTITIES THAT THE CITY SEEKS TO HAVE LOCATE, STAY OR EXPAND IN OR NEAR THE CITY AND WITH WHICH THE CITY AND BIG SPRING ECONOMIC DEVELOPMENT CORPORATION ARE CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS; AND UNDER TITLE 5, TEXAS GOVERNMENT CODE, SECTION 551.072 TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY (QUARTERLY UPDATE); AND

ATTORNEY'S UPDATE ON PENDING CLAIMS AND LITIGATION – ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH TEXAS GOVERNMENT CODE SECTION 551.071(1)(A) TO CONSULT WITH THE CITY ATTORNEY (QUARTERLY UPDATE) AT 6:17 P.M.

RECONVENE IN OPEN SESSION AND TAKE ANY NECESSARY ACTION AT 7:15 P.M.

No action was taken.

ADJOURN

Mayor McLellan adjourned the meeting at 7:16 p.m.

CITY OF BIG SPRING, TEXAS

Larry McLellan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING,
TEXAS, CASTING VOTE(S) TO ELECT DIRECTORS FOR THE HOWARD
COUNTY APPRAISAL DISTRICT FOR THE YEARS 2016 AND 2017**

WHEREAS, the City Council of the City of Big Spring is a taxing unit entitled to vote in the election of the Howard County Appraisal District Board of Directors, and therefore entitled to nominate and cast votes for candidates for election thereto pursuant to Tex. Tax Property Code §6.03;

WHEREAS, five (5) directors serving two-year terms beginning January 1st of even-number years are appointed by the taxing units participating in the district;

WHEREAS, a member of the governing body may cast all its votes for one candidate or distribute them among candidates for any number of directorships (the City of Big Spring is entitled to 402.47 votes); and

WHEREAS, the City Council of the City of Big Spring hereby submits the Official Ballot, as issued by the Chief Appraiser and attached hereto as Exhibit A, stating our vote for candidates for the election of the Board of Directors for the Howard County Appraisal District for 2016-2017;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:

SECTION 1. The City Council does hereby cast its 402.47 votes for the following candidate(s) for the Howard County Joint Tax Appraisal District Board of Directors for the year 2016 and 2017:

- 1. Mr. Donnie Baker. _____ votes
- 2. Mr. Mark Barr. _____ votes
- 4. Mr. Tim Blackshear. _____ votes
- 5. Mr. Danny Howard. _____ votes
- 6. Mr. Jimmy Miller. _____ votes

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **10th** day of **November, 2015**, with all Councilmembers voting “aye” for passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **8th** day of **December, 2015**, with all Councilmembers voting “aye” for passage of same.

ATTEST:

Larry McLellan, Mayor

Tami L. Davis, Assistant City Secretary

OFFICIAL BALLOT

ISSUED TO CITY OF BIG SPRING

BOARD OF DIRECTORS FOR HOWARD COUNTY APPRAISAL DISTRICT 2016-2017

(DIRECTIONS) Please enter the number of votes cast on the blank space opposite the name of the candidate. You may cast all of your votes for one candidate or you may divide your votes among any number of candidates that you desire. You have **402.47** total votes that you may cast.

NAMES OF CANDIDATES

- 1. Mr. Donnie Baker _____
- 2. Mr. Jimmy Miller _____
- 3. Mr. Danny Howard _____
- 4. Mr. Tim Blackshear _____
- 5. Mr. Mark Barr _____

ISSUED UNDER MY HAND AND SEAL OF OFFICE THE 30TH DAY OF OCTOBER, 2015

Ronny Babcock, Chief Appraiser
Howard County Appraisal district

RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR HOWARD COUNTY APPRAISAL DISTRICT FOR THE YEAR 2016-2017

WHEREAS, SB 621, Section 6.03(g) requires that each taxing unit entitled to vote, to cast their vote by resolution and to submit that resolution to the Chief Appraiser of the Howard County Appraisal district before DECEMBER 15, 2015.

THEREFORE, the City Council of Big Spring submits the above Official Ballot, as issued by the Chief Appraiser, stating our vote for candidates for the election of the Board of Directors for the Howard County Appraisal District for 2016-2017.

ACTION TAKEN ____ day of _____, 2015, in _____ session of the City Council of Big Spring, which is entitled under SB 621 to cast votes to elect the Board of Directors of the Howard County Appraisal district.

Mayor

ATTEST: _____

HOWARD COUNTY APPRAISAL DISTRICT

Board of Directors:
Donnie Baker, Chairman
Tim Blackshear
Kathy Sayles

Jimmy Miller
Donnie Reid
Diane Carter, TAC

315 South Main
PO Box 1151
Big Spring, TX 79720-1151
Ronny Babcock, Chief Appraiser

Phone 432-263-8301
Fax: 432-263-8303

October 30, 2015

City of Big Spring
c/o Todd Darden
310 Nolan
Big Spring, TX 79720

Dear Mr. Darden,

Please find enclosed an official ballot for the election of the Board of Directors for the Howard County Appraisal district.

The City of Big Spring has a total of 402.47 votes to cast in the election of the Board.

The ballot is to be submitted to my office by December 15, 2015. I will notify all parties by December 31, 2015 of the results of the election.

Thank you for your assistance and if you have any questions let me know.

Respectfully,


Ronny Babcock, RPA, RTA/C
Chief Appraiser
Howard County Appraisal District



HOWARD COUNTY APPRAISAL DISTRICT

Ronny Babcock, RPA, RTA, RTC
Chief Appraiser

November 4, 2015

Dear Taxing Entity:

Some ballots had Ms. Cash Berry as candidate. Ms. Cash Berry was not nominated. Mr. Cash Berry was nominated, but is not eligible to serve since he is employed by one of the taxing entities.

Mr. Donnie Reid was nominated by one of the taxing entities, but, he does not wish to serve.

If you have exercised your vote, please submit your vote on the new attached document.

Thank you.

Sincerely,

Ronny Babcock, RPA RTA/RTC

Chief Appraiser

RB/sm

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AUTHORIZING CITY STAFF TO SUBMIT INVOICES AND PROOF OF PAYMENT FOR CAPITAL EQUIPMENT, PREVIOUSLY PURCHASED WITH CITY FUNDS, TO JP MORGAN CHASE FOR INCLUSION IN THE 2014-15 LEASE FINANCING PACKAGE; RECEIVE REIMBURSEMENT FOR THE CAPITAL EQUIPMENT PREVIOUSLY PURCHASED WITH CITY FUNDS; AND AVOID FUNDING FEES APPLICABLE TO A REFUND/CREDIT OF THE REMAINING LEASE FUND BALANCE.

WHEREAS, in budget year 2014-15, the City entered into a Lease Financing Agreement with JP Morgan Chase to purchase capital equipment valued at \$1,722,500.00. The actual purchase of the capital equipment totaled \$1,661,186.89, leaving a \$61,313.11 balance on the lease;

WHEREAS, JP Morgan Chase amortized the lease, which the City has been making payments on, for the total \$1,722,500 and does not wish to refund or apply the remaining funds to the loan without charging funding fees;

WHEREAS, City staff requests authorization to submit invoices and proof of payments to JP Morgan Chase for the Groundskeeper 4300D Rough Mower and the Propass 200 Wireless Top Dresser, purchased at a cost of \$64,344.98;

WHEREAS, JP Morgan Chase has agreed to include this capital equipment as part of the 2014-15 lease financing package and reimburse the City \$61,313.11 in capital equipment expenditures (equal to the remaining lease fund balance); and

WHEREAS, the City will prorate the monthly lease payments per dollar amount of lease assets per department, thereby increasing the General Fund lease payment while decreasing the lease payment in other funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS FOLLOWS, THAT:

SECTION 1. The City Council of the City of Big Spring hereby authorizes City staff to submit invoices and proof of payment for specific capital equipment to JP Morgan Chase in order to avoid funding fees and receive reimbursement for capital equipment in the amount of \$61,313.11.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **10th** day of **November, 2015**, with all members of the Council voting “aye” for passage of the same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **8th** day of **December, 2015**, with all members of the Council voting “aye” for passage of the same.

ATTEST:

Larry McLellan, Mayor

Tami L. Davis, Assistant City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 044-2015 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF PURCHASING AN ANIMAL CONTROL TRUCK; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2015-16 budget for the City of Big Spring, Texas on September 21, 2015; and

WHEREAS the funding for purchase of new animal control truck was adopted in the 2014-15 fiscal budget, but was not purchased during the 2014-15 fiscal year; and

WHEREAS the effect of not purchasing the truck in 2014-15 was an increase in the fund balance of the general fund for September 30, 2015.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS, THAT:

SECTION 1. The General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2015 and ending September 30, 2016 is hereby increased by the amount of \$26,000 in the account of 002-011-240-6401 for the purpose of purchasing a new truck for the Animal Control Department.

SECTION 2. The remaining portions of Ordinance Number 044-2015 shall remain in full force and effect.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 5. This ordinance shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 10th day of November, 2015 with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **8th** day of **December, 2015** with all members of the Council voting “aye” for the passage of same.

CITY OF BIG SPRING

Larry McLellan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

**THE CITY OF BIG SPRING
ZONING BOARD OF ADJUSTMENTS AND APPEALS
MINUTES OF AUGUST 13, 2015**

THE CITY OF BIG SPRING ZONING BOARD OF ADJUSTMENTS AND APPEALS HELD A MEETING THURSDAY, AUGUST 13, 2015 AT 5:30 PM IN THE CITY COUNCIL CHAMBERS, LOCATED AT 307 E 4TH ST.

THE FOLLOWING MEMBERS WERE PRESENT:

Steve Herron ✓
Drew Mouton
Carrie Rodman ✓
Libby Uribe ✓
Kenneth Johnson

MEMBERS ABSENT:

STAFF PRESENT:

Leslie Whitten-Administrative Assistant
Thomas Hodges-Code Enforcement Superintendent

OTHERS PRESENT:

Rob Waldron

CALL TO ORDER:

Steve Herron called the meeting to order @ 5:30 PM.

APPROVAL OF MINUTES OF July 15, 2015:

Carrie Rodman made motion to approve minutes, Drew Mouton 2nd motion.
All members present voted "Aye", none opposed. Motion carried.

Design Team Sign Co, LLC. 1010 N. Lamesa Hwy, LTS 1-6 BK 37 of Bauer Addition is requesting a variance for a 50' pole sign. Mr. Hodges stated that 17 letters were sent out, 3 no objections, 0 objections and 0 returned letters. Mr. Hodges stated that the City doesn't have any issues with the proposal.

Drew Mouton made motion to approve. Carrie Rodman 2nd the motion.
All members present voted "Aye", none opposed. Motion carried.

OTHER BUSINESS:

ADJOURNMENT:

Carrie Rodman made motion to adjourn. Drew Mouton 2nd motion.
All members present voted "Aye". None opposed. Meeting Adjourned.

After the meeting was adjourned, Kenneth Johnson addressed the board/staff members & advised that he would regretfully have to step down from his position as a ZBA board member effective immediately due to his moving out of the city limits. We thanked him for his service.

CHAIRMAN'S SIGNATURE

Steve Amy

ADMIN ASSISTANT SIGNATURE

Leslie Whitten

**Convention and Visitors Bureau Committee
Minutes from Wednesday, July 1, 2015
Community Services Conference Room**

Present: Jacob Cerda, Andrea Barr, Jim DePauw, Manny Negrón, Raul Marquez
Staff: Debbie Wegman, Hayley Lewis, Rachel Kennedy, Terri Telchik
Absent: Jay Patel, Don Moore, Todd Darden
Guests: Debbye ValVerde, Kelly Seales

Mrs. Andrea Barr called the meeting to order at 4:34 p.m.

