



City Council Meeting Agenda

5:30 p.m.

March 12, 2020

300 West Cotton Street

Jo Ann Metcalf Municipal Building

City Hall Council Chamber

- I. Call to Order**
- II. Invocation**
- III. Pledge of Allegiance**
- IV. Employee Recognition**
- V. Community Recognition**
- VI. Citizen Comment**
- VII. Consent Agenda**
 - A.** Consider a Resolution authorizing the City of Longview to apply for, accept and expend grant funds in the amount of \$10,000.00 from Youth Collaboratory to support the Partners in Prevention Mentoring Program – Holly Fuller, Partners in Prevention Manager. Pages 4-8
 - B.** Consider a Resolution authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents for the application, receipt and expenditure of grant funds in the amount of \$65,000 from the 2021 Victims of Crime Act Formula Grant Program (VOCA) from the U.S. Department of Justice, Bureau of Justice Assistance for the purpose of supporting initiatives which assist crime victims and their families – Mike Bishop, Police Chief. Pages 9-12
 - C.** Consider a Resolution authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents for the application, receipt and expenditure of grant funds in the amount of \$10,185.93 from the Law Enforcement Officer Standards and Education

(LEOSE) fund for the purpose of continuing education and training for law enforcement personnel of the Longview Police Department – Mike Bishop, Police Chief. Pages 13-16

- D.** Consider a Resolution accepting the Maude Cobb Convention Center North Parking Lot Rehabilitation for final payment in the amount of \$42,997.68 to Rayford's Truck & Tractor of Marshall, Texas – Rolin McPhee, P.E., Director of Public Works. Pages 17-20
- E.** Consider a Resolution awarding contracts to, authorizing, and directing the City Manager or the City Manager's designee to execute any necessary documents with Denali Water Solutions, LLC of Russellville, Arkansas for biosolids removal and disposal services for the Grace Creek Wastewater Treatment Plant – Rolin McPhee, Director of Public Works. Pages 21-25
- F.** Consider an Ordinance authorizing City staff to acquire an undivided interest in certain property located at 213 S. Gum St., described as Lot 37, NCB 223, Longview Hamilton McNutt Survey, A-129, City of Longview, Gregg County, Texas, designated as parcel 2019-P-012 in fee simple in the amount of \$10,500.00 as is required to complete the construction of the new Longview Police Department – Rolin McPhee, Director of Public Works. Pages 26-30
- G.** Consider a Resolution authorizing the City Manager or his designee to pay compensation for the replacement of the real estate and moving expenses in the amount of \$69,500.00 as required by the Uniform Relocation Assistance Program for the purchase of certain property located at 213 S. Gum St., described as Lot 37, NCB 223, Longview Hamilton McNutt Survey, A-129, City of Longview, Gregg County, Texas, designated as parcel 2019-P-012 as is required to complete the construction of the new Longview Police Department – Rolin McPhee, Director of Public Works. Pages 31-35
- H.** Consider a Resolution denying the statement of intent to increase rates filed by Centerpoint Energy Resources Corporation, d/b/a, Centerpoint Energy Entex and Centerpoint Energy Texas Gas, for its Beaumont/East Texas Division, on or about November 14, 2019 – Jim Finley, City Attorney. Pages 36-40
- I.** Consider approval of the following minutes: January 9, 2020, February 13, 2020 and February 27, 2020 – Angie Shepard, City Secretary. Page 41

VIII. Zoning – Public Hearing Item

A PUBLIC HEARING will be held to consider a request filed by BCTCMT33, LLC to abandon a portion of a 60 foot wide street right-of-way known as Derrick Street consisting of approximately 0.145 acres located west of Cheryl Street, north of Harley Ridge Road – Angela Choy, AICP, City Planner. Pages 42-50

IX. Action Item

Consider all matters incidental and related to the issuance and sale of the City of Longview, Texas General Obligation Refunding Bonds, Series 2020, including the adoption of an ordinance authorizing the issuance of the bonds, establishing parameters for the sale and issuance of such bonds, and delegating certain matters to City officers to act on its behalf in selling the bonds – Dan Culver, McCall, Parkhurst & Horton L.L.P. Pages 51-82

X. Items of Community Interest

XI. Adjourn

Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551. The City Council reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. In addition, the City Council may consider a vote to excuse the absence of any City Council Member for absence from this meeting or for absence from any previous City Council meeting.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aid or services are requested to contact the City Secretary's Office at 903.237.1080 at least two days before this meeting so that appropriate arrangements can be made. Para ayuda en español, por favor llame al 903.237.1000.

PARTNERS IN PREVENTION MENTORING PROGRAM

DESCRIPTION:

City of Longview, Partners in Prevention Mentoring Program has been selected by Youth Collaboratory (Formerly known as MANY Center for Research and Innovation) as a sub-grantee of the U.S. Department of Justice for the Mentoring Opportunities for Youth Initiative, Multi-State Mentoring Programs grant. The Department of Justice awarded the original two-year grant to Youth Collaboratory (MANY) who disbursed the federal funds to the City of Longview as one of 10 organizations nationally to serve as a Mentoring+ site.

Due to the outstanding performance of Partners in Prevention Mentoring Program in the Mentoring+ overall goal, Youth Collaboratory will grant \$10,000 to continue the Mentoring+ program in Longview through mid-year FY20.

The purpose of the grant solicitation is to support mentoring programs that will serve vulnerable youth at risk or high risk for involvement in the juvenile justice system.

The grant amount is not to exceed \$10,000 and requires no matching funds from the city.

Partners in Prevention Mentoring Program will utilize the funds for program supplies, mentor/mentee activities and contractual personnel, as required by the grant.

RECOMMENDED ACTION:

Passage of resolution.

SOURCE OF FUNDS:

Amount: -0-

STAFF CONTACT:

Holly Fuller, Partners in Prevention Manager,
903-237-1016
hfuller@LongviewTexas.gov

COUNCIL DATE:

March 12, 2020

RESOLUTION NO. 5617

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE APPLICATION, ACCEPTANCE AND EXPENDITURE OF GRANT FUNDS IN THE AMOUNT OF \$10,000 FROM YOUTH COLLABORATORY (FORMERLY KNOWN AS MANY CENTER FOR RESEARCH AND INNOVATION) FOR RESEARCH AND INNOVATION AS A SUB-GRANTEE OF THE U.S. DEPARTMENT OF JUSTICE FOR THE MENTORING OPPORTUNITIES FOR YOUTH INITIATIVE, MULTI-STATE MENTORING PROGRAMS FOR THE USE BY THE CITY OF LONGVIEW PARTNERS IN THE PREVENTION MENTORING PROGRAM; AUTHORIZING AND DIRECTING THE LONGVIEW PARTNERS IN PREVENTION PROGRAM MANAGER OR OTHER OFFICIAL OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING FOR, SECURING AND EXPENDING SAID GRANT; PROVIDING FOR RETURN OF FUNDS FOR MISUSE; FINDING THAT NO MATCHING FUNDS ARE REQUIRED; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, U.S. Department Justice, Office of Juvenile Justice and Delinquency Prevention, has awarded Youth Collaboratory (Formerly known as MANY Center for Research and Innovation) the Mentoring Opportunities for Youth Initiative, Multi-State Mentoring Programs grant for a two-year period; and,

WHEREAS, Youth Collaboratory has selected the City of Longview Partners in Prevention Mentoring Program to be a sub-grantee in this national project; and,

WHEREAS, Partners in Prevention Mentoring Program will be one of ten programs selected as part of this multi-state mentoring initiative; and,

WHEREAS, funds will be used for program supplies, mentor/mentee activities, and contractual personnel as required by the grant; and,

WHEREAS, this grant requires no matching funds from the City of Longview; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City of Longview is hereby authorized to execute program and all attendant documents necessary, as approved by the City Attorney's Office, for the application, acceptance and expenditure of said grant funding with Youth Collaboratory to provide mentoring support to vulnerable youth at risk or high risk for involvement in the juvenile justice system in amount up to \$10,000 for FY20.

Section 3. The City of Longview designates the Partners in Prevention Program Manager as the grantee's authorized official and is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

Section 4. That the City of Longview agrees that in the event of loss or misuse of funds the City Council assures that the funds will be returned in full.

Section 5. That no local matching funds or other expenditures of local funds are required to receive and expend the grant funds described herein.

Section 6. That the meeting at which the aforesaid resolution was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 7. That this resolution shall be effective from and after its date of passage.

PASSED, AND APPROVED this 12th day of March 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley

City Attorney

R PIP GRANT YOUTH CALLABORATORY MENTORING 3-12-20

GRANT APPLICATION

DESCRIPTION: Consider a resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for the application, receipt, and expenditure of grant funds in the amount of \$65,000 from the 2021 Victims of Crime Act Formula Grant Program (VOCA) from U.S. Department of Justice, Bureau of Justice Assistance for the purpose of supporting initiatives which assist crime victims and their families.