Welcome new Board member Manny Negrón

Approval of Minutes

The minutes from the meeting of June 3, 2015 were reviewed. Motion was made by Jacob Cerda to approve the minutes as written. Motion was seconded by Jim Depauw and passed unanimously.

Discussion of Follow-up Reports

a. Howard College Rodeo

Jan Foresyth was not present to answer any questions about the follow-up report for the 2015 Howard College Rodeo. However, Hayley Lewis was present to answer any questions. Mrs. Lewis informed the board that there was a loss of \$17,000 but they had a total economic impact of \$8,250. Their event filled 8 hotel rooms with an estimated total of 400 out of town visitors and 600 spectators.

b. Raku Workshop

Jan Foresyth was not present to answer any questions about the follow-up report for the Raku Workshop that was held on May 1-2. However, Hayley Lewis was present to answer any questions. The event was given \$2,188 to help with the event. Mrs. Lewis informed the board that there was a loss of \$142.00 but they had a total of 15 day travelers attend the event.

Review of Event Funding Report

The event funding balance was provided to committee members.

Consideration of Event Funding Requests

a. Pops in the Park

Debbye ValVerde and Kelly Seales were present to request \$12,500 for the 2015 Pops in the Park to pay the Big Spring Symphony for their performance at the event. There are a total of 40 hotel rooms booked for this event. Motion was made by Jim DePauw to approve the funding request of \$12,500. Motion was seconded by Jacob Cerda and passed unanimously.

Financials

The financial reports for May 2015 were provided. Hotel tax revenue report, comparison report of local hotels, data from the state comptroller, and an occupancy report were also provided.

Facilities Coordinator

Terri Telchik informed the Committee that the Dora Roberts Community Center had 16 individual rentals in June with revenue of \$3,230. Two rentals were donated to the City of Big Spring. The miscellaneous park structures had revenue of \$1,900.00. The Heart of the City Park had a revenue of \$200. Alcohol permits had a revenue of \$150. The ball fields had revenue of \$150. The Aquatic Center had revenue of \$9,376 which includes 8 private party rentals and 22 pavilion rentals. Mrs. Telchik also stated that the Heart of the City and Main street median clean up has been contracted out and already started. The Auditorium renovations and DRCC renovations for the Senior Center both continue. Also, a new sound system was put in the Ballroom at DRCC.

Director's Report

a. Discussion of possible date for THLA Training

Debbie Wegman stated that THLA stands for Texas Hotel Lodging Association and they are the group that makes the laws for hotel tax collection and spending. Mrs. Wegman stated that she wanted the board to attend the THLA training due to the new members coming onto the board. It was decided that July 22, 2015 at 5:00PM would be the best date for everyone.

b. TTIA College

Hayley Lewis told the board about her TTIA, Texas Travel Industry Association, week long course. She stated that it is a 3 year course and she will be a certified travel executive after she completes the course.

c. Summers on the Green

Hayley Lewis stated that the last Summers on the Green which is part of our Bankhead Highway Tourism initiative will be held on July 13. American Graffiti will be the movie that is going to be shown. There will also be a car show and Channel 9 News Under West Texas Skies will be at the event to promote Big Spring.

Members Comments

Mr. Manny Negron was welcomed to the board.

Meeting was adjourned at 5:36 p.m.

Andrea Barr
Andrea Barr, Chair

11/19/15
Date

**Convention and Visitors Bureau Committee
Minutes from Wednesday, August 5, 2015
Community Services Conference Room**

Present: Jacob Cerda, Manny Negron, Raul Marquez, Jay Patel

Staff: Debbie Wegman, Rachel Kennedy, Terri Telchik

Absent: Jim DePauw, Troy Tompkins, Andrea Barr, Don Moore, Todd Darden, Hayley Lewis

Guests: Treavor Partlow, Joan Beil, Sandy Stewart, Derek Wash

Mr. Jacob Cerda called the meeting to order at 4:37 p.m. due to the absence of Board President, Andrea Barr.

Approval of Minutes

The minutes from the meeting were reviewed. Motion was made by Manny Negron to approve the minutes as written. Motion was seconded by Raul Marquez and passed unanimously.

Review of Event Funding Report

The event funding balance was provided to committee members.

Consideration of Event Funding Requests

a. West Texas Rod Run and Sonic Cruise

Treavor Partlow was present to request \$6,687.15 for the 2015 West Texas Rod Run and Sonic Cruise. He stated that he projects that a total of 12 hotel rooms will be booked for this event. After some discussion, it was decided that the event could only receive funding for their advertising and promotion which was a total of \$4,681.15. Motion was made by Jacob Cerda to approve the amount of \$4,681.15. Motion was seconded by Jay Patel and passed unanimously.

b. Big Spring Symphony Concerts

Joan Beil was present to request \$20,000 for the 2015 Big Spring Symphony season. She stated that 25 paid hotel rooms are booked for this event. After some discussion, it was decided that the board would give the Big Spring Symphony the remainder of the 2014-2015 Funding Request balance, which is a total of \$2,335. The remainder of their request, which is \$17,665, will be given to the Big Spring Symphony on October 1, 2015 pending official budget approval. Motion was made by Manny Negron to approve the funding request of \$20,000 with \$17,665 of the request pending official 2015-2016 budget approval. Motion was seconded by Jay Patel and passed unanimously.

c. Howard County Fair

Derek Wash and Sandy Stewart were present to request \$4,000 for the 2015 Howard County Fair. \$3,500 of the amount requested would go towards advertising and \$500 would go towards entertainment. Motion was made by Raul Marquez to approve the funding request of \$4,000. Motion was seconded by Manny Negron and passed unanimously.

Financials

The financial reports for June 2015 were provided. Hotel tax revenue report, comparison report of local hotels, data from the state comptroller, and an occupancy report were also provided.

Facilities Coordinator

Terri Telchik informed the Committee that the Dora Roberts Community Center had 21 individual rentals in July with revenue of \$4,305. Two rentals were donated to the City of Big Spring. The miscellaneous park structures had revenue of \$2,125. The ball fields had revenue of \$2,400. The Aquatic Center had revenue of \$3,600. DRCC and the Aquatic Center have both exceeded the expected revenue for 2015. The Auditorium renovations will be completed in October 2015 and the DRCC renovations for the Senior Center continue.

Director's Report

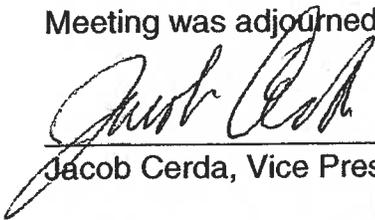
a. TTIA/TxDot Fall Fam Tour

Debbie Wegman stated that TTIA, Texas Travel Industry Association, will be giving a tour of Big Spring, TX during their Fall Fam Tour this year. They will be staying over one night on October 7. Mrs. Wegman stated that they will be given part of the tour on the night of October 7 and part of it on the morning of October 8. They will hopefully be given a meal on top of Scenic Mountain. Mrs. Wegman informed the board that some money from the CVB Events will be used for this occasion.

Members Comments

The board discussed the oncoming Spring Renovation that is being paid for by the CVB Fun Balance.

Meeting was adjourned at 5:31p.m.



Jacob Cerda, Vice President

10/6/15

Date

**THE MINUTES OF MEETING OF THE
BOARD OF DIRECTORS
HOWARD COUNTY APPRAISAL DISTRICT**

OCTOBER 13, 2015

The Board of Directors of the Howard County Appraisal District (HCAD) met for their regular meeting on October 13, 2015 at 5:15 P.M. Directors present were Donnie Baker, Tim Blackshear, Donnie Reid, Jimmy Miller and Kathy Sayles. Ronny Babcock and Lisa Reyna represented the HCAD. Kevin Telchik from Stephens, Stephens and Telchik from Lamesa, Texas was also present.

Mr. Baker called the meeting to order at 5:15 P.M.

No one was registered for comments.

Tim Blackshear motioned to approve the minutes of September 15, 2015 as printed. Donnie Reid seconded the motion. Motion carried 5 to 0.

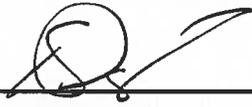
The bills for September, 2015 were reviewed and approved on a motion from Donnie Reid and seconded by Kathy Sayles. Motion carried 5 to 0.

The financial reports for August, 2015 were reviewed and approved on a motion from Tim Blackshear, with a second from Jimmy Miller. Motion carried 5 to 0.

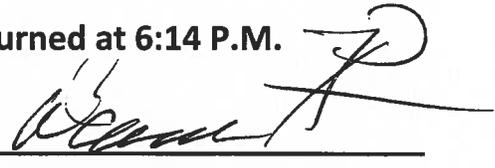
The Travel Expenses were reviewed and motion made by Jimmy Miller and seconded by Kathy Sayles. Motion carried 5 to 0.

Kevin Telchik presented an Audit Report for 2014.for the board review. He stated \$127,764 was the surplus amount. Kathy Sayles motioned to approve the 2014 Audit as presented. Jimmy Miller seconded the motion. Motion carried 5 to 0.

With no other business to discuss, the meeting adjourned at 6:14 P.M.



Secretary, Kathy Sayles



Chairman, Donnie Baker



16-011

CITY OF BIG SPRING

REQUEST FOR PROPOSAL #16-011

The City of Big Spring, Texas is requesting proposals for financing the purchase of capital equipment through the lease-purchase method of financing. **Sealed bids will be received until 2:00 p.m. on Monday, November 2nd, 2015.** Any bid received after that date and time will be returned unopened. Bids should be mailed or delivered to:

City of Big Spring
Attn: Donald Moore
310 Nolan
Big Spring, Texas 79720

The following terms and conditions are required as part of the agreement:

- The term of the agreement for the entire equipment package will be five (5) years with sixty (60) equal monthly payments.
- There will be no loan initiation fees. All amounts needed to cover cost and reasonable profit of the lender will be included in the annual percent rate.
- Lease Agreement will include a reimbursement clause in the event equipment is purchased by the City before the lease is funded.
- The City's obligation to make payments is subject to the annual availability of appropriations. The City will seek appropriations and use its best efforts to obtain such appropriations in subsequent fiscal years. Funds have been budgeted for the 2015-16 fiscal year.
- The agreement will include a standard non-appropriation of funds clause.
- The leased equipment will become the property of the City of Big Spring, Texas upon payment of the final monthly payment at the end of the lease term, with no balloon payments.
- The City of Big Spring will have the right to terminate the lease agreement by purchasing the leased equipment on any lease payment date by paying the principal balance due on that payment date, with no early payment penalty.



16-011

- The equipment being financed will be insured by the Texas Municipal League Intergovernmental Risk Pool.
- Interest earnings on any funds in escrow will belong to the City of Big Spring.
- The City will consider over-funding or under-funding of the principal amount stated herein. Individual costs may vary within the total estimate.
- The City **does not anticipate** the issuance of tax exempt debt in excess of \$10,000,000 in 2016.
- Payments will be made as installments to the various vendors as vehicles and equipment are received.
- The City of Big Spring will request reimbursement of any expenditures that are made before the lease/purchase agreement is executed.
- Preparation of form 8038 “Information Return for Tax Exempt Governmental Obligations” will be the responsibility of the successful respondent.
- The City discourages a response employing a dated date, i.e. interest accruing for money not yet received by the lessee.
- All respondents should submit a recent financial statement and a list of references demonstrating a fiduciary ability to fund a transaction of this magnitude.
- **Sealed proposals must be received labeled clearly with RFP 16-011, no later than 2:00 p.m., Monday, November 2nd, 2015. Proposals submitted electronically may be sent to sealedbids@mybigspring.com no later than 2:00 p.m., Monday, November 2nd, 2015 and must have the proposal number and proposal title in the subject box.**

All proposals submitted must contain the following information:

1. Amount of monthly payment
2. Interest Rate
3. Copy of monthly lease payment schedule – Amortization Schedule
4. Copy of proposed lease agreement and other required documents
5. Amount of any service fees in addition to monthly payments or any fees included in monthly payments

6. A recent financial statement and a list of references demonstrating a fiduciary ability to fund a transaction of this magnitude
7. **A clear statement regarding whether payments are to be made in arrears or advance.** The City will accept a proposal for either method, with award to be given on method most beneficial to the City.
8. A statement clearly indicating if the lease is subject to sale to another party at any time during the lease.

Equipment to be purchased:

Description	Qty.	Estimated Cost
Trimble GEO 7XHandheld H-Sta GPS	1	7,200
(5) Police Cars	5	206,720
Breathing Air Compressor	1	22,000
Dump Truck	1	110,000
Air Street Sweeper	1	217,588
Road Broom	1	64,623
One-Ton Pickup	1	40,827
Gator	1	10,000
1/2 Ton Pickup	1	23,500
(15) Golf Carts	15	47,500
Greens Mower	1	33,000
(3) Roller Reels	3	4,500
Toro Workman	1	25,000
½ Ton Pickup	1	23,500
½ Ton Pickup	1	23,500
Utility Crew Truck	1	40,000
Utility Crew Truck	1	40,000
Box-Style Ambulance	1	111,500
(2) Zoll EKG Monitors	1	53,400
¾ Ton Pickup	1	35,000
Sports Utility Vehicle	1	10,000
Dump Truck	1	43,118
Jeep Grand Cherokee	1	33,950
Dump Truck	1	111,863
Total		1,338,289



16-011

Evaluation Criteria Score	Total Possible
Interest Rate	70
Respondent's Experience Measured in terms of size of government leasing division, references of governments and/or City of Big Spring prior experience.	20
Responsiveness to RFP Requirements Measured in terms of Respondent's proposed approach to meeting the requirements of the request for proposal.	10

If you have any questions concerning this request for proposal, please contact Donald Moore, Director of Finance, (432) 264-2517, 310 Nolan Street, City of Big Spring, Texas 79720-2657.

Monthly payments and total payments over the term of the agreement will be a consideration in the selection of a financial institution for this proposal.

Any proposal submitted must be completed and signed by an authorized company representative. Failure to do so will cause bid to be rejected.

The proposals will be evaluated and a recommendation will be taken to the City Council on the 10th day of November, 2015. **All proposals should be firm until that date.**



Purchasing and Material Control Memorandum

To: Honorable Mayor, City Council, City Manager
From: Paul Sotelo, Purchasing Agent
Date: December 8, 2015
Subject: Request for Bid Award for Airpark Equipment

On Tuesday, November 24, 2015, the City of Big Spring received bids from Grapevine Dodge and Rush Trucks of Dallas through the Buyboard Purchasing Cooperative:

<u>Description</u>	<u>Quote</u>	<u>Budget</u>
14 cu. Yd Dump Truck – Rush Trucks of Dallas	\$108,683.00	\$111,863.00
Jeep Grand Cherokee – Grapevine Dodge	\$ 32,950.00	\$ 33,950.00

Recommendation: The staff recommends that the bids be awarded to the vendors listed above for a total of \$141,633.00, which is \$4,180.00 under budget.



Purchasing and Material Control Memorandum

To: Honorable Mayor, City Council, City Manager
From: Paul Sotelo, Purchasing Agent
Date: December 8, 2015
Subject: Request for Bid Award for Street Department Equipment

On Tuesday, November 24, 2015, the City of Big Spring received bids from the following vendors through the Buyboard Purchasing Cooperative:

<u>Description</u>	<u>Quote</u>	<u>Budget</u>
14 cu. Yd Dump Truck – Rush Trucks of Dallas	\$108,683.00	\$110,000.00
1 Ton Pickup – Rush Trucks of Dallas	\$ 39,984.00	\$ 40,827.00
Street Sweeper – Heil of Texas	\$217,588.00	\$217,588.00
Road Broom – Bee Equipment of Lubbock	\$ 62,824.30	\$ 64,623.00

Recommendation: The staff recommends that the bids be awarded to the vendors listed above for a total of \$429,079.30, which is \$3,958.70 under budget.



Purchasing and Material Control Memorandum

To: Honorable Mayor, City Council, City Manager
From: Paul Sotelo, Purchasing Agent
Date: December 8, 2015
Subject: Request for Bid Award for Golf Course Equipment

On Tuesday, November 24, 2015, the City of Big Spring received bids from Professional Turf Products and Club Car through the Buyboard Purchasing Cooperative for the following budget items:

<u>Description</u>	<u>Quote</u>	<u>Budget</u>
15 Golf Cars – Club Car	\$47,500.00	\$47,500.00
Greens Mower – Professional Turf Products	\$32,697.32	\$33,000.00
(3) Roller Reels – Professional Turf Products	\$ 4,107.16	\$ 4,500.00
Toro Workman – Professional Turf Products	\$24,211.87	\$25,000.00

Recommendation: The staff recommends that the bids be awarded to the vendors listed above for a total of \$108,516.35, which is \$1,483.65 under budget.



Purchasing and Material Control Memorandum

To: Honorable Mayor, City Council, City Manager
From: Paul Sotelo, Purchasing Agent
Date: December 8, 2015
Subject: Request for Bid Award for four (4) ½ ton Pickups

On Tuesday, November 24, 2015, the City of Big Spring received a bid from Rush Trucks of Dallas through the Buyboard Purchasing Cooperative for four (4) ½ ton Pickups:

<u>Description</u>	<u>Quote</u>	<u>Budget</u>
1 – Fire Marshall	\$22,574.00	\$23,500
1 – Sports Complex	\$22,574.00	\$23,500
1 – Water Treatment Plant	\$22,574.00	\$23,500
1 – Distribution and Collection	\$22,574.00	\$23,500

Recommendation: The staff recommends that the bid be awarded to Rush Trucks of Dallas for \$90,296.00, which is \$3,704.00 under budget.



Memorandum

Date: December 8, 2015

To: Honorable Mayor Larry McLellan
and Council Members

From: John Medina, Assistant City Manager

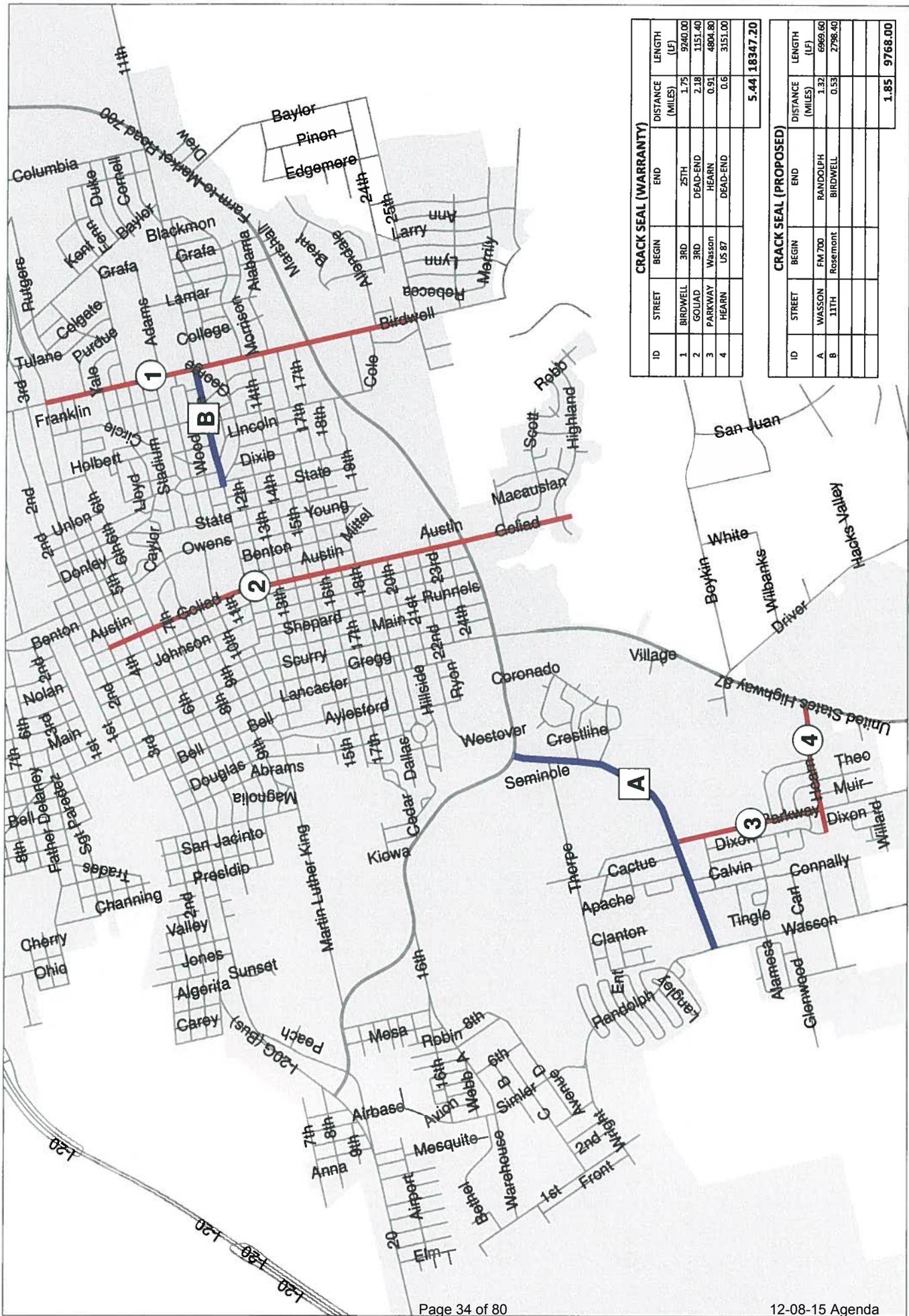
Re: Permission to Advertise for Crack Seal Bids

Honorable Mayor and Council,

We are requesting City Council's permission to advertise for crack seal bids. Approximately 7.29 linear miles of streets have been identified for this request for proposal (RFP). Up to \$300,000 of last year's unused budget is ear-marked for this project. The bids will determine the scope of the project in terms of total linear miles.

The crack seal process will be conducted this winter prior to the seal coat project which is scheduled for the summer of 2016. We have provided a map of the proposed roadways for your information that will be in the RFP.

Please let me know if you have any questions. You may reach me at 432-264-2345.