RECOMMENDED ACTION: Resolution and Council approval

SOURCE OF FUNDS:

STAFF CONTACT: Mike Bishop, Chief of Police
903-237-1100
mbishop@longviewtexas.gov

COUNCIL DATE: March 12, 2020

RESOLUTION NO. 5618

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING APPLICATION, ACCEPTANCE AND EXPENDITURE OF GRANT FUNDS IN THE AMOUNT OF \$65,000 FROM THE 2021 VICTIMS OF CRIME ACT FORMULA GRANT PROGRAM (VOCA) FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR USE BY THE CITY OF LONGVIEW POLICE DEPARTMENT; AUTHORIZING THE ACCEPTANCE OF ALL SPECIAL CONDITIONS IMPOSED IN CONNECTION WITH SAID GRANT FUNDING; PROVIDING FOR MATCHING FUNDS; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING FOR, SECURING AND EXPENDING SAID GRANT; PROVIDING FOR RETURN OF FUNDS FOR LOSS OR MISUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Criminal Justice Division of the Governor's Office sponsors the Recovery Act VA-Victims of Crime Act Formula grant (VOCA) for the purpose of supporting initiatives which assist crime victims and their families; and,

WHEREAS, the City of Longview Police Department has qualified for and wishes to apply for the VA-Victims of Crime Act Formula grant (VOCA); and,

WHEREAS, said grant which will be used by the Longview Police Department to continue the Crime Victims Coordinator position from the previously awarded grant during the 2021 fiscal year; and,

WHEREAS, the Crime Victims Coordinator assists victims of crime and/or families of those victims with the proper filling out of paperwork associated with crime

victims compensation and with regular communication with the police department on the status updates of their cases; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City of Longview Police Department, by and through the City Manager, is hereby authorized to apply for, accept, reject, alter, or terminate, on behalf of the City of Longview, Victims of Crime Act Formula Grant (VOCA) award not to exceed the amount of \$65,000 from the Criminal Justice Division of the Governor's office.

Section 3. That the City of Longview is hereby authorized to submit said application to the Criminal Justice Division of the Governor's Office in a timely manner.

Section 4. That the City of Longview hereby accepts and agrees to all special conditions imposed in connection with the aforementioned grant before the end of the 12 month grant period.

Section 5. That acceptance of the grant is contingent upon the City of Longview providing budgetary funds for a in-kind match of up to a twenty percent (20%).

Section 6. That the City of Longview Police Department, by and through the City Manager is hereby authorized and directed to execute any and all contracts other documents, as approved by the City Attorney's Office, incident to the application, acceptance and expenditure on behalf of the City of Longview of an Victims of Crime Act Formula Grant (VOCA) award, in an amount not to exceed \$65,000 from the Criminal Justice Division of the Governor's Office.

Section 7. The City of Longview agrees that in the event of loss or misuse of the Criminal Justice Division funds that the funds awarded will be returned to the Criminal Justice Division in full.

Section 8. That the meeting at which this resolution was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 9. That this resolution shall be effective from and after its date of passage.

PASSED AND APPROVED this 12th day of March, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R POLICE VOCA GRANT 3-12-20

GRANT APPLICATION

DESCRIPTION: Consider a resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for the application, receipt, and expenditure of grant funding from the State of Texas Law Enforcement Officer Standards and Education (LEOSE) fund in the amount of \$10,185.93 for the purpose of continuing education for law enforcement personnel.

RECOMMENDED ACTION: Resolution and Council approval

SOURCE OF FUNDS:

STAFF CONTACT: Mike Bishop, Chief of Police
903-237-1100
mbishop@longviewtexas.gov

COUNCIL DATE: March 12, 2020

RESOLUTION NO. 5619

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE CITY OF LONGVIEW POLICE DEPARTMENT TO APPLY, RECEIVE, AND EXPEND GRANT FUNDING FROM LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION PROGRAM IN THE AMOUNT OF \$10,185.93; AUTHORIZING THE ACCEPTANCE OF ALL REQUIREMENTS IMPOSED IN CONNECTION WITH SAID GRANT FUNDING; FINDING THAT NO MATCHING FUNDS WILL BE REQUIRED TO APPLY FOR, RECEIVE AND EXPEND SAID FUNDS; FINDING THAT THE MEETING AT WHICH THE RESOLUTION WAS APPROVED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Texas Law Enforcement Officer Standards and Education (hereinafter referred to as LEOSE) program provides funds for the purpose of supporting continuing education and training for law enforcement agencies; and,

WHEREAS, grant funds are available from the Texas Comptroller of Public Accounts for law enforcement training needs; and,

WHEREAS, these funds are available at no matching cost; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City of Longview is hereby authorized to apply for, accept and expend LEOSE grant funds in the total amount of \$10,185.93.

Section 3. That the City Manager through the City Manager's designee, is hereby authorized to execute all necessary documents, as approved by the City

Attorney's Office, incident to applying for, securing and expending said LEOSE grant funds referenced herein.

Section 4. These funds will be utilized for the purchase of training and continuing education for law enforcement personnel in accordance with the requirements of the granting agency.

Section 5. That no matching funds are required to receive and expend said funds.

Section 6. That the meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 7. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 12th day of March, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R POLICE GRANT LEOSE 3-12-20

MAUDE COBB CONVENTION CENTER NORTH PARKING LOT REHABILITATION

DESCRIPTION: Consider a resolution accepting the Maude Cobb Convention Center North Parking Lot Rehabilitation and authorizing final payment in the amount of \$42,997.68 to Rayford's Truck & Tractor, of Marshall, Texas. Approval of final payment will begin the contractor's one-year warranty period.

The City Council awarded a contract to Rayford's Truck & Tractor on June 13, 2019 in the amount of \$520,984.40. The final construction cost is \$504,085.40.

The scope of work provided for resurfacing the north parking lot consisting of approximately 14,246 square yards of 3 inch asphalt pavement over 8" cement treated subgrade, stair construction connecting parking lot to building, 2 complete phases of construction, and related work.

The project has been completed in accordance with the contract. Johnson and Pace Incorporated recommends acceptance of the project and approval of the final payment. City staff concurs with the recommendation.

RECOMMENDED ACTION: Passage of the resolution.

SOURCE OF FUNDS: Funding is available from the Hotel Occupancy Tax Fund.

STAFF CONTACT: Rolin McPhee, P.E., Director of Public Works
903-237-1336
rmcphee@longviewtexas.gov

COUNCIL DATE: March 12, 2020

RESOLUTION NO. 5620

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT ENTITLED “MAUDE COBB CONVENTION CENTER NORTH PARKING LOT REHABILITATION”; AUTHORIZING AND APPROVING FINAL PAYMENT TO RAYFORD’S TRUCK & TRACTOR OF MARSHALL, TEXAS FOR THE COMPLETION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on June 13, 2019, the City Council awarded a contract to Rayford’s Truck & Tractor of Marshall, Texas in the amount of \$520,984.40 for the project known as “Maude Cobb Convention Center North Parking Lot Rehabilitation”; and,

WHEREAS, this project provided for the resurfacing the north parking lot, stair construction and related work; and,

WHEREAS, funding for this project is provided from the from the Hotel Occupancy Tax Fund; and,

WHEREAS, the final construction cost for said project was \$504,085.40; and,

WHEREAS, the project has been completed and the contractor, Rayford’s Truck & Tractor of Marshall, Texas has requested final payment in the amount of \$42,997.68; and,

WHEREAS, the final amount of \$42,997.68 is due to the contractor as final payment; and,

WHEREAS, the acceptance of the work by Rayford's Truck & Tractor of Marshall, Texas on the aforementioned contract and the approval of final payment therefore will begin the one-year warranty period for said work; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the work performed by Rayford's Truck & Tractor of Marshall, Texas on the project known as "Maude Cobb Convention Center North Parking Lot Rehabilitation" is hereby accepted as complete and that final payment of \$42,997.68 for the completion of said project is hereby approved.

Section 3. That the meeting at which the aforesaid resolution was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 4. That this resolution shall become effective from and after its passage.

PASSED AND APPROVED this March 12, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW FINAL PAY MAUDE COBB NORTH PARKING LOT REHAB 3-12-20

BIOSOLID REMOVAL AND DISPOSAL

DESCRIPTION:	<p>This item is for an agreement for removal and disposal of biosolid material from the Grace Creek Wastewater Treatment Plant. In accordance with the Texas Commission on Environmental Quality (TCEQ) and the Environmental Protection Agency (EPA) biosolids are removed and disposed of in a state permitted location. Biosolids are removed approximately 4 days per week, 52 weeks per year. The wastewater treatment plant estimates spending approximately \$440,000 per year on biosolid removal and disposal.</p> <p>A Request for Proposals was issued and emailed to biosolid removal vendors and posted on the City of Longview Website. The RFP was also advertised in the local newspaper as required by law. On February 5, 2020 two proposals were received.</p> <p>The proposals received: HydroAg of Russellville, AR Denali Water Solutions, LLC of Russellville, AR</p> <p>The evaluation criteria for this RFP was as follows: 40%-Equipment and Personnel 30%-Cost 30%-Firm Profile/Qualifications/References</p> <p>Denali Water Solutions, LLC scored the best on the evaluation criteria.</p>
RECOMMENDED ACTION:	<p>Approval of the Resolution awarding Denali Water Solutions, LLC the Biosolid Removal and Disposal RFP # 1920-14.</p>
SOURCE OF FUNDS:	<p>010-081-000-5560, Sludge Hauling</p>
STAFF CONTACTS:	<p>Jaye Latch, Purchasing Manager 903-237-1324 jlatch@longviewtexas.gov</p> <p>Rolin McPhee, Director of Public Works 903-237-1336 rmcphee@longviewtexas.gov</p>
COUNCIL DATE:	<p>March 12, 2020</p>