CRACK SEAL (WARRANTY)					
ID	STREET	BEGIN	END	DISTANCE (MILES)	LENGTH (LF)
1	BIRDWELL	3RD	25TH	1.75	9240.00
2	GOLIAD	3RD	DEAD-END	2.18	1151.40
3	PARKWAY	WASSON	HEARN	0.91	4804.80
4	HEARN	US 87	DEAD-END	0.6	3151.00
				5.44	18347.20

CRACK SEAL (PROPOSED)					
ID	STREET	BEGIN	END	DISTANCE (MILES)	LENGTH (LF)
A	WASSON	FM 700	RANDOLPH	1.32	6869.60
B	11TH	Rosemont	BIRDWELL	0.53	2798.40
				1.85	9768.00

2015 CRACK SEAL





Memo

Meeting Date: December 8, 2015

To: City Council members

From: Roxanne Johnston, City Planner

Subject: Request for a Temporary Permit to allow for placement of a manufactured home as outlined by Article 8, entitled "Supplemental Use Standards", Section 8-6, subsections 1.(c) and 2. of the Zoning Ordinance.

Location: 708 Johansen Road, located approximately 170 feet northwest of the intersection of Johansen Road and McChristian Street. More specifically, this property encompasses 0.75 acres in Section 7, Block 32 1S 177 in south central Big Spring, Texas.

Purpose: Approval of this request will allow the applicant to place a manufactured home on the subject property for the purpose of providing health care to a family member.

Contacts: Roxanne Johnston. City Planner 432-264-2319
Jed and Michele Moorhouse 432-213-8667

Recommendation: Staff recommends approving the Temporary Permit for a length coterminous as needed subject to conditions listed below:

1. Providing all required documents outlined in the Building Permit Application and obtaining the proper permits from the Permits Department with regard to placement of a manufactured home and following the utility requirements as outlined in Article 8, Section 8-6, subsection 4. of the Zoning Ordinance.
2. Once placed, only the occupant for which the Temporary Use is permitted may reside in the structure, meaning that once vacated by the occupant listed within the Temporary Permit, no other person may reside therein.

3. Once vacated, the structure and appurtenances shall be removed from the property within ninety (90) days per Article 8, Section 8-6, subsection 3. of the Zoning Ordinance.

History and Background:

The applicants are the legal caregivers for a disabled family member. They are requesting approval to place a manufactured home on the aforementioned property. Although the property is located in a Single Family Residential (SF-2) Zoning District which does not allow, by right, an additional home to share the same lot, the Zoning Ordinance provides a tool whereby City Council approval may permit such uses through Article 8, Section 8-6 of the Zoning Ordinance:

1. Circumstance for Permit Issuance

Subject to conditions and standards otherwise required by this Ordinance, a temporary use permit may be issued:

(c) to an applicant whose own health or the health or another necessitates care, and where the facts show that an unnecessary hardship would occur if not permitted to locate a manufactured home adjacent to the residence of one who is able to provide such care or in need of such care.

<and>

2. Length of Permit

A temporary use permit may be issued by the City Council for a permit not to exceed one (1) year. The temporary permit may be renewed for addition one (1) year periods upon showing of good cause, and with permission to do so. However, at the discretion of the City Council, a temporary use permit may be issued to an applicant for a health or age related circumstance for a period coterminous with the health or age related circumstance.

General Information:

Existing Zoning:

Single-Family Dwelling (SF-2) Zoning District

Attachments:

Aerial map, highlighting subject property

Letter by applicants requesting Temporary Permit



Temporary Permit 15-01
708 Johansen Road

Legend

Subject Property: 

0 30 60 120 180 240
 Feet

CITY OF BIG SPRING GIS /MAPPING DEPARTMENT 12/15



11/20/15

Request for Temporary Use Permit

I, Jed Moorhouse, and my wife, Michelle, are hereby making a request to the Big Spring City Council and the City of Big Spring for a Temporary Use Permit for Mobile/Manufactured Home as detailed in Section 6-8 of the City Code.

The request is for a temporary manufactured house to be placed on our property at the address listed below, for my wife's brother, an Iraq and Afghanistan war veteran who is disabled and who needs care and whom we do not want to be homeless. We ask that the permit be approved and issued for health and age related circumstances for a period coterminous with the health or age related circumstance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Moorhouse". The signature is written in a cursive style with a long horizontal line extending to the right.

Jed and Michelle Moorhouse

708 Johansen Road

Big Spring Texas 79720

432-213-8667

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS INVITING THE UNITED STATES ARMY SPECIAL OPERATION COMMAND (USASOC) TO CONDUCT MILITARY TRAINING IN BIG SPRING, HOWARD COUNTY, TEXAS FROM MARCH 10, 2016 THROUGH JUNE 5, 2016; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The United States Army Special Operations Command (USASOC) is planning a military training exercise, called Unconventional Warfare Exercise 16 (UWEX16); and

WHEREAS, the UWEX16 will include military training involving ground operations and may include the use of fixed wing aircraft; and

WHEREAS, the UWEX16 has been coordinated through and approved by local law enforcement agencies and all affected property owners;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:

SECTION 1: The City of Big Spring City Council hereby invites the United States Army Special Operations Command (USASOC) to conduct the Unconventional Warfare Exercise 16 (UWEX16) in Big Spring, Howard County, Texas from March 10, 2016 through June 5, 2015.

SECTION 2: This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **8th** day of **December, 2015**, with all members present voting “aye” for the passage of the same.

PASSED AND APPROVED on second and final reading at regular meeting of the City Council on the **12th** day of **January, 2016**, with all members present voting “aye” for the passage of same.

Larry McLellan, Mayor

ATTEST:

Tami Davis, Assistant City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 044-2015 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF STREET IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2015-16 budget for the City of Big Spring, Texas on September 21, 2015; and

WHEREAS the funding for street seal on chosen streets was adopted in the 2014-15 fiscal budget, but was not purchased during the 2014-15 fiscal year; and

WHEREAS the effect of not paying for the street seal on chosen streets 2014-15 was an increased to the fund balance of the general fund for September 30, 2015.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS, THAT:

SECTION 1. The General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2015 and ending September 30, 2016 is hereby increased by the amount of \$381,689 in the account of 002-011-240-6401 for the purpose street improvements.

SECTION 2. The remaining portions of Ordinance Number 044-2015 shall remain in full force and effect.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 5. This ordinance shall be in full force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **8th** day of **December, 2015** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **12th** day of **January, 2016** with all members of the Council voting “aye” for the passage of same.

ATTEST:

Larry McLellan, Mayor

Tami L. Davis, Assistant City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS; ESTABLISHING PROCEDURES AND DELEGATING AUTHORITY FOR THE SALE AND DELIVERY OF THE BONDS; AND PROVIDING FOR THE SECURITY AND PAYMENT OF SAID BONDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, there are presently the outstanding obligations of the City of Big Spring, Texas (the "Issuer"), described in Schedule I attached hereto, collectively, the "Eligible Refunded Obligations";

WHEREAS, the Issuer now desires to refund all or part of the Eligible Refunded Obligations, and those Eligible Refunded Obligations designated by the Pricing Officer in the Pricing Certificate, each as defined below, to be refunded are herein referred to as the "Refunded Obligations";

WHEREAS, Chapter 1207, Texas Government Code, authorizes the Issuer to issue refunding bonds and to deposit the proceeds from the sale thereof, together with any other available funds or resources, directly with a paying agent for any of the Refunded Obligations or a trust company or commercial bank that does not act as a depository for the Issuer and is named in these proceedings, and such deposit, if made before the payment dates of the Refunded Obligations, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations;

WHEREAS, Chapter 1207, Texas Government Code, further authorizes the Issuer to enter into an escrow agreement with such paying agent for the Refunded Obligations or trust company or commercial bank with respect to the safekeeping, investment, reinvestment, administration and disposition of any such deposit, upon such terms and conditions as the Issuer and such paying agent or trust company or commercial bank may agree;

WHEREAS, this City Council hereby finds and determines that it is a public purpose and in the best interests of the Issuer to refund the Refunded Obligations in order to achieve a present value debt service savings of at least 5.00%, with such savings, among other information and terms to be included in a pricing certificate (the "Pricing Certificate") to be executed by the Pricing Officer (hereinafter designated), all in accordance with the provisions of Chapter 1207, Texas Government Code ("Chapter 1207");

WHEREAS, this City Council hereby further finds and determines that the manner in which the refunding is being executed, in that the pricing and terms of the bonds hereinafter authorized are to be determined at a future date pursuant to the provisions of this Ordinance, does not make it practicable to determine the amount of debt service loss or debt service savings that will result from the refunding of the Refunded Obligations;

WHEREAS, all the Refunded Obligations mature or are subject to redemption prior to maturity within 20 years of the date of the bonds hereinafter authorized;

WHEREAS, the bonds hereafter authorized are being issued and delivered pursuant to said Chapter 1207; and

WHEREAS, it is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Ordinance, was given, all as required by the applicable provisions of Tex. Gov't Code Ann. Ch. 551;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS, THAT:

SECTION 1. RECITALS, AMOUNT, PURPOSE AND DESIGNATION OF THE BONDS.

(a) The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section.

(b) The bonds of the City of Big Spring, Texas (the "Issuer"), are hereby authorized to be issued and delivered, in one or more series, in the aggregate principal amount hereinafter provided for the public purpose of providing funds to refund a portion of the Issuer's outstanding indebtedness and to pay the costs incurred in connection with the issuance of the Bonds.

(c) Each bond issued pursuant to this Ordinance shall be designated: "CITY OF BIG SPRING, TEXAS, GENERAL OBLIGATION REFUNDING BOND, SERIES 2016" (series to be designated as described in Section 2(a)), and initially there shall be issued, sold, and delivered hereunder fully registered Bonds, without interest coupons, payable to the respective registered owners thereof (with the initial bonds being made payable to the initial purchaser as described in Section 10 hereof), or to the registered assignee or assignees of said bonds or any portion or portions thereof (in each case, the "Registered Owner"). The Bonds shall be in the respective denominations and principal amounts, shall be numbered, shall mature and be payable on the date or dates in each of the years and in the principal amounts, and shall bear interest to their respective dates of maturity or redemption prior to maturity at the rates per annum, as set forth in the Pricing Certificate.

SECTION 2. DELEGATION TO PRICING OFFICER.

(a) As authorized by Section 1207.007, Texas Government Code, as amended, the City Manager and Finance Director (each a "Pricing Officer") are each hereby authorized to act on behalf of the Issuer in selling and delivering the Bonds, in one or more series, and with respect to each such series, determining which of the Eligible Refunded Obligations shall be refunded and carrying out the other procedures specified in this Ordinance, including, determining the date of the Bonds, any additional or different designation or title by which the Bonds shall be known, the price at which the Bonds will be sold, the years in which the Bonds will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each

such maturity, the interest payment and record dates, the price and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the Issuer, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance, sale, and delivery of the Bonds and the refunding of the Refunded Obligations, including without limitation establishing the redemption dates for and effecting the redemption of the Refunded Obligations and obtaining municipal bond insurance for all or any portion of the Bonds and providing for the terms and provisions thereof applicable to the Bonds, including the execution of any commitment agreements, membership agreements in mutual insurance companies, and other similar agreements, all of which shall be specified in the Pricing Certificate; provided that:

- (i) the aggregate original principal amount of the Bonds authorized pursuant to this Ordinance, whether one or more series, shall not exceed \$9,965,000;
 - (ii) the refunding must produce a present value debt service savings of at least 5.00%, net of any Issuer contribution;
 - (iii) the true interest cost of the Bonds shall not exceed 5.00% per annum provided that the net effective interest rate on each series of the Bonds shall not exceed the maximum rate set forth in Chapter 1204, Texas Government Code, as amended;
 - (iv) the final maturity of the Bonds shall not be later than February 15, 2027; and
 - (iv) the delegation made hereby shall expire if not exercised by the Pricing Officer on or before June 8, 2016.
- (b) In establishing the aggregate principal amount of the Bonds, the Pricing Officer shall establish an amount not exceeding the amount authorized in Subsection (a) hereof, which shall be sufficient in amount to provide for the purposes for which the Bonds are authorized and to pay costs of issuing the Bonds. The Pricing Officer shall determine whether the Bonds will be sold by private placement or negotiated or competitive sale. The Bonds shall be sold with and subject to such terms as set forth in the Pricing Certificate.

SECTION 3. CHARACTERISTICS OF THE BONDS.

- (a) Registration, Transfer, Conversion and Exchange. The selection and appointment of the paying agent/registrar for the Bonds (the "Paying Agent/Registrar") shall be as provided in the Pricing Certificate. The Mayor or the City Manager is authorized and directed to execute and deliver in the name and on behalf of the Issuer a Paying Agent/Registrar Agreement with the Paying Agent/Registrar in substantially the form presented at this meeting
- (b) Registration, Transfer, Conversion and Exchange. The Issuer shall keep or cause to be kept at the corporate trust office of the Paying Agent/Registrar books or records for the registration of the transfer, conversion and exchange of the Bonds (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the Issuer and Paying Agent/Registrar

may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each registered owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Issuer shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Bond or Bonds. Registration of assignments, transfers, conversions and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

- (c) Authentication. Except as provided in subsection (i) of this section, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign said Bond, and no such Bond shall be deemed to be issued or outstanding unless such Bond is so executed. The Paying Agent/Registrar promptly shall cancel all paid Bonds and Bonds surrendered for conversion and exchange. No additional ordinances, orders or resolutions need be passed or adopted by the governing body of the Issuer or any other body or person so as to accomplish the foregoing conversion and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution and delivery of the substitute Bonds in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, the duty of conversion and exchange of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Bond, the converted and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which initially were issued and delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

- (d) Payment of Principal and Interest. The Issuer hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Bonds, and of all conversions and exchanges of Bonds, and all replacements of Bonds, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each registered owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

- (e) Payment to Registered Owner. Notwithstanding any other provision of this Ordinance to the contrary, the Issuer and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the registered owners, as shown in the Registration Books as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to payment of principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner, as shown in the Registration Books, shall receive a Bond certificate evidencing the obligation of the Issuer to make payments of principal and interest pursuant to this Ordinance.
- (f) Paying Agent/Registrar. The Issuer covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the Issuer will provide a competent and legally qualified bank, trust company, financial institution or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.
- (g) Substitute Paying Agent/Registrar. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 120 days written notice to the Paying Agent/Registrar, to be effective not later than 60 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar.
- (h) Book-Entry Only System. The Bonds issued in exchange for the Bonds initially issued to the purchaser or purchasers specified herein shall be initially issued in the form of a separate single fully registered Bond for each of the maturities thereof and the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company of New York ("DTC"), and except as provided in subsections (i) and (j) of this Section, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

- (i) Blanket Letter of Representations. The previous execution and delivery of the Blanket Letter of Representations with respect to obligations of the Issuer is hereby ratified and confirmed; and the provisions thereof shall be fully applicable to the Bonds. Notwithstanding anything to the contrary contained herein, while the Bonds are subject to DTC's Book-Entry Only System and to the extent permitted by law, the Letter of Representations is hereby incorporated herein and its provisions shall prevail over any other provisions of this Ordinance in the event of conflict.

- (j) Bonds Registered in the Name of Cede & Co. With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created ("DTC Participant") to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a registered owner of Bonds, as shown on the Registration Books, of any notice with respect to the Bonds, or (iii) the payment to any DTC Participant or any other person, other than a registered owner of Bonds, as shown in the Registration Books of any amount with respect to principal of or interest on the Bonds. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record date, the words "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

- (k) Successor Securities Depository; Transfers Outside Book-Entry Only System. In the event that the Issuer determines that DTC is incapable of discharging its responsibilities described herein and in the representation letter of the Issuer to DTC or that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, the Issuer shall (i) appoint a successor securities depository, qualified to act as such under Section 17A of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names registered owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

- (l) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC,

all payments with respect to principal of and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the representation letter of the Issuer to DTC.

- (m) General Characteristics of the Bonds. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Registered Owners thereof, (ii) may and shall be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be converted and exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Bonds shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BOND set forth in this Ordinance. The Bonds initially issued and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in conversion of and exchange for any Bond or Bonds issued under this Ordinance the Paying Agent/Registrar shall execute the Paying Agent/registrar's Authentication Bond, in the FORM OF BOND set forth in this Ordinance.
- (n) Cancellation of Initial Bond. On the closing date, one initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the order of the initial purchaser of the Bonds or its designee, executed by manual or facsimile signature of the Mayor and City Secretary, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to such purchaser or its designee. Upon payment for the initial Bond, the Paying Agent/Registrar shall insert the Issuance Date on Bond No. T-1, cancel initial Bond and deliver to The Depository Trust Company ("DTC") on behalf of such purchaser one registered definitive Bond for each year of maturity of the Bonds, in the aggregate principal amount of all of the Bonds for such maturity, registered in the name of Cede & Co., as nominee of DTC. To the extent that the Paying Agent/Registrar is eligible to participate in DTC's FAST System, pursuant to an agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC.

SECTION 4. FORM OF BONDS.

The form of the Bonds, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Bonds initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance, and with the Bonds to be completed with information set forth in the Pricing Certificate.

(a) Form of Bond.

NO. R-	UNITED STATES OF AMERICA STATE OF TEXAS	PRINCIPAL AMOUNT
	CITY OF BIG SPRING, TEXAS	\$ _____
	GENERAL OBLIGATION REFUNDING BOND	
	SERIES 2016	

<u>INTEREST RATE</u>	<u>DATE OF BONDS</u>	<u>MATURITY DATE</u>	<u>CUSIP NO.</u>
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_____	_____	_____	_____
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REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

ON THE MATURITY DATE specified above, the City of Big Spring, in Howard County, Texas, (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on the Maturity Date specified above, the Principal Amount specified above. The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30- day months) from _____, _____ at the Interest Rate per annum specified above. Interest is payable on _____ and semiannually on each _____ and _____ thereafter to the Maturity Date specified above, or the date of redemption prior to maturity; except, if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the principal corporate trust office of _____, _____, Texas, which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the ordinance authorizing the issuance of this Bond (the "Bond Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the registered owner hereof, at its address as it appeared on the _____ day of the month preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In addition, interest may be paid by such other

method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Bond appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

ANY ACCRUED INTEREST due at maturity or upon the redemption of this Bond prior to maturity as provided herein shall be paid to the registered owner upon presentation and surrender of this Bond for payment or redemption at the principal corporate trust office of the Paying Agent/Registrar. The Issuer covenants with the registered owner of this Bond that on or before each principal payment date and interest payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Bond Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due.

IF THE DATE for any payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day that is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND is one of a series of Bonds dated _____, _____, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$_____ for the public purposes of refunding certain outstanding obligations of the Issuer, and to pay the costs incurred in connection with the issuance of the Bonds.

ON _____, or on any date thereafter, the Bonds of this series may be redeemed prior to their scheduled maturities, at the option of the Issuer, with funds derived from any available and lawful source, as a whole, or in part, and, if in part, the particular Bonds, or portions thereof, to be redeemed shall be selected and designated by the Issuer (provided that a portion of a Bond may be redeemed only in an integral multiple of \$5,000), at a redemption price equal to the principal amount to be redeemed plus accrued interest to the date fixed for redemption.

THE BONDS scheduled to mature on _____ in the years _____ and _____ (the "Term Bonds") are subject to scheduled mandatory redemption by the Paying Agent/Registrar by lot, or by any other customary method that results in a random selection, at a price equal to the principal amount thereof, plus accrued interest to the redemption date, out of moneys available for such purpose in the interest and sinking fund for the Bonds, on the dates and in the respective principal amounts, set forth in the following schedule:

Term Bond		Term Bond	
Maturity: _____, _____		Maturity: _____, _____	
<u>Mandatory Redemption Date</u>	<u>Principal Amount</u>	<u>Mandatory Redemption Date</u>	<u>Principal Amount</u>
_____, _____	\$ _____	_____, _____	\$ _____
_____, _____	\$ _____	_____, _____	_____
_____, _____	\$ _____	_____, _____	_____
_____, _____ (maturity)	\$ _____	_____, _____ (maturity)	_____

The principal amount of Term Bonds of a stated maturity required to be redeemed on any mandatory redemption date pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the Issuer, by the principal amount of any Term Bonds of the same maturity which, at least 50 days prior to a mandatory redemption date (1) shall have been acquired by the Issuer at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the Issuer at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory redemption requirement.

IF AT THE TIME OF MAILING of notice of optional redemption there shall not have either been deposited with the Paying Agent/Registrar or legally authorized escrow agent immediately available funds sufficient to redeem all the Bonds called for redemption, such notice may state that it is conditional, and is subject to the deposit of the redemption moneys with the Paying Agent/Registrar or legally authorized escrow agent at or prior to the redemption date. If such redemption is not effectuated, the Paying Agent/Registrar shall, within five days thereafter, give notice in the manner in which the notice of redemption was given that such moneys were not so received and shall rescind the redemption.

AT LEAST 30 days prior to the date fixed for any redemption of Bonds or portions thereof prior to maturity a written notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, at least 30 days prior to the date fixed for any such redemption, to the registered owner of each Bond to be redeemed at its address as it appeared on the 45th day prior to such redemption date; provided, however, that the failure of the registered owner to receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof that are to be so redeemed. If such written notice of redemption is sent and if due provision for such payment is made, all as provided above, the Bonds or portions thereof that are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bond shall

be redeemed, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Bond Ordinance.

ALL BONDS OF THIS SERIES are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Bond Ordinance, this Bond may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered Bonds, without interest coupons, payable to the appropriate registered owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate registered owner, assignee or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Bond Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Bond may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the registered owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Bond or portion thereof will be paid by the Issuer. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or (ii) with respect to any Bond or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Bond Ordinance that it promptly will appoint a competent and legally qualified substitute therefore, and cause written notice thereof to be mailed to the registered owners of the Bonds.

IT IS HEREBY certified, recited and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Bond, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said Issuer, and have been pledged for such payment, within the limit prescribed by law.

THE ISSUER HAS RESERVED THE RIGHT to amend the Bond Ordinance as provided therein, and under some (but not all) circumstances amendments thereto must be approved by the registered owners of a majority in aggregate principal amount of the outstanding Bonds.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Bond Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Bond Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the Issuer, and agrees that the terms and provisions of this Bond and the Bond Ordinance constitute a contract between each registered owner hereof and the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed with the manual or facsimile signature of the Mayor of the Issuer (or in the absence of the Mayor, the Mayor Pro Tem of the Issuer) and countersigned with the manual or facsimile signature of the City Secretary of said Issuer, and has caused the official seal of the Issuer to be duly impressed, or placed in facsimile, on this Bond.