RESOLUTION NO. 5621

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND APPROVING THE CITY MANAGER, THE MANAGER'S DESIGNEE OR OTHER OFFICIAL OF THE CITY AS SHALL BE REQUIRED, TO NEGOTIATE AND EXECUTE ANY DOCUMENTS NECESSARY BETWEEN CITY OF LONGVIEW AND DENALI WATER SOLUTIONS, LLC OF RUSSELLVILLE, ARKANSAS FOR BIOSOLIDS REMOVAL AND DISPOSAL SERVICES FOR THE WASTEWATER TREATMENT PLANT; AUTHORIZING THE RENEWAL OF SAID CONTRACTS AT THE CITY MANAGER'S DISCRETION FOR UP TO FOUR ADDITIONAL ONE-YEAR TERMS, PROVIDED THAT THE TOTAL AMOUNT SPENT UNDER SAID CONTRACT FOR ANY ONE RENEWAL TERM SHALL NOT EXCEED FUNDS BUDGETED FOR SAID CONTRACT IN THE CONCURRENT BUDGET YEAR; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview issued a request for proposals for biosolid removal and disposal services for the City of Longview Wastewater Treatment Plant; and,

WHEREAS, prior to publishing the RFP, the City of Longview Purchasing Manager determined that the Competitive Sealed Proposal procedure was the method of purchase that would provide the best value to the City of Longview in obtaining the aforesaid goods and services; and,

WHEREAS, the City of Longview Purchasing Manager is the designated representative to whom the City Council of the City of Longview (in the Purchasing Manual previously adopted by ordinance of said Council) has delegated the authority to make the above-described determination; and,

WHEREAS, the City has considered the criteria described in Section 252.043 (b) of the Texas Local Government Code and the discussions conducted under Section 252.042 of the Texas Local Government Code in determining the best value for the municipality with regard to the above described services; and,

WHEREAS, Denali Water Solutions, LLC, submitted the best proposal based on published evaluation criteria for biosolids removal and disposal for the Wastewater Treatment Plant; and,

WHEREAS, biosolids removal and disposal services from Denali Water Solutions, LLC, will not exceed budgeted funds in any corresponding fiscal years; and,

WHEREAS, funding for biosolids removal and disposal services is provided by the Water Fund - Sludge Hauling account 010-081-000-5560; and, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That, after considering the criteria described in Section 252.043 (b) of the Texas Government Code and the discussions conducted under Section 252.042 of the Texas Local Government Code, the above-described proposal of Denali Water Solutions, LLC of Russellville, Arkansas, was deemed by the Longview City Council to provide the contract with the best proposal for biosolids removal and disposal services.

Section 3. That the City of Longview hereby accepts the aforementioned proposal of Denali Water Solutions, LLC of Russellville, Arkansas, for biosolids removal and disposal services.

Section 4. That the total amount for biosolids removal and disposal services to be provided by Denali Water Solutions, LLC of Russellville, Arkansas shall not exceed budgeted funds for any corresponding fiscal year.

Section 5. That the City Manager, the City Manager's designee and/or any other official or representative of the City of Longview as shall be required, is/are hereby authorized to negotiate and execute any and all contracts and other documents, as approved by the City Attorney's Office, incident to the aforesaid agreement with Denali Water Solutions, LLC of Russellville, Arkansas, for said biosolids removal and disposal services.

Section 6. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, is hereby authorized to renew said contract at the City Manager's discretion for up to four additional one-year terms, provided that the total amount spent under said contracts for any one renewal term shall not exceed funds budgeted for said contracts in the concurrent budget year.

Section 7. That the process by which the aforementioned proposal was solicited, received and accepted in all things complied with the applicable purchasing requirements of state and federal law, including but not limited to the requirements of Chapter 252 of the Texas Local Government Code.

Section 8. That the meeting at which this resolution was approved was in all things conducted in strict compliance with Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 9. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 12th day of March, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW RFP BIOSOLIDS REMOVAL & DISPOSAL 3-12-20

PROPERTY ACQUISITION - LONGVIEW POLICE DEPARTMENT

DESCRIPTION: Consider an Ordinance authorizing City staff to acquire an undivided interest in certain property located at 213 S. Gum St., described as Lot 37, NCB 223, Longview Hamilton McNutt Survey, A-129, City of Longview, Gregg County, Texas, designated as parcel 2019-P-012 in fee simple in the amount of \$10,500.00 as is required to complete the construction of the new Longview Police Department.

RECOMMENDED ACTION: Passage of Ordinance

SOURCE OF FUNDS: Public Safety Bond Funds

STAFF CONTACT: Rolin McPhee, P. E., Director of Public Works
903-237-1336
rmcphee@LongviewTexas.gov

COUNCIL DATE: March 12, 2020

ORDINANCE NO. 4258

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND APPROVING THE ACQUISITION OF AN UNDIVIDED INTEREST IN REAL PROPERTY LOCATED AT 213 S. GUM ST., ALSO KNOWN AS LOT 37, NCB 223, LONGVIEW HAMILTON MCNUTT SURVEY A-129, CITY OF LONGVIEW, GREGG COUNTY, TEXAS (GCAD ACCOUNT #34122), AND DESIGNATED WITH THE UNIQUE PARCEL NUMBER 2019-P-012 ACCORDING TO THE CITY'S UNIQUE NUMBERING SYSTEM; AUTHORIZING THE CITY MANAGER OR CITY MANAGER'S DESIGNEE TO NEGOTIATE, FINALIZE, EXECUTE, AND ACCEPT FORMAL DEEDS, AGREEMENTS, AND OTHER DOCUMENTS INCIDENT TO SAID ACQUISITION; PROVIDING FOR CONSIDERATION; PROVIDING FOR FILING; PROVIDING FOR PAYMENT OF CLOSING AND OTHER INCIDENTAL COSTS; FINDING THAT SAID UNDIVIDED INTEREST IS TO BE PURCHASED, ACCEPTED AND USED FOR A PUBLIC PURPOSE; CONDITIONING THE AUTHORIZATION PROVIDED HEREIN ON THE APPROVAL OF ALL DOCUMENTS BY THE CITY ATTORNEY'S OFFICE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview (the "City") desires to construct a new police station to accommodate a growing police force as needed to provide for public safety; and,

WHEREAS, a certain parcel of land with the legal description Lot 37, NCB 223, Longview Hamilton McNutt Survey A-129, City of Longview, Gregg County, Texas, and the street address of 213 S. Gum Street is located within the area designated for the new Police Department; and,

WHEREAS, the City has designated the aforesaid parcel with the unique number 2019-P-012 in accordance with the unique numbering system used by the City for property acquisition; and,

WHEREAS, the City Council hereby finds and determines that the acquisition of said parcel is necessary for the construction of the aforesaid police department headquarters; and,

WHEREAS, the City Council finds and determines that the purchase of the undivided interest in the aforesaid parcel is in the best interest of the City and is conducive to the health, safety and welfare of the citizens of the City; and,

WHEREAS, said purchase is an arms-length transaction negotiated between a willing buyer and a willing seller; and,

WHEREAS, funding for the acquisition authorized herein will be provided by public safety bond funds; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set forth in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. That the City Council hereby approves the acquisition of an undivided interest in the property known as Lot 37, NCB 223, Longview Hamilton McNutt Survey A-129, City of Longview, Gregg County, Texas, and designated with the unique parcel number of 2019-P-012 according to the City's unique numbering system.

Section 3. That the City Manager or the City Manager's designee is hereby authorized to acquire the aforesaid property by formal written deeds or other

appropriate documents and to negotiate, finalize, execute, and accept any and all deeds, agreements, and other documents necessary or convenient for the purchase of said property, including without limitation such surveys of the property described herein as may be obtained by the City or by the seller, and that any such documents heretofore executed by the City Manager or the City Manager's designee are hereby ratified and approved.

Section 4. That the City Manager or the City Manager's designee is hereby authorized to place for filing in the property records of the County Clerk wherein said property is located any and all instruments incident to the acquisition approved herein.

Section 5. That the total consideration to be paid by the City of Longview to the seller for all of the property described herein shall not exceed \$10,500.00.

Section 6. That, in addition to the consideration to be paid to the seller, the City Manager or the City Manager's designee is authorized to pay all reasonable closing costs, survey costs, title insurance costs and other incidental costs associated with the acquisition of the property described herein.

Section 7. That the purchase, acceptance, and use of the undivided interest in the property authorized herein are for a public purpose.

Section 8. That the authorization provided herein is conditioned upon the receipt and approval of all agreements, deeds, and other documents authorized herein in a form acceptable to the City Attorney's Office.

Section 9. That the meeting at which this ordinance was approved was conducted in strict compliance with the Texas Open Meetings Act (Texas Government

Code Chapter 551).

Section 10. That this ordinance shall be effective immediately from and after its passage.

PASSED AND APPROVED this 12th day of March, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

O PW ACQUISITION OF 213 S GUM ST FOR PD (SPENCER) 3-12-20

PROPERTY ACQUISITION - LONGVIEW POLICE DEPARTMENT

DESCRIPTION: Consider a Resolution authorizing the City Manager or his designee to pay compensation for the replacement of the real estate and moving expenses in the amount of \$69,500.00 as required by the Uniform Relocation Assistance Program. This being in coordination with the purchase of certain property located at 213 S. Gum St., described as Lot 37, NCB 223, Longview Hamilton McNutt Survey, A-129, City of Longview, Gregg County, Texas, designated as parcel 2019-P-012. Said parcel is required to complete the construction of the new Longview Police Department.