(signature)
City Secretary

(signature)
Mayor

(SEAL)

(b) Form of Paying Agent/Registrar's Authentication Certificate.

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE
(To be executed if this Bond is not accompanied by an executed Registration Certificate of the Comptroller of Public Accounts of the State of Texas)

It is hereby certified that this Bond has been issued under the provisions of the Bond Ordinance described in the text of this Bond; and that this Bond has been issued in conversion or replacement of, or in exchange for, a Bond, Bonds, or a portion of a Bond or Bonds of a series that originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated: _____

_____, Texas
Paying Agent/Registrar

By: _____
Authorized Representative

(c) Form of Assignment.

ASSIGNMENT
(Please print or type clearly)

For value received, the undersigned hereby sells, assigns and transfers unto: _____

Transferee's Social Security or Taxpayer Identification Number: _____

Transferee's name and address, including zip code: _____

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Date _____.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.

NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

(d) Form of Registration Certificate of the Comptroller of Public Accounts.

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. _____

I hereby certify that there is on file and of record in my office a true and correct copy of the opinion of the Attorney General of the State of Texas approving this Bond and that this Bond has been registered this day by me.

Witness my signature and seal this _____.

Comptroller of Public Accounts
of the State of Texas

(COMPTROLLER'S SEAL)

e. Initial Bond Insertions.

i. The initial Bond shall be in the form set forth in paragraph (a) of this Section, except that:

A. immediately under the name of the Bond, the headings "Interest Rate" and "Maturity Date" shall both be completed with the words "As shown below" and "CUSIP No. _____" shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"THE CITY OF BIG SPRING, TEXAS, in Howard County, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on _____ in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

<u>Years</u>	<u>Principal Amount</u>	<u>Interest Rates</u>
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(Information from Section 2 to be inserted)

The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from _____, _____ at the respective Interest Rate per annum specified above. Interest is payable on _____, _____ and semiannually on each _____ and _____ thereafter to the date of payment of the principal installment specified above, or the date of redemption prior to maturity; except, that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full."

C. The Initial Bond shall be numbered "T-1."

SECTION 5. INTEREST AND SINKING FUND.

(a) A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the Issuer as a separate fund or account and the funds therein shall be deposited into and held in an account at an official depository bank of said Issuer. Said Interest and Sinking Fund shall be accounted for separate and apart from all other funds and accounts of said Issuer, and shall be used only for paying the interest on and principal of said Bonds. All amounts received from the sale of the Bonds as accrued interest shall be deposited upon receipt to the Interest and Sinking Fund, and all ad

valorem taxes levied and collected for and on account of said Bonds shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Bonds are outstanding and unpaid, the governing body of said Issuer shall compute and ascertain a rate and amount of ad valorem tax that will be sufficient to raise and produce the money required to pay the interest on said Bonds as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Bonds as such principal matures (but never less than 2% of the original amount of said Bonds as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said Issuer, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said Issuer, for each year while any of said Bonds are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Bonds, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. If lawfully available moneys of the Issuer are on deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes that otherwise would have been required to be levied pursuant to this Section may be reduced to the extent and by the amount of the lawfully available funds then on deposit in the Interest and Sinking Fund.

- (b) Article 1208, Government Code, applies to the issuance of the Bonds and the pledge of the taxes granted by the Issuer under this Section and is therefore valid, effective, and perfected. Should Texas law be amended at any time while the Bonds are outstanding and unpaid, the result of such amendment being that the pledge of the taxes granted by the Issuer under this Section is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, in order to preserve to the registered owners of the Bonds a security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing of a security interest in said pledge to occur.

SECTION 6. DEFEASANCE OF BONDS.

- (a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper

arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until all Defeased Bonds shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Defeased Bonds that is made in conjunction with the payment arrangements specified in subsection (a)(i) or (ii) of this Section shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the Issuer expressly reserves the right to call the Defeased Bonds for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Bonds immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

- (b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the Issuer be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the Issuer, or deposited as directed in writing by the Issuer. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Bonds may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in subsection (a)(i) or (ii) of this Section. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Bonds, with respect to which such money has been so deposited, shall be remitted to the Issuer or deposited as directed in writing by the Issuer.
- (c) The term "Defeasance Securities" means any securities and obligations now or hereafter authorized by State law that are eligible to discharge obligations such as the Bonds.
- (d) Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Ordinance.
- (e) In the event that the Issuer elects to defease less than all of the principal amount of Bonds of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Bonds by such random method as it deems fair and appropriate.

SECTION 7. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS.

- (a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new Bond of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.
- (b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen or destroyed Bonds shall be made by the registered owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Bond, the registered owner applying for a replacement Bond shall furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Bond, the registered owner shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the registered owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.
- (c) No Default Occurred. Notwithstanding the foregoing provisions of this , in the event any such Bond shall have matured, and no default has occurred that is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.
- (d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement Bond, the Paying Agent/Registrar shall charge the registered owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement Bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.
- (e) Authority for Issuing Replacement Bonds. In accordance with Sec. 1206.022, Government Code, this Section 7 of this Ordinance shall constitute authority for the issuance of any such replacement Bond without necessity of further action by the governing body of the Issuer or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 3(a) of this Ordinance for Bonds issued in conversion and exchange for other Bonds.

SECTION 8. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED; ENGAGEMENT OF BOND COUNSEL.

- (a) The Mayor of the Issuer and each of the Pricing Officers are hereby authorized to have control of the Bonds initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Bonds, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Bond. The approving legal opinion of the Issuer's Bond Counsel and the assigned CUSIP numbers may, at the option of the Issuer, be printed on the Bonds issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the registered owners of the Bonds. In addition, if bond insurance is obtained, the Bonds may bear an appropriate legend as provided by the insurer.
- (b) The obligation of the initial purchaser to accept delivery of the Bonds is subject to the initial purchaser being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., bond counsel to the Issuer, which opinion shall be dated as of and delivered on the date of initial delivery of the Bonds to the initial purchaser. The engagement of such firm as bond counsel to the Issuer in connection with issuance, sale and delivery of the Bonds is hereby approved and confirmed. The execution and delivery of an engagement letter between the Issuer and such firm, with respect to such services as bond counsel, is hereby authorized in such form as may be approved by the Mayor, and the Mayor is hereby authorized to execute such engagement letter.

SECTION 9. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE BONDS.

- (a) Covenants. The Issuer covenants to take any action necessary to assure, or refrain from any action that would adversely affect, the treatment of the Bonds as Obligation described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:
- (1) to take any action to assure that no more than 10 percent of the proceeds of the Bonds (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed or refinanced therewith (the "Projects") are so used, such amounts, whether or not received by the Issuer, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of

the Code;

- (2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" that is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;
- (3) to take any action to assure that no amount that is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;
- (4) to refrain from taking any action that would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(b) of the Code;
- (5) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;
- (6) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds that were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) that produces a materially higher yield over the term of the Bonds, other than investment property acquired with –
 - (A) proceeds of the Bonds invested for a reasonable temporary period of 3 years or less or, in the case of an advance refunding bond, for a period of 30 days or less until such proceeds are needed for the purpose for which the bonds are issued, and in the case of a current refunding bond, for a period of 90 days or less,
 - (B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and
 - (C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;
- (7) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and
- (8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Bonds have

been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

- (b) Rebate Fund. In order to facilitate compliance with the above covenant (a)(8), a "Rebate Fund" is hereby established by the Issuer for the sole benefit of the United States of America, and such Fund shall not be subject to the claim of any other person, including without limitation the Bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.
- (c) Use of Proceeds. For purposes of the foregoing covenants (a)(1) and (a)(2), the Issuer understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the Refunded Obligations expended prior to the date of issuance of the Bonds. It is the understanding of the Issuer that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated that modify or expand provisions of the Code, as applicable to the Bonds, the Issuer will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated that impose additional requirements applicable to the Bonds, the Issuer agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of such intention, the Issuer hereby authorizes and directs the Mayor and each Pricing Officer to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the Issuer, that may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds.
- (d) Disposition of Projects. The Issuer covenants that the property constituting the Projects will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless any action taken in connection with such disposition will not adversely affect the tax- exempt status of the Bonds. For purpose of the foregoing, the Issuer may rely on an opinion of nationally- recognized bond counsel that the action taken in connection with such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.
- (e) Designation as Qualified Tax-Exempt Obligations. If so designated in the Pricing Certificate, the Bonds shall be designated as "qualified tax-exempt obligations" as defined in section 265(b)(3) of the Code. In furtherance of such designation, the Issuer represents, covenants and warrants the following: (a) that during the calendar year in

which the Bonds are issued, the Issuer (including any subordinate entities) has not designated nor will designate obligations that when aggregated with the Bonds, will result in more than \$10,000,000 of "qualified tax-exempt obligations" being issued; (b) that the Issuer reasonably anticipates that the amount of tax-exempt obligations issued, during the calendar year in which the Bonds are issued, by the Issuer (or any subordinate entities) will not exceed \$10,000,000; and, (c) that the Issuer will take such action or refrain from such action as necessary, and as more particularly set forth in this Section, hereof, in order that the Bonds will not be considered "private activity bonds" within the meaning of section 141 of the Code.

SECTION 10. SALE OF BONDS AND APPROVAL OF OFFICIAL STATEMENT; FURTHER PROCEDURES.

- (a) The Bonds shall be sold and delivered subject to the provisions of Section 1 and Section 3 and pursuant to the terms and provisions of a bond purchase agreement, bid form or purchase letter (the "Purchase Agreement") which the Pricing Officer is hereby authorized to execute and deliver and in which the purchaser or purchasers (the "Underwriters") of the Bonds shall be designated. The Bonds shall initially be registered in the name of the purchaser thereof as set forth in the Pricing Certificate.
- (b) The Mayor and City Secretary are further authorized and directed to execute and deliver for and on behalf of the Issuer copies of a Preliminary Official Statement and Official Statement, prepared in connection with the offering of the Bonds by the Purchasers, in final form as may be required by the Purchasers, and such final Official Statement in the form and content as approved by the Pricing Officer or as manually executed by said officials shall be deemed to be approved by the City Council of the Issuer and constitute the Official Statement authorized for distribution and use by the Purchasers. The form and substance of the Preliminary Official Statement for the Bonds and any addenda, supplement or amendment thereto, all as approved by the Pricing Officer, are hereby deemed to be approved in all respects by the City Council of the Issuer, and the Preliminary Official Statement is hereby deemed final as of its date (except for the omission of pricing and related information) within the meaning and for the purpose of paragraph (b)(1) of the Rule (hereinafter defined).
- (c) The Pricing Officer is authorized, in connection with effecting the sale of the Bonds, to obtain from a municipal bond insurance company so designated in the Pricing Certificate (the "Insurer") a municipal bond insurance policy (the "Insurance Policy") in support of the Bonds. To that end, should the Pricing Officer exercise such authority and commit the Issuer to obtain a municipal bond insurance policy, for so long as the Insurance Policy is in effect, the requirements of the Insurer relating to the issuance of the Insurance Policy as set forth in the Pricing Certificate are incorporated by reference into this Ordinance and made a part hereof for all purposes, notwithstanding any other provision of this Ordinance to the contrary. The Pricing Officer shall have the authority to execute any documents to effect the issuance of the Insurance Policy by the Insurer.
- (d) The Mayor, the City Secretary and each Pricing Officer shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do

and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the Issuer such documents, certificates and other instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Pricing Certificate, the Bonds, the sale of the Bonds and the Official Statement. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 11. COMPLIANCE WITH RULE 15c2-12.

- (a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

"MSRB" means the Municipal Securities Rulemaking Board. "Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

- (b) Annual Reports.

- (i) The Issuer shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, within six months after the end of each fiscal year, financial information and operating data with respect to the Issuer of the general type included in the final Official Statement authorized by Section 10 of this Ordinance, being the information described in the Pricing Certificate. The Issuer will additionally provide audited financial statements of the Issuer (the "Financial Statements") and such Financial Statements will be provided, when and if available, but in any event within 12 months after the end of each fiscal year. Any financial statements so to be provided shall be prepared in accordance with the accounting principles described in the financial statements of the Issuer appended to the Official Statement, or such other accounting principles as the Issuer may be required to employ from time to time pursuant to state law or regulation.
- (ii) If the Issuer changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the Issuer otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document that is available to the public on the MSRB's internet website or filed with the SEC. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

(c) Event Notices.

(i) The Issuer shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten business days after the occurrence of the event) of any of the following events with respect to the Bonds, if such event is material within the meaning of the federal securities laws:

1. Non-payment related defaults;
2. Modifications to rights of Bondholders;
3. Bond calls;
4. Release, substitution, or sale of property securing repayment of the Bonds;
5. The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms; and
6. Appointment of a successor or additional trustee or the change of name of a trustee.

(ii) The Issuer shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten business days after the occurrence of the event) of any of the following events with respect to the Bonds, without regard to whether such event is considered material within the meaning of the federal securities laws:

1. Principal and interest payment delinquencies;
2. Unscheduled draws on debt service reserves reflecting financial difficulties;
3. Unscheduled draws on credit enhancements reflecting financial difficulties;
4. Substitution of credit or liquidity providers, or their failure to perform;
5. Adverse tax opinions or the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
6. Tender offers;
7. Defeasances;

8. Rating changes; and

9. Bankruptcy, insolvency, receivership or similar event of an obligated person.

(iii) The Issuer shall notify the MSRB, in a timely manner, of any failure by the Issuer to provide financial information or operating data in accordance with subsection (b) of this Section by the time required by such subsection.

(d) Limitations, Disclaimers, and Amendments.

(i) The Issuer shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the Issuer remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the Issuer in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Bonds no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the registered owners and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The Issuer undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the Issuer's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The Issuer does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE ISSUER BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE ISSUER, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the Issuer in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the Issuer under federal and state securities laws.

(v) Should the Rule be amended to obligate the Issuer to make filings with or provide notices to entities other than the MSRB, the Issuer hereby agrees to undertake such

obligation with respect to the Bonds in accordance with the Rule as amended. The provisions of this Section may be amended by the Issuer from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the Issuer, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the registered owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the Issuer (such as nationally recognized bond counsel) determined that such amendment will not materially impair the interest of the registered owners and beneficial owners of the Bonds. The Issuer may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds. If the Issuer so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (b) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided.

SECTION 12. METHOD OF AMENDMENT.

The Issuer hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

- (a) The Issuer may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (v) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of nationally recognized bond counsel materially adversely affect the interests of the holders.
- (b) Except as provided in paragraph (a) above, the holders of Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Bonds that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the Issuer;

provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Bonds, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Bonds so as to:

- (1) Make any change in the maturity of any of the outstanding Bonds;
 - (2) Reduce the rate of interest borne by any of the outstanding Bonds;
 - (3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Bonds;
 - (4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Bonds or any of them or impose any condition with respect to such payment; or
 - (5) Change the minimum percentage of the principal amount of the Bonds necessary for consent to such amendment.
- (c) If at any time the Issuer shall desire to amend this Ordinance under this Section, the Issuer shall send by U.S. mail to each registered owner of the affected Bonds a copy of the proposed amendment. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the Issuer for inspection by all holders of such Bonds.
- (d) Whenever at any time within one year from the date of mailing of such notice the Issuer shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Bonds then outstanding that are required for the amendment, which instrument or instruments shall consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.
- (e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the Issuer and all holders of such affected Bonds shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.
- (f) Any consent given by the holder of a Bond pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of such consent, and shall be conclusive and binding upon all future holders of the same Bond during such period. Such consent may be revoked at any time after six months from the date of such consent by the holder who gave such consent, or by a successor in title, by filing notice with the Issuer, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected Bonds then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

For the purposes of establishing ownership of the Bonds, the Issuer shall rely solely upon the registration of the ownership of such Bonds on the registration books kept by

the Paying Agent/Registrar.

SECTION 13. DEFAULT AND REMEDIES.

- (a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:
- (i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or
 - (ii) default in the performance or observance of any other covenant, agreement or obligation of the Issuer, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Bonds, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the Issuer.
- (b) Remedies for Default.
- (i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefore, may proceed against the Issuer for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.
 - (ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Bonds then outstanding.
- (c) Remedies Not Exclusive.
- (i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.
 - (ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.
 - (iii) By accepting the delivery of a Bond authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give

rise to a personal or pecuniary liability or charge against the officers or employees of the Issuer or the City Council.

SECTION 14. APPROVAL OF ESCROW AGREEMENT AND TRANSFER OF FUNDS.

In furtherance of authority granted by Section 1207.007(b), Texas Government Code, the Mayor or City Manager are further authorized to enter into and execute on behalf of the Issuer with the escrow agent named therein, an escrow or similar agreement, in the form and substance as shall be approved by the Pricing Officer, which agreement will provide for the payment in full of the Refunded Obligations. In addition, the Mayor or the Pricing Officer is authorized to purchase such securities, to execute such subscriptions for the purchase of the Escrowed Securities (as defined in the agreement), if any, and to authorize such contributions for the escrow fund as provided in the agreement.

SECTION 15. REDEMPTION OF REFUNDED OBLIGATIONS.

- (a) Subject to execution and delivery of the Purchase Agreement with the Purchaser, the Issuer hereby directs that the Refunded Obligations be called for redemption on the dates and at such prices as set forth in the Pricing Certificate. The Pricing Officer is hereby authorized and directed to issue or cause to be issued a notice of redemption of the Refunded Obligations to the paying agent for the Refunded Obligations.
- (b) In addition, the paying agent for the Refunded Obligations is hereby directed to provide the appropriate notices of redemption and defeasance as specified by the ordinance authorizing the issuance of Refunded Obligations and is hereby directed to make appropriate arrangements so that the Refunded Obligations may be redeemed on their redemption dates. The Refunded Obligations shall be presented for redemption at the paying agent therefore, and shall not bear interest after the date fixed for redemption.
- (c) If the redemption of the Refunded Obligations results in the partial refunding of any maturity of the Refunded Obligations, the Pricing Officer shall direct the paying agent/registrar for the Refunded Obligations to designate at random and by lot which of the Refunded Obligations will be payable from and secured solely from ad valorem taxes of the Issuer pursuant to the ordinance of the Issuer authorizing the issuance of such Refunded Obligations (the "Refunded Bond Ordinance"). The paying agent/registrar shall notify by first-class mail all registered owners of all affected bonds of such maturities that: (i) a portion of such bonds have been refunded and are secured until final maturity solely with cash and investments maintained by the Escrow Agent in the Escrow Fund, (ii) the principal amount of all affected bonds of such maturities registered in the name of such registered owner that have been refunded and are payable solely from cash and investments in the Escrow Fund and the remaining principal amount of all affected bonds of such maturities registered in the name of such registered owner, if any, have not been refunded and are payable and secured solely from ad valorem taxes of the Issuer described in the Refunded Obligation Ordinance, (iii) the registered owner is required to submit his or her Refunded Obligations to the paying agent/registrar, for the purposes of re-registering such registered owner's bonds and

assigning new CUSIP numbers in order to distinguish the source of payment for the principal and interest on such bonds, and (iv) payment of principal of and interest on such bonds may, in some circumstances, be delayed until such bonds have been re-registered and new CUSIP numbers have been assigned as required by (iii) above.

- (d) The source of funds for payment of the principal of and interest on the Refunded Obligations on their respective maturity or redemption dates shall be from the funds deposited with the Escrow Agent pursuant to the Escrow Agreement approved in Section 14 of this Ordinance.

SECTION 16. APPROPRIATION.

To pay the debt service coming due on the Bonds, if any (as determined by the Pricing Certificate) prior to receipt of the taxes levied to pay such debt service, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount sufficient to pay such debt service, and such amount shall be used for no other purpose.

SECTION 17. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance, despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 18. This ordinance shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 8th day of December, 2015, with all members voting "aye" for the passage of same.

PASSED, APPROVED and ADOPTED on second and final reading at a regular meeting of the City Council on the 12th day of January, 2015, with all members voting "aye" for passage of same

Larry McLellan, Mayor

ATTEST:

Tami L. Davis, Asst. City Secretary

SCHEDULE I

SCHEDULE OF ELIGIBLE REFUNDED OBLIGATIONS

City of Big Spring, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007, dated February 1, 2003, maturities February 15 in the years 2017 through 2027, inclusive.

City of Big Spring, Texas, General Obligation Bonds, Series 2007, dated February 1, 2009, maturities February 15 in the years 2017 through 2027, inclusive.

**SECOND AMENDMENT TO THE
PERFORMANCE AGREEMENT BETWEEN
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
AND
THE CITY OF BIG SPRING**

This Second Amendment to the Performance Agreement Between Big Spring Economic Development Corporation and the City of Big Spring is made and entered into by and between the City of Big Spring, hereinafter referred to as "City," and the Big Spring Economic Development Corporation, hereinafter referred to as "EDC" for and in consideration of the mutual terms, conditions and covenants contained herein.

WHEREAS, City and EDC entered into that certain Performance Agreement Between Big Spring Economic Development Corporation and the City of Big Spring on or about December 9, 2014 (the "Agreement"); and

WHEREAS City and EDC mutually desire to enact changes to the Agreement to provide additional funding for improvements to the rail spur infrastructure on the McMahon Wrinkle Industrial Airpark, Big Spring, Texas;

NOW THEREFORE, for and in consideration of the mutual promises, covenants and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and EDC hereby amend the Agreement as follows:

1. The first sentence of Section 2 of the Contract is amended to read as follows:

"Maximum Financial Assistance. The words "Maximum Financial Assistance" means the sum of Three Million Three Hundred Eighty Thousand and no cents (\$3,380,000.00), which shall be the maximum amount of funds that the EDC will expend on the improvements depicted on the map attached hereto as Exhibit "A" and incorporated herein by reference."

2. Except as specifically amended hereby, all other provisions of the Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, City and EDC have respectively executed this Amendment to be effective as of November 17, 2015.