RECOMMENDED ACTION: Passage of Resolution

SOURCE OF FUNDS: Public Safety Bond Funds

STAFF CONTACT: Rolin McPhee, P. E., Director of Public Works
903-237-1336
rmcphee@LongviewTexas.gov

COUNCIL DATE: March 12, 2020

RESOLUTION NO. 5622

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND APPROVING COMPENSATION FOR THE REPLACEMENT OF REAL ESTATE AND MOVING EXPENSES IN COORDINATION WITH THE PURCHASE OF PROPERTY LOCATED AT 213 S. GUM ST., ALSO KNOWN AS LOT 37, NCB 223, LONGVIEW HAMILTON MCNUTT SURVEY A-129, CITY OF LONGVIEW, GREGG COUNTY, TEXAS (GCAD ACCOUNT #34122) AND DESIGNATED WITH THE UNIQUE PARCEL NUMBER 2019-P-012 ACCORDING TO THE CITY'S UNIQUE NUMBERING SYSTEM; AUTHORIZING THE CITY MANAGER OR CITY MANAGER'S DESIGNEE TO NEGOTIATE, FINALIZE, AND EXECUTE ANY AGREEMENTS AND OTHER DOCUMENTS INCIDENT TO SAID COMPENSATION; CONDITIONING THE AUTHORIZATION PROVIDED HEREIN ON THE APPROVAL OF ALL DOCUMENTS BY THE CITY ATTORNEY'S OFFICE; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview (the "City") desires to construct a new police station to accommodate a growing police force as needed to provide for public safety; and,

WHEREAS, a certain parcel of land with the legal description Lot 37, NCB 223, Longview Hamilton McNutt Survey A-129, City of Longview, Gregg County, Texas, and the street address of 213 S. Gum Street is located within the area designated for the new Police Department; and,

WHEREAS, the City has designated the aforesaid parcel with the unique number 2019-P-012 in accordance with the unique numbering system used by the City for property acquisition; and,

WHEREAS, the City Council hereby finds and determines that compensation for replacement of real estate and moving expenses is required by the Uniform Relocation Assistance Program and is necessary for the construction of the aforesaid police department headquarters; and,

WHEREAS, the City Council finds and determines that compensation for replacement of real estate and moving expenses is in the best interest of the City and is conducive to the health, safety and welfare of the citizens of the City; and,

WHEREAS, funding for the compensation authorized herein will be provided by public safety bond funds; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set forth in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Council hereby approves and authorizes compensation for replacement of real estate and moving expenses as required by the Uniform Relocation Assistance Program in association with the purchase of certain property described as Lot 37, NCB 223, Longview Hamilton McNutt Survey A-129, City of Longview, Gregg County, Texas, and designated with the unique parcel number of 2019-P-012 according to the City's unique numbering system.

Section 3. That the City Manager or the City Manager's designee is hereby authorized to negotiate, finalize, and execute any and all agreements and other documents necessary or convenient to provide compensation for replacement of real estate and moving expenses for the property described herein as required by the Uniform Relocation Assistance Program.

Section 4. That the total amount of compensation to be paid by the City of Longview as authorized herein shall not exceed \$69,500.00.

Section 5. That the authorization provided herein is conditioned upon the receipt and approval of all agreements and other documents authorized herein in a form acceptable to the City Attorney's Office.

Section 6. That the meeting at which this resolution was approved was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 7. That this resolution shall be effective immediately from and after its passage.

PASSED AND APPROVED this 12th day of March, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW RELOCATION ACT 213 S GUM ST FOR PD (SPENCER) 3-12-20

DENIAL OF APPLICATION FOR AUTHORITY TO INCREASE RATES SUBMITTED BY CENTERPOINT ENERGY RESOURCES CORPORATION, D/B/A, CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS – BEAUMONT/EAST TEXAS

DESCRIPTION: On or about November 14, 2019, CenterPoint Energy Resources Corporation, D/B/A, CenterPoint Energy Entex and CenterPoint Energy Texas Gas (“CenterPoint” or “Company”) filed a Statement of Intent to increase rates by a total of approximately \$6.82 million.

Following receipt of CenterPoint’s application to increase rates, the City suspended CenterPoint’s proposed implementation of its rates (that is, its proposed “effective date”) for the requisite statutory period of ninety (90) days, until March 18, 2020.

During the suspension period, the City participated in the proceedings at the Railroad Commission through the ACM coalition of cities.

On or about March 2, 2020, ACM along with other participating cities, Railroad Commission Staff, and CenterPoint participated in a prehearing conference in which an agreed upon a joint-settlement agreement was submitted. Under the terms of this proposed settlement, parties are recommending that the Railroad Commission approve an increase in CenterPoint’s revenue of \$4 million, instead of an increase of \$6.82 million as initially proposed by CenterPoint.

Additionally, the parties agreed to decrease the fixed customer charge for residential customers from its current amount of \$24.01 per month to \$18.00 per month. By comparison, CenterPoint proposed to increase the Residential customer charge to \$28.75.

Lastly, there will be a delay in implementing the increase for two months, which on average is a benefit of about \$667K to ratepayers in avoided increases in rates for those two months.

Although the parties in the proceeding before the Railroad Commission, including ACM, are proposing a settlement of CenterPoint’s application to increase rates, for purposes of administrative efficiency, Special Counsel advises the City to deny CenterPoint’s proposed increase.

RECOMMENDED ACTION: Approval of Resolution

SOURCE OF FUNDS: Cities, by statute, are entitled to recover their reasonable rate case expenses from the utility.

STAFF CONTACT: Jim Finley
City Attorney
903-237-1091
jfinley@longviewtexas.gov

COUNCIL DATE: March 12, 2020

RESOLUTION NO. 5623

RESOLUTION BY THE CITY OF LONGVIEW, TEXAS (“CITY”) DENYING THE STATEMENT OF INTENT TO INCREASE RATES FILED BY CENTERPOINT ENERGY RESOURCES CORPORATION, D/B/A, CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS, FOR ITS BEAUMONT/EAST TEXAS DIVISION, ON OR ABOUT NOVEMBER 14, 2019; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, CenterPoint Energy Resources Corporation, D/B/A, CenterPoint Energy Entex and CenterPoint Energy Texas Gas (“CenterPoint” or “Company”) filed a Statement of Intent with the City on or about November 14, 2019, to change its rate schedules within the corporate limits of this municipality, specifically to increase its system-wide, annual revenue requirement by approximately \$6.8 million; and,

WHEREAS, the City is a regulatory authority under the Gas Utility Regulatory Act (“GURA”) and under Chapter 104, §103.001 et seq. of GURA has exclusive original jurisdiction over CenterPoint’s rates, operations, and services within the municipality; and,

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing, analyzing and investigating CenterPoint’s rate request and its changes in tariffs it is prudent to coordinate the City’s efforts with a coalition of similarly situated municipalities; and,

WHEREAS, the City, in matters regarding applications by CenterPoint to change rates, has in the past joined with other local regulatory authorities to form the Alliance of CenterPoint Texas Municipalities-Beaumont/East Texas Division (“ACM”), and hereby continues its participation in ACM; and

WHEREAS, the City has previously: (1) suspended CenterPoint’s proposed rate increase by 90 days; (2) authorized intervention in proceedings related to CenterPoint’s proposed rate increase as a member of the coalition of cities known as the Alliance of CenterPoint Municipalities (“ACM”) of cities; (3) directed CenterPoint to reimburse ACM’s rate case expenses; and (4) retained the law firm of Herrera Law & Associates, PLLC with respect to rate proceedings involving CenterPoint before the Railroad Commission of Texas and courts of law and to retain consultants to review CenterPoint’s rate application subject to ACM’s approval; and

WHEREAS, ACM’s Special Counsel and rate experts found that CenterPoint failed to establish the merits of its proposed increase in rates; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS THAT:

Section 1. The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

Section 2. CenterPoint failed to show that its proposed rates are just and reasonable.

Section 3. The City hereby denies CenterPoint’s request to increase rates and in support of denial finds that:

- a) CenterPoint failed in its burden of proof to establish that its requested increase in revenue or the changes set forth in its tariffs attached to CenterPoint's Statement of Intent to increase rates, results in just and reasonable rates; and,
- b) CenterPoint failed in its burden of proof to establish that adoption of its proposed rate base, expenses, investment, return on equity, and other rate issues as presented in CenterPoint's Statement of Intent to increase rates, result in just and reasonable rates.

Section 4. The City hereby orders CenterPoint to reimburse the City's rate case expenses as provided in the Gas Utility Regulatory Act and that CenterPoint shall continue to do so on a monthly basis and within 30 days after submission of the City's invoices for the City's reasonable costs associated with the City's activities related to this rate review or to related proceedings involving CenterPoint before the City, the Railroad Commission of Texas, or any court of law.

Section 5. A copy of this resolution shall be sent to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 4400 Medical Parkway, Austin, Texas 78756, and a courtesy copy to Mr. Sam Chang, Senior Counsel, CenterPoint Energy, Inc., 1005 Congress Ave., Suite 650, Austin Texas 78701.

Section 6. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 7. This resolution supersedes any prior inconsistent or conflicting resolution or ordinance.

Section 8. This resolution shall become effective from and after its passage.

PASSED and APPROVED this 12th day of March, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R UTILITY CENTERPOINT DENY RATE INCREASE 3-12-20

CONSIDER APPROVAL OF THE FOLLOWING MINUTES
January 9, February 13 and February 27, 2020.

#ABD20-04

STAFF REPORT
March 12, 2020

APPLICANT: BCTCMT33, LLC
LOCATION: West of Cheryl Street, north of Harley Ridge Road
REQUEST: To abandon a portion of a 60 foot wide street right-of-way known as Derrick Street consisting of approximately 0.145 acres.

COUNCIL DISTRICT:
District 5 – Council Member David Wright

ZONING DISTRICT:
Two-Family (TF-2)

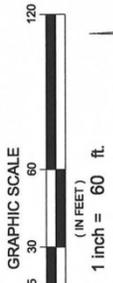
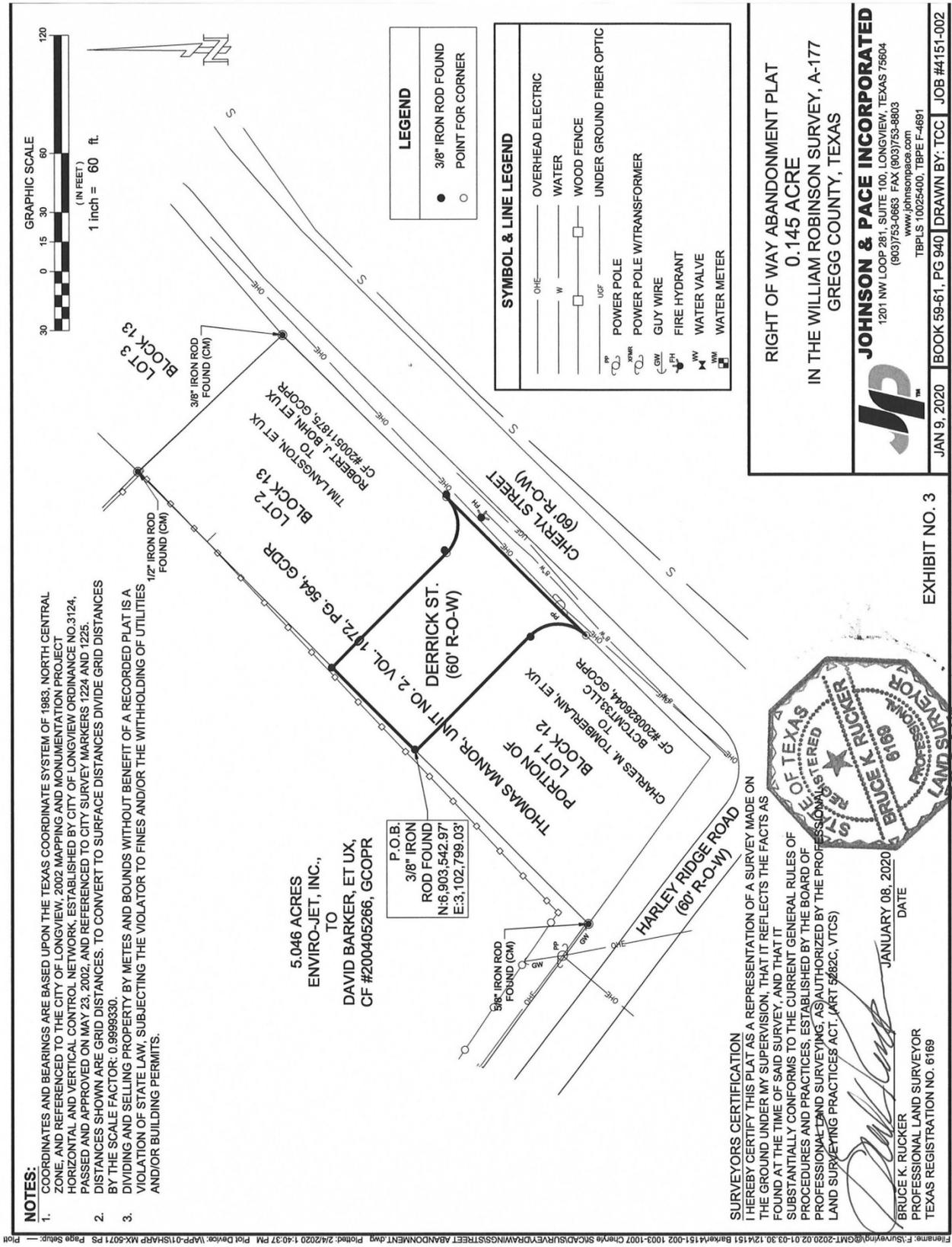
STAFF COMMENTS:
BCTCMT33, LLC is requesting to abandon a portion of 60 foot wide street right-of-way known as Derrick Street located west of Cheryl Street, north of Harley Ridge Road. Derrick Street is an unimproved right-of-way that has never been paved.

All public utility companies and city staff have reviewed and have signed off on the proposed abandonment.

STAFF RECOMMENDATION:
Staff recommends approval of this request.



This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



NOTES:

- COORDINATES AND BEARINGS ARE BASED UPON THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, AND REFERENCED TO THE CITY OF LONGVIEW, 2002 MAPPING AND MONUMENTATION PROJECT HORIZONTAL AND VERTICAL CONTROL NETWORK, ESTABLISHED BY CITY OF LONGVIEW ORDINANCE NO.3124, PASSED AND APPROVED ON MAY 23, 2002, AND REFERENCED TO CITY SURVEY MARKERS 1224 AND 1225. DISTANCES SHOWN ARE GRID DISTANCES. TO CONVERT TO SURFACE DISTANCES DIVIDE GRID DISTANCES BY THE SCALE FACTOR: 0.9999330.
- DIVIDING AND SELLING PROPERTY BY METES AND BOUNDS WITHOUT BENEFIT OF A RECORDED PLAT IS A VIOLATION OF STATE LAW, SUBJECTING THE VIOLATOR TO FINES AND/OR THE WITHHOLDING OF UTILITIES AND/OR BUILDING PERMITS.

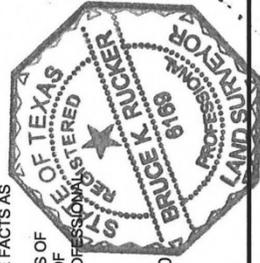
5.046 ACRES
 ENVIRO-JET, INC.,
 TO
 DAVID BARKER, ET UX,
 CF #200405266, GCOPR

P.O.B.
 3/8" IRON
 ROD FOUND
 N:8,903,542.97
 E:3,102,799.03'

LEGEND	
●	3/8" IRON ROD FOUND
○	POINT FOR CORNER

SYMBOL & LINE LEGEND	
—O—E	OVERHEAD ELECTRIC
—W	WATER
—□—	WOOD FENCE
—U—G	UNDER GROUND FIBER OPTIC
—P	POWER POLE
—T	POWER POLE W/TRANSFORMER
—G	GUY WIRE
—F	FIRE HYDRANT
—V	WATER VALVE
—M	WATER METER

SURVEYORS CERTIFICATION
 I HEREBY CERTIFY THIS PLAT AS A REPRESENTATION OF A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, THAT IT REFLECTS THE FACTS AS FOUND AT THE TIME OF SAID SURVEY, AND THAT IT SUBSTANTIALLY CONFORMS TO THE CURRENT GENERAL RULES OF PROCEDURES AND PRACTICES, ESTABLISHED BY THE BOARD OF PROFESSIONAL LAND SURVEYING, AS AUTHORIZED BY THE PROFESSIONAL LAND SURVEYING PRACTICES ACT, (ART 5482C, VTC5)



BRUCE K. RUCKER
 PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 6169
 DATE: JANUARY 08, 2020

RIGHT OF WAY ABANDONMENT PLAT
0.145 ACRE
 IN THE WILLIAM ROBINSON SURVEY, A-177
 GREGG COUNTY, TEXAS

JOHNSON & PACE INCORPORATED
 1201 NW LOOP 281, SUITE 100, LONGVIEW, TEXAS 75604
 (903)753-0666 FAX (903)753-8803
 www.johnsonpace.com
 TBPLS 10025400, TBPE F-4661

EXHIBIT NO. 3

JAN 9, 2020 BOOK 59-61, PG 940 DRAWN BY: TCC JOB #4151-002

ORDINANCE NO. 4259

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, VACATING AND ABANDONING THE CITY'S INTEREST IN A 60-FOOT-WIDE STREET RIGHT-OF-WAY KNOWN AS DERRICK STREET CONSISTING OF ONE PARCEL OF LAND IN THE CITY OF LONGVIEW, GREGG COUNTY, TEXAS, TOTALING 0.145 ACRES, MORE OR LESS, AS SAID PARCEL IS FURTHER SHOWN IN THE ATTACHED EXHIBIT A AND DESCRIBED IN THE ATTACHED EXHIBIT B; AUTHORIZING DEEDS TO EVIDENCE ABANDONMENT OF SAID RIGHT-OF-WAY AND ANY OTHER DOCUMENTS AS MAY BE NECESSARY FOR SAID ABANDONMENT; CONDITIONING SAID ABANDONMENT AND AUTHORIZATION UPON THE EXECUTION BY THE PROPERTY OWNERS OF APPROPRIATE DOCUMENTS RELEASING THE CITY AS A CONSEQUENCE OF SAID ABANDONMENT AND UPON THE EXECUTION OF PUBLIC UTILITY EASEMENTS FOR EXISTING WATER, SEWER, AND FRANCHISE UTILITIES LOCATED WITHIN SAID RIGHT-OF-WAY; ESTABLISHING OTHER CONDITIONS FOR SAID ABANDONMENT AND AUTHORIZATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview (the "City") has received a request from the owner of the properties shown and described in Exhibit A and located in the City of Longview, Gregg County, Texas, that the City abandon the City's interest in a 60-foot-wide (0.145-acre) portion of a public street right-of-way known as Derrick Street located north of Harley Ridge Rd; and west of Cheryl Street; and,

WHEREAS, the aforesaid portion of street right-of-way to be abandoned consists of one parcel of land shown in the attached Exhibit A and described by metes

and bounds in the attached Exhibit B; and,

WHEREAS, there are no improvements located in the alley right-of-way to be abandoned; and,

WHEREAS, Sections 272.001 (b)(1) and (2) of the Texas Local Government Code, in conjunction with Sections 272.001(b) and 272.001(c) of said code, authorize the conveyance of narrow strips of land and of streets or alleys for less than fair market value to abutting property owners who own the underlying fee simple; and,

WHEREAS, the City Council previously has established guidelines for procedures to be used in the abandonment of public rights-of-way; and,

WHEREAS, the City Council finds and determines the aforementioned abandonment to be acceptable and in the best interest of the citizens of the City of Longview; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. That the attached Exhibit A and Exhibit B are made a part of this ordinance for all purposes.