CITY OF BIG SPRING

Larry McLellan, Mayor

ATTEST:

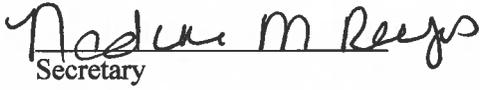
Tami Davis, Asst. City Secretary

BIG SPRING ECONOMIC
DEVELOPMENT CORPORATION



Terry Hansch, President

ATTEST:



Nadene M. Reeps
Secretary

**City of Big Spring
Monthly Interest Rates
Quarter Ending September 30, 2015**

	July	Aug	Sept	Average
TexPool Funds	0.0630%	0.0716%	0.0850%	0.0747%
TexSTAR Funds	0.0722%	0.0823%	0.0994%	0.0865%
Western Bank 6 month CD				0.4500%
Lone Star State Bank 6 month CD				0.4991%
12 month CD				0.4991%
BBVA Compass Money Market	0.2360%	0.2380%	0.2470%	0.2050%

Prepared by: 
Donald Moore - Finance Director


Todd Darden - City Manager

City of Big Spring Investment Report Quarter Ending September 30, 2015

	Market Value <u>6/30/15</u>	Quarterly Interest <u>Income</u>	Net Additions/ <u>Decreases</u>	Market Value <u>9/30/15</u>
<u>TexPool Funds</u>				
Utility Escrow	-	-	-	-
Airpark	496,852.90	91.52	-	496,944.42
Landfill Closure	2,254,853.00	415.33	-	2,255,268.33
Operating Account	1,731,902.68	318.94	-	1,732,221.62
Cemetery	351,191.67	64.67	-	351,256.34
Health Insurance	-	-	-	-
Total TexPool	\$ 4,834,800.25	\$ 890.46	\$ -	\$ 4,835,690.71
<u>TexSTAR Funds</u>				
Certificates of Obligation	-	-	-	-
Certificates of Obligation 2012	\$ 1,617,483.42	\$ 341.84	\$ (800,000.00)	\$ 817,825.26
Total TexSTAR	\$ 1,617,483.42	\$ 341.84	\$ (800,000.00)	\$ 817,825.26
Total Funds in Pools	\$ 6,452,283.67	\$ 1,232.30	\$ (800,000.00)	\$ 5,653,515.97

City of Big Spring Investment Report Quarter Ending September 30 , 2015

	Value 6/30/15	Quarterly Interest Income	Net Additions/ Decreases	Value 9/30/15
Western Bank-				
9/30/2015	\$ 101,958.70	\$ 115.69	\$ -	\$ 102,074.39
Total Western Bank	\$ 101,958.70	\$ 115.69	\$ -	\$ 102,074.39
Lone Star State Bank				
Maturity 3/31/16	\$ 101,814.14	\$ 256.00	\$ -	\$ 102,070.14
Maturity 9/30/15	132,788.07	661.52	-	133,449.59
Total Lone Star Bank	\$ 234,602.21	\$ 917.52	\$ -	\$ 235,519.73
BBVA Compass				
Money Market - 2521127867	\$ 9,538,962.00	\$ 5,676.29	\$ -	\$ 9,544,638.29
Total BBVA Compass	\$ 9,538,962.00	\$ 5,676.29	\$ -	\$ 9,544,638.29
Total Investments	\$ 16,327,806.58	\$ 7,941.80	\$ (800,000.00)	\$ 15,535,748.38
BBVA Compass				
Operating Account Balance			\$	\$ 5,795,115.99

Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Tuesday, October 27, 2015, 5:15 p.m.
Offices of the Big Spring Economic Development Corporation
215 West Third Street, Big Spring, Texas

The Regular Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 5:15 p.m. Tuesday, October 27, 2015 in the offices of the Big Spring Economic Development Corporation. The following notice was sent on October 23, 2015 to all Directors, the news media, and duly posted on October 23, 2015, by Teresa Darden in compliance with the Open Meeting's Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the inside and outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Regular Board Meeting on Tuesday, October 27, 2015, 5:15 p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is: Update from Leading EDG, Action on Minutes of the September 15, 2015 Regular Meeting, Action to Approve September Financials Report, Action to Approve September Investment Report, Introduction of new Board Member, Election of Officers, Appointment of Committee Chairs, Consideration of Engagement Letter from Newberry, Leonard, Horton & Barrington CPA's for the 2014-2015 Audit, Executive Session, Action as a Result of Executive Session, Directors Report, Public Comment, Board Comment, and Adjourn".

Directors Present:

Mr. Terry Hansen- President
Mr. Bob Price- Vice President
Mrs. Nadine Reyes- Secretary/Treasurer
Mrs. Kay McDaniel
Mr. Bobby McDonald

Directors Absent:

Staff Present:

Mr. Terry Wegman
Mrs. Teresa Darden

Guests that signed in:

Matty McLain, Ken Birdsong, Marcia Giroto, Don Rodgers, Raul Morales, Elva Rodriguez, Tammy DePauw, Betty Baker, Laura Fitzpatrick, Todd Darden, Larry McLellan, Jim DePauw

AGENDA ITEM # 1 – Call to Order/Invocation and Pledge:

Mr. Hansen called the meeting to order at 5:15 p.m. Mr. Price led the invocation and Mrs. Reyes led the pledge.

ACTION ITEM #2- Update from Leading EDG:

Mr. Matty McLain gave an update of the progress that Leading EDG has had since 2011. Leading EDG has assisted 86 business and 108 clients in the last 4 years. Leading EDC is funded by the EDC and is no charge to citizens of Howard County that need direction in entrepreneurialism.

ACTION ITEM #3- Action on Minutes of the September 15, 2015 Regular:

Mr. Hansen presented the Minutes. Motion to accept the Minutes was made by Mrs. McDaniel, seconded by Mr. Price. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #4- Action to Approve September Financials:

Mrs. Reyes presented the Financials. Motion to approve the Financials was made by Mrs. Reyes seconded by Mrs. McDaniel. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #5-Action to Approve September Investment Report:

Mrs. Reyes presented the Investment Report. Motion to approve the Investment Report was made by Mrs. Reyes seconded by Mr. Price. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #6- Introduction of new Board Member, Mr. Bobby McDonald:

Mr. Hansen introduced and welcomed Mr. Bobby McDonald as the new member of the Board. Mr. McDonald replaced Mr. Cole Morgan, whose 1 year term expired. Mr. McDonald will fulfill a 3 year term ending September 2018.

ACTION ITEM #7- Elections of Officers:

Mrs. McDaniel nominated Mr. Hansen as President, Mr. Price as Vice President and Mrs. Reyes as Secretary/Treasurer. Motion to accept the nomination was made by Mrs. McDaniel seconded by Mr. Price. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #8- Appointment of Committee Chairs by President:

Mr. Hansen asked for volunteers for each committee: Mrs. Reyes volunteered for Industry Attraction and Recruitment, Mrs. McDaniel volunteered for Industry Retention and Expansion and Mr. Price volunteered for Workforce Development.

ACTION ITEM #9- Consideration of Engagement Letter from Newberry, Leonard, Horton & Barrington CPA's for the 2014-2015 Annual Audit:

Mr. Wegman presented the engagement letter for the annual audit by Newberry, Leonard, Horton & Barrington, CPA's. Motion to accept the engagement letter was made by Mr. Price, seconded by Mrs. McDaniel. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #10- Directors Report:

Directors Report was moved from agenda item 12. Mr. Wegman updated the Board on several projects including: Phase III of rail construction update: appraisal is complete and has been sent to TxDot Aviation, quick turn-a-round at TxDot, 2-3 weeks with FAA in Ft. Worth, 6 weeks in Washington D.C. The EDC is still working closely with Bartlett and West on the 3D marketing material. Steve with IMS Worldwide has been continually meeting with businesses in Big Spring to get a feel for the needs of the area. The EDC attorney would like to meet with the Board regarding Desert Tanks to discuss options in the next few weeks. Invenergy has started construction and GE Logistics is using an area on the west side of the airpark as a laydown yard for the Invenergy project. Mr. Wegman updated the Board on past and upcoming meetings to include: TML Sept 22-25, SWARS Oct 7-9, TEDC Annual Meeting Oct 14-16, High Ground Annual Meeting Oct 20-21, ICSC Nov 5-6th, quarterly update to City Council Nov 10th, next Board meeting Nov 17th.

ACTION ITEM #11-Executive Session in accordance with Texas Government Code, Sec. 551.087. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

- **Greystone Brokerage and Development**
- **Cap Rock Holdings LLC**

Mr. Hansen adjourned the Board into Executive Session @ 6:00pm., October 27 2015
Mr. Hansen called the Executive Session to order at 6:03pm, October 27, 2015
Mr. Hansen adjourned out of executive session at 7:39pm, October 27, 2015
Mr. Hansen reconvened into open session at 7:40pm, October 27, 2015

ACTION ITEM #11- Action as a Result of Executive Session:

None

AGENDA ITEM #12- Public Comments:

None

AGENDA ITEM #13- Board Comments:

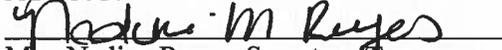
None

AGENDA ITEM # 14- Adjourn:

Mrs. McDaniel made a motion to adjourn, seconded by Mrs. Reyes.
The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.
Meeting adjourned at 7:41 pm on October 27, 1015


Mr. Terry Hansen, President

ATTEST:


Mrs. Nadine Reyes, Secretary/Treasurer

Minutes of the Board of Director's Special Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Monday, November 9, 2015, 5:15 p.m.
Offices of the Big Spring Economic Development Corporation
215 West Third Street, Big Spring, Texas

The Special Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 5:15 p.m. Monday, November 9, 2015 in the offices of the Big Spring Economic Development Corporation. The following notice was sent on November 6, 2015 to all Directors, the news media, and duly posted on November 6, 2015, by Teresa Darden in compliance with the Open Meeting's Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the inside and outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Special Board Meeting on Monday, November 9, 2015, 5:15 p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is: Executive Session, Action as a Result of Executive Session, Public Comment, Board Comment, and Adjourn".

Directors Present:

Mr. Terry Hansen- President
Mr. Bob Price- Vice President
Mrs. Nadine Reyes- Secretary/Treasurer
Mrs. Kay McDaniel
Mr. Bobby McDonald

Directors Absent:

Staff Present:

Mr. Terry Wegman
Mrs. Teresa Darden

Guests that signed in:

Jim DePauw

AGENDA ITEM # 1 – Call to Order/Invocation and Pledge:

Mr. Hansen called the meeting to order at 5:15 p.m. Mr. Hansen led the invocation and pledge.

ACTION ITEM #2- Executive Session:

Executive Session in accordance with Texas Government Code, Section 551.071.
CONSULTATION WITH ATTORNEY; CLOSED MEETING. A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

- Desert Tanks LLC

Mr. Hansen adjourned the Board of Directors into Executive Session @ 5:17 pm., November 9, 2015

Mr. Hansen called the Executive Session to order at 5:17 pm., November 9, 2015

Mr. Hansen adjourned out of executive session at 6:22 pm., November 9, 2015

AGENDA ITEM #3- Action as a Result of Executive Session:

Mr. Hansen reconvened into open session @ 6:23 pm., November 9, 2015

No action taken

ACTION ITEM #4- Action as a Result of Executive Session:

None

AGENDA ITEM #5- Public Comments:

None

AGENDA ITEM #6- Board Comments:

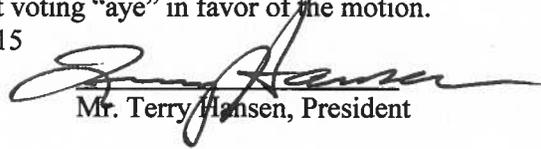
None

AGENDA ITEM # 7- Adjourn:

Mr. Price made a motion to adjourn, seconded by Mrs. McDainel.

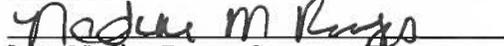
The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

Meeting adjourned at 6:24 pm on November 9, 1015



Mr. Terry Hansen, President

ATTEST:



Mrs. Nadine Reyes, Secretary/Treasurer