Section 3. That, subject to the conditions set forth in this ordinance, the City hereby abandons the City's interest in the 0.145-acre tract of land described in the attached Exhibit B.

Section 4. That the City Manager is hereby authorized to execute and the

City Secretary to attest to one or more Deeds to Evidence Abandonment of Public Right-of-Way or any other appropriate documents necessary to effectuate the aforesaid abandonment in an approved form as the same shall be prepared or approved by the City Attorney.

Section 5. That the aforesaid abandonment and authorization are hereby conditioned upon the execution by all of the affected property owners of releases or other appropriate documents as the City Attorney shall require and the filing of same, releasing the City as a consequence of said abandonment, otherwise this ordinance and the accompanying abandonment to be null and void.

Section 6. That the aforesaid abandonment and authorization are hereby further conditioned upon the execution of public utility easements by the appropriate property owners for existing water, sewer, and franchise utilities (if any) that are located within the right-of-way herein abandoned, otherwise this ordinance and the accompanying abandonment to be null and void.

Section 7. That the meeting at which this ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 8. That this ordinance shall be effective immediately from and after its date of passage.

PASSED AND APPROVED this 12th day of March, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

O P&Z ABANDON DERRICK ST 3-12-20

Exhibit A

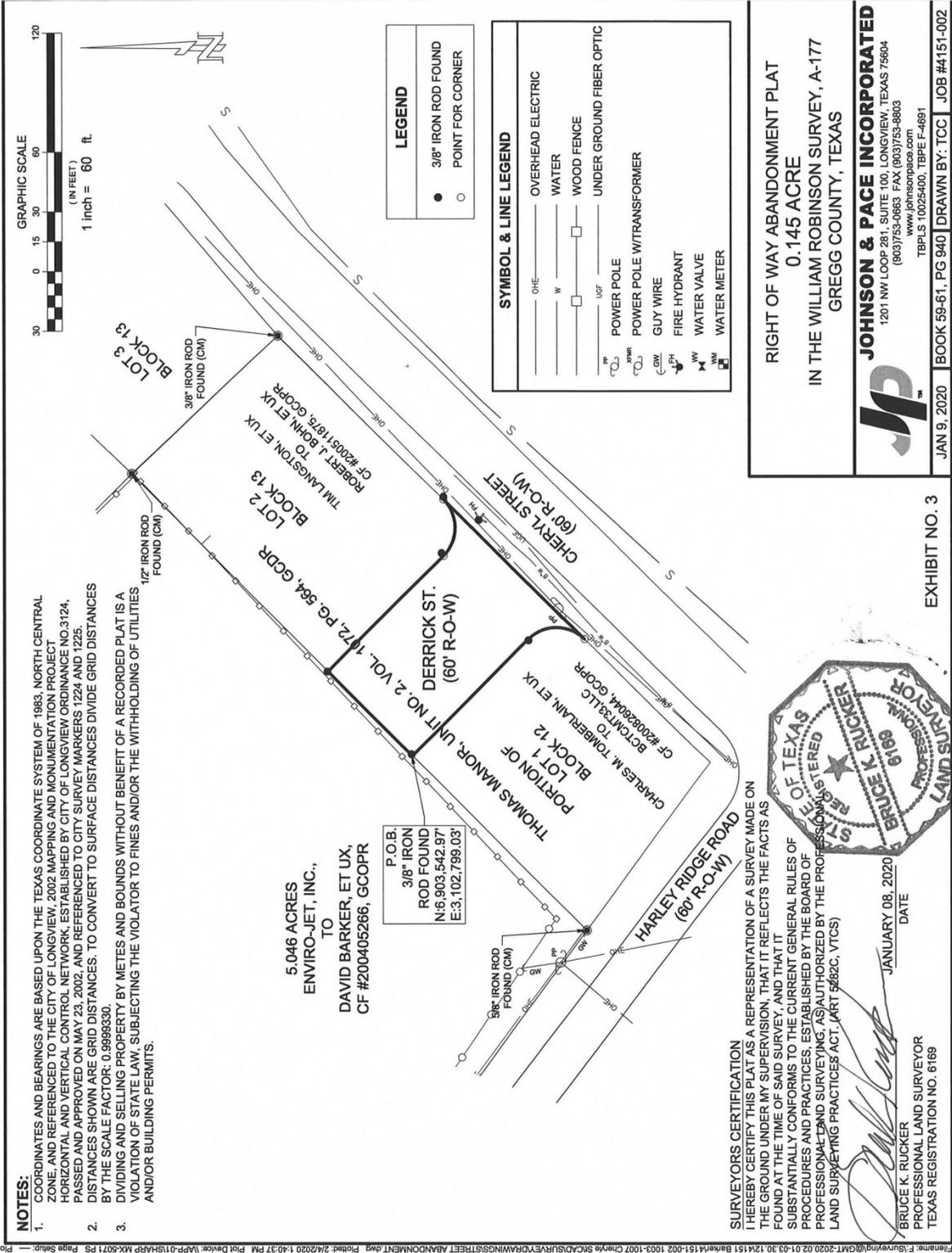


Exhibit B

EXHIBIT NO. 1
METES AND BOUNDS DESCRIPTION
0.145 ACRES
RIGHT OF WAY ABANDONMENT

All that certain tract or parcel containing 0.145 acres of land in the William Robinson Survey, A-177, Gregg County, Texas, being all of Derrick Street as shown by plat of Thomas Manor Addition by an instrument of record in Volume 1072, Page 564, of the Gregg County Deed Records (GCDR), said 0.145 acres being more particularly described by metes and bounds as follows, basing bearings on the Texas Coordinate System of 1983, (NAD 83) North Central Zone, to wit:

BEGINNING at a 3/8" iron rod found for west corner, being the north corner of a portion of Lot 1, Block 12, Thomas Manor Addition, and conveyed from Charles M. Tomberlain, et ux to BCTCMT33, LLC, by an instrument of record in Clerks File #200826044, of the Gregg County Official Public Records (GCOPR), lying in the east line of a tract which was called 5.046 acres and conveyed from Enviro-Jet, Inc. to David Barker, et ux, by an instrument of record in Clerks File #200405266, GCOPR;

THENCE N44°59'23"E, 60.00 feet, along the common line of said Derrick Street and said 5.046 acres to a 3/8" iron rod found for north corner, being the west corner of Lot 2, Block 13, Thomas Manor Addition, and conveyed from Tim Langston, et ux to Robert J. Bohn, et ux, by an instrument of record in Clerks File #200511875, GCOPR;

THENCE S45°00'37"E, 82.15 feet, along the common line Derrick Street and Lot 2 to a point for corner and beginning of a curve to the right, from which a 3/8" iron rod found bears: N56°28'56"E, 1.80 feet;

THENCE 31.56 feet, continuing along said common line and the arc of a curve to the right, (Delta= 90°24'00", Radius= 20.00 feet, Chord= N89°47'23"E, 28.38 feet), to a point for east corner at the end of curve, from which a 3/8" iron rod found bears: S88°31'33"E, 1.36 feet, lying in the west Right-Of-Way (R-O-W) line of Cheryl Street, a public road;

THENCE S44°35'23"W, 100.00 feet, along the common line of Derrick Street and Cheryl Street to a point for south corner and beginning of a curve to the left, being the most southerly east corner of Lot 1;

THENCE departing Cheryl Street, 31.28 feet, along the common line of Derrick Street, Lot 1, and the arc of a non-tangent curve to the left, (Delta= 89°36'00", Radius= 20.00 feet, Chord= N00°12'37"W, 28.19 feet), to a 3/8" iron rod found for corner and end of curve;

THENCE N45°00'37"W, 82.85 feet, along said common line to the PLACE OF BEGINNING, containing 0.145 acres of land, more or less. As a part of this professional service, a certified plat has been prepared by Johnson & Pace Incorporated under Job # 4151-002.



Bruce K. Rucker
Professional Land Surveyor
Texas Registration No. 6169



Compiled By:
Johnson & Pace Incorporated
1201 NW Loop 281 • Suite 100
Longview, Texas 75604

Engineering • Architecture • Surveying
Job No. 4151-002
Date: January 16, 2020



ORDINANCE

of the

CITY OF LONGVIEW, TEXAS

AUTHORIZING THE ISSUANCE OF

CITY OF LONGVIEW, TEXAS
GENERAL OBLIGATION REFUNDING BONDS
SERIES 2020



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Schedule I Schedule of Eligible Refunded Obligations S-1

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF LONGVIEW, TEXAS
GENERAL OBLIGATION REFUNDING BONDS; APPOINTING A PRICING OFFICER
AND DELEGATING TO THE PRICING OFFICER THE AUTHORITY TO APPROVE ON
BEHALF OF THE CITY THE SELECTION OF BONDS TO BE REFUNDED, THE SALE
OF THE BONDS, THE TERMS OF THE BONDS AND THE OFFERING DOCUMENTS
FOR THE BONDS; ESTABLISHING CERTAIN PARAMETERS FOR THE APPROVAL
OF SUCH MATTERS BY THE PRICING OFFICER; APPROVING THE USE OF AN
ESCROW AGREEMENT, AND A PAYING AGENT/REGISTRAR AGREEMENT;
LEVYING AN ANNUAL AD VALOREM TAX FOR THE PAYMENT OF THE BONDS;
AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT**

THE STATE OF TEXAS §
GREGG AND HARRISON COUNTIES §
CITY OF LONGVIEW §

WHEREAS, City of Longview, Texas (the "Issuer") has previously issued, and there are presently outstanding, bonds of the Issuer payable from ad valorem taxes levied and to be levied, assessed and collected within the Issuer, within the limit prescribed by law;

WHEREAS, the Issuer now desires to refund all or part of the bonds described in Schedule I attached hereto, collectively, the "Eligible Refunded Obligations", and those Available 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 ("Chapter 1207"), authorizes the Issuer to issue refunding bonds and to deposit the proceeds from the sale thereof, and any other available funds or resources, directly with a place of payment (paying agent) for the Refunded Obligations, and such deposit, if made before such payment dates, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations; and

WHEREAS, the City Council of the Issuer 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, 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 Section 1207.007, Texas Government Code;

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 date, hour, place and

subject of 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 LONGVIEW, TEXAS:

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 City of Longview, Texas (the "Issuer") are hereby authorized to be issued and delivered in the maximum aggregate principal amount hereinafter set forth for the public purpose of providing funds to refund a portion of the Issuer's outstanding indebtedness payable from ad valorem taxes, 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 (unless otherwise provided in the Pricing Certificate): "CITY OF LONGVIEW, TEXAS GENERAL OBLIGATION REFUNDING BOND, SERIES 2020," 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 12 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 or amounts due at maturity, as applicable, and shall bear interest to their respective dates of maturity or redemption, if applicable, prior to maturity at the rates per annum, as set forth in the Pricing Certificate.

Section 2. DEFINITIONS. Unless otherwise expressly provided or unless the context clearly requires otherwise in this Ordinance, the following term shall have the meanings specified below:

"Bonds" means and includes the Bonds initially issued and delivered pursuant to this Ordinance and all substitute Bonds exchanged therefor, as well as all other substitute bonds and replacement bonds issued pursuant hereto, and the term "Bond" shall mean any of the Bonds.

Section 3. DELEGATION TO PRICING OFFICER. (a) As authorized by Section 1207.007, Texas Government Code, as amended, the City Manager or the Director of Finance are each individually hereby authorized to act on behalf of the Issuer in selling and delivering the Bonds (of which officers, the officer executing the Pricing Certificate shall be hereinafter referred to as, and shall for all purposes be, the "Pricing Officer") in one or more 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, if any, 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, whether the Bonds of any series shall be issued on a tax-exempt basis or on a taxable basis, whether the Bonds of any series shall be designated as "qualified tax-exempt obligations" as defined in section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), limiting the types of securities and obligations that may be used as Defeasance Securities 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 date for and effecting the redemption of the Refunded Obligations and obtaining bond insurance if bond insurance is deemed beneficial to the Issuer to achieve the objectives of the refunding, all of which shall be specified in a certificate of the Pricing Officer (the "Pricing Certificate"); provided that:

(i) the aggregate original principal amount of the Bonds of all series issued hereunder shall not exceed \$16,500,000;

(ii) no Bond shall mature after June 1, 2030;

(iii) the true interest cost for any series of the Bonds shall not exceed 2.25%; and

(iv) the refunding achieved by each series of Bonds sold in accordance with this Ordinance must produce debt service savings of at least 3% measured on a present value basis as a percentage of the principal amount of the Refunded Obligations refunded with the applicable series of Bonds, with such savings to be net of any Issuer contribution to the refunding and net of the costs of issuance.

(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) above, 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 delegation made hereby shall expire if not exercised by the Pricing Officer on or prior to the date that is six months after the adoption of this Ordinance. The Bonds shall be sold at such price, with and subject to such terms as set forth in the Pricing Certificate.

(c) The Bonds may be issued as Current Interest Bonds or Capital Appreciation Bonds, or a combination thereof, as set forth in the Pricing Certificate. The Bonds may be sold by public offering (either through a negotiated or competitive offering) or by private placement. If the Bonds are sold by private placement, the Pricing Certificate shall so state, and the Pricing Certificate may make changes to this Ordinance to effect such private placement, including the provisions hereof that pertain to the book-entry-only procedures (including eliminating the book-entry-only system of registrations, payment and transfers) and to the provisions of Section 14 hereof relating to the Rule 15c2-12 undertaking (including eliminating or replacing such undertaking with an agreement to provide alternative disclosure information). In addition, if the Bonds are sold in more than one series, and one of such series is an issue with respect to which the interest on the Bonds of such series is not exempt from federal income taxation, the Pricing Certificate shall so state and may

make changes to this Ordinance to effect such taxable issuance, including, specifically providing that the covenants of Section 11 hereof shall not be applicable to such series.

(d) In the event any of the Bonds are issued as Capital Appreciation Bonds, the Pricing Certificate shall have attached thereto a schedule which sets forth the rounded original principal amounts at the issuance date for the Capital Appreciation Bonds and the Compounded Amounts thereof (per \$5,000 payment at maturity), including the initial premium, if any, as of each date and commencing on the date set forth in such schedule.

(e) It is hereby found and determined that the refunding of the Refunded Obligations is advisable and necessary in order to restructure the debt service requirements of the Issuer, and that the debt service requirements on the Bonds will be less than those on the Refunded Obligations, resulting in a reduction in the amount of principal and interest which otherwise would be payable. The Refunded Obligations are subject to redemption, at the option of the Issuer, and the Pricing Officer is hereby authorized to cause all of the Refunded Obligations to be called for redemption on the respective date or dates consistent with the savings analysis set forth in Section 3(a)(iv) hereof, and the proper notices of such redemption to be given, and in each case at a redemption price of par, plus accrued interest to the date fixed for redemption. In furtherance of authority granted by Section 1207.007(b), Texas Government Code, the Pricing Officer is further authorized to enter into and execute on behalf of the Issuer with the escrow agent named therein, an escrow agreement, in substantially the form presented to the City Council at the meeting at which this Ordinance was adopted and as shall be approved by the Pricing Officer, which escrow agreement will provide for the payment in full of the Refunded Obligations (the "Escrow Agreement"). In addition, the Pricing Officer is authorized to purchase such securities with proceeds of the Bonds, including, without limitation, to execute such subscriptions for the purchase of the United States Treasury Securities State and Local Government Series or other United States Treasury or United States Agency securities that may be purchased in the open market, and to transfer and deposit such cash from available funds, as may be necessary or appropriate for the escrow fund described in the Escrow Agreement.

(f) In satisfaction of Section 1201.022(a)(3)(B), Texas Government Code, the City Council hereby determines that the delegation of the authority to the Pricing Officer to approve the final terms of the Bonds set forth in this Ordinance is, and the decisions made by the Pricing Officer pursuant to such delegated authority and incorporated into the Pricing Certificate will be, in the Issuer's best interests, and the Pricing Officer is hereby authorized to make and include in the Pricing Certificate a finding to that effect.

Section 4. CHARACTERISTICS OF THE BONDS. (a) Registration, Transfer, Conversion and Exchange. The Issuer shall keep or cause to be kept at the principal corporate trust office of the bank named in the Pricing Certificate as the paying agent/registrar for the Bonds (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.

(b) Authentication. Except as provided in Section 4(e) hereof, 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.

(c) Payment of Bonds 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.

(d) Substitute 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. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 50 days written notice to the Paying Agent/Registrar, to be effective not later than 45 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. 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.

(e) 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 be redeemed prior to their scheduled maturities (notice of which shall be given to the Paying Agent/Registrar by the Issuer at least 35 days prior to any such redemption date), (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 Certificate, in the FORM OF BOND set forth in this Ordinance.

(f) Book-Entry Only System. The Bonds issued in exchange for the Bonds initially issued to the purchaser specified herein shall be initially issued in the form of a separate single fully registered Bond for each of the maturities thereof. Upon initial issuance, 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 subsection (g) hereof, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

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. 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. 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.

(g) 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.

(h) 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.

(i) Cancellation of Initial Bonds. On the closing date, one initial Bond representing the entire principal amount of the Current Interest Bonds and one initial Bond representing the entire maturity amount of the Capital Appreciation 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 Bonds, the Paying Agent/Registrar shall cancel the initial Bond or Bonds 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.

(j) Conditional Notice of Redemption. With respect to any optional redemption of the Bonds, unless certain prerequisites to such redemption required by this Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the Issuer, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the Issuer shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

Section 5. 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. The Form of Bond shall be completed with information set forth in the Pricing Certificate and shall be attached to the Pricing Certificate as an exhibit thereto.

(a) [Form of Bond]

UNITED STATES OF AMERICA
 STATE OF TEXAS
 CITY OF LONGVIEW, TEXAS
 GENERAL OBLIGATION REFUNDING BOND
 SERIES 2020

NO. R-

PRINCIPAL
 AMOUNT
 \$ _____

INTEREST RATE	DATE OF INITIAL DELIVERY OF BONDS	MATURITY DATE	CUSIP NO.
_____%	_____, 2020	_____	_____

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

ON THE MATURITY DATE specified above, the City of Longview, in Gregg and Harrison Counties, 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 _____, in _____, _____, 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 fifteenth 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 designated 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 purpose of providing funds to refund a portion of the Issuer's outstanding tax-supported bonds.

ON _____, or on any date thereafter, the Bonds of this series that mature on or after _____ 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.

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 therefor, 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, all as provided in the Bond Ordinance.

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, by the Mayor Pro-tem) and countersigned with the manual or facsimile signature of the City Secretary of the 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: _____.

_____,
Paying Agent/Registrar

By: _____
Authorized Representative

(c) [Form of Assignment]

ASSIGNMENT

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

Please insert Social Security or Taxpayer Identification Number of Transferee:

Please print or typewrite name and address, including zip code of Transferee:

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.

Dated: _____.

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 this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

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 LONGVIEW, TEXAS, in Gregg and Harrison Counties, 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 Amounts</u>	<u>Interest Rates</u>	<u>Years</u>	<u>Principal Amounts</u>	<u>Interest Rates</u>
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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 6. TAX LEVY. A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the Issuer at an official depository bank of said Issuer. Said Interest and Sinking Fund shall be kept 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 actually 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.

Section 7. PERFECTION OF SECURITY INTEREST. Chapter 1208, Texas 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 8. 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, and thereafter the Issuer will have no further responsibility with respect to amounts available to the Paying Agent/Registrar (or other financial institution permitted by applicable law) for the payment of such Defeased Bonds, including any insufficiency therein caused by the failure of the Paying Agent/Registrar (or other financial institution permitted by applicable law) to receive payment when due on the 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 8(a)(i) or (ii) 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 also be invested in Defeasance Securities, maturing in the amounts and times as herein-

before 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 8(a)(i) or (ii). 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 refund, retire or otherwise 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 9. **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. 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 Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in

the payment of the principal of 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 Subchapter B, Chapter 1206, Texas Government Code, this Section 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 4(b) of this Ordinance for Bonds issued in conversion and exchange for other Bonds.

Section 10. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION, CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Mayor of the Issuer is 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 Certificate. 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. If bond insurance is obtained, the Bonds may bear an appropriate legend as provided by the insurer.

Section 11. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE BONDS. Subject to the determination of the Pricing Officer, as set forth in the Pricing Certificate as to the treatment of the Bonds pursuant to the Code, the Issuer makes the following covenants with respect to the Bonds.

(a) Covenants. The Issuer covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Bonds as obligations described in

section 103 of 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 or the projects financed therewith (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 therewith 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" which 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 which 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 which 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 which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which 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 a refunding bond, for a period of 90 days or less until such proceeds are needed for the purpose for which the bonds are issued,

(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);

(8) to refrain from using the proceeds of the Bonds or proceeds of any prior bonds to pay debt service on another issue more than 90 days after the date of issue of the Bonds in contravention of the requirements of section 149(d) of the Code (relating to advance refundings); and

(9) 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 (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) Proceeds. 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 which 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 which impose additional requirements which are 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, the City Manager or the Director of Finance to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the Issuer, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds.

(d) Disposition of Project. The Issuer covenants that the projects funded with the proceeds of the Refunded Obligations will not be sold or otherwise disposed of 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.

Section 12. SALE OF BONDS; OFFICIAL STATEMENT.

(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, notice of sale and bidding instructions or private placement agreement (collectively, the "Purchase Agreement") which the Pricing Officer is hereby authorized to execute and deliver and in which the purchaser or purchasers (collectively, the "Purchaser") 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 Pricing Officer is hereby authorized, in the name and on behalf of the Issuer, to approve, distribute, and deliver a preliminary official statement and a final official statement relating to the Bonds to be used by the Purchaser in the marketing of the Bonds.

Section 13. FURTHER PROCEDURES; APPROPRIATION. (a) The Mayor or Mayor Pro-tem and City Secretary of the Issuer, the City Manager and Director of Financial Services of the Issuer and all other officers, employees and agents of the Issuer, and each of them, 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 under the corporate seal and on behalf of the Issuer a Paying Agent/Registrar Agreement with the Paying Agent/Registrar in substantially the form presented to the City Council at the meeting at which this Ordinance was adopted and all 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 Letter of Representations, the Bonds, the sale of the Bonds and the Official Statement. 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. 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.

(b) 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 14. COMPLIANCE WITH RULE 15c2-12.

(a) If the Bonds are sold by public offering, and are subject to the Rule (as defined below), the following provisions shall apply:

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

"Financial Obligation" means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of a debt obligation or any such derivative instrument; provided that "financial obligation" shall not include municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

"MSRB" means the Municipal Securities Rulemaking City Council.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

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

(ii) Annual Reports. (A) The Issuer shall provide annually to the MSRB, in the electronic format prescribed by the MSRB, financial information and operating data (the "Annual Operating Report") with respect to the Issuer of the general type included in the final Official Statement authorized by this Ordinance, being the information described in the Pricing Certificate. The Issuer will additionally provide financial statements of the Issuer (the "Financial Statements"), that will be (i) prepared in accordance with the accounting principles described in the Pricing Certificate or such other accounting principles as the Issuer may be required to employ from time to time pursuant to State law or regulation and shall be in substantially the form included in the final Official Statement and (ii) audited, if the Issuer commissions an audit of such Financial Statements and the audit is completed within the period during which they must be provided. The Issuer will update and provide the Annual Operating Report within six months after the end of each fiscal year and the Financial Statements within 12 months of the end of each fiscal year, in each case beginning with the fiscal year ending in and after 2020. The Issuer may provide the Financial Statements earlier, including at the time it provides its Annual Operating Report, but if the audit of such Financial Statements is not complete within 12 months after any such fiscal year end, then the Issuer shall file unaudited Financial Statements within such 12-month period and audited Financial Statements for the applicable fiscal year, when and if the audit report on such Financial Statements becomes available.

(B) 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 documents available to the public on the MSRB's internet website or filed with the SEC.

(iii) Event Notices. The Issuer shall notify the MSRB, in a timely manner not in excess of ten Business Days after the occurrence of the event, of any of the following events with respect to the Bonds:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, 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;
7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the Issuer;
13. The consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, 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, if material;
14. Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material;
15. Incurrence of a Financial Obligation of the Issuer, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Issuer, any of which affect security holders, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the Issuer, any of which reflect financial difficulties.

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 (ii) of this Section by the time required by subsection (ii). As used in clause (iii)12 above, the phrase "bankruptcy, insolvency, receivership or similar event" means the appointment of a receiver, fiscal agent or similar officer for the Issuer in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state

or federal law in which a court of governmental authority has assumed jurisdiction over substantially all of the assets or business of the Issuer, or if jurisdiction has been assumed by leaving the City Council and officials or officers of the Issuer in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Issuer.

(iv) Limitations, Disclaimers, and Amendments. (A) 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 the Bonds no longer to be outstanding.

(B) 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.

(C) 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.

(D) No default by the Issuer in observing or performing its obligations under this Section shall comprise a breach of or default under the 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.

(E) 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. 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. 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.

(b) If the Bonds are sold by private placement, the Pricing Officer may agree to provide for an undertaking in accordance with the Rule or may agree to provide other public information to the purchaser as may be necessary for the sale of the Bonds on the most favorable terms to the Issuer.

Section 15. 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 Registered Owner, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the Registered Owners, (ii) grant additional rights or security for the benefit of the Registered Owners, (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 Registered Owners, (v) 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 (iv) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be materially 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 Registered Owners.

(b) Except as provided in paragraph (a) above, a majority of the Registered Owners of Bonds then outstanding measured by original principal amount 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 Registered Owners 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.

(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 Registered Owners of at least a majority in aggregate principal amount of all of the Bonds then outstanding that are required for the amendment (or 100% if such amendment is made in accordance with paragraph (b)), which instrument or instruments shall refer to the proposed amendment and which shall specifically 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 Registered Owners of such affected Bonds shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the Registered Owner 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 Registered Owners of the same Bond during such period. Such consent may be revoked at any time after six months from the date of said consent by the Registered Owner 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 Registered Owners the required amount of the affected Bonds then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

(g) 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 16. 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 the prices set forth in the Pricing Certificate.

(b) The paying agent/registrars for the Refunded Obligations is hereby directed to provide the appropriate notice of redemption as required by the Refunded Obligations and is hereby directed to make appropriate arrangements so that the Refunded Obligations may be redeemed on the appropriate redemption date.

(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/registrars 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 order of the Issuer authorizing the issuance of such Refunded Obligations (the "Refunded Bond Ordinance"). For purposes of such determination and designation, all Refunded Obligations registered in denominations greater than \$5,000 shall be considered to be registered in separate \$5,000 denominations. The paying agent/registrars 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/registrars, 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 3 of this Ordinance, or from amounts deposited with the paying agent/registrars for the Refunded Obligations from proceeds of the Bonds, if there is no Escrow Agreement.

Section 17. GOVERNING LAW. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 18. SEVERABILITY. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application

thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 19. 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 (an "Event of Default"):

(i) the failure to make payment of the principal of or interest on any of the Current Interest Bonds or the Maturity Value of the Capital Appreciation 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, 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.

Section 20. REMEDIES FOR DEFAULT. (a) Upon the happening of any Event of Default, then and in every case, any Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the Issuer for the purpose of protecting and enforcing the rights of the 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 Owners hereunder or any combination of such remedies.

(b) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Bonds then outstanding.

Section 21. REMEDIES NOT EXCLUSIVE. (a) 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.

(b) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(c) By accepting the delivery of a Bond authorized under this Ordinance, such 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, employees or trustees of the Issuer or the City Council.

Section 22. EFFECTIVE DATE. In accordance with the provisions of V.T.C.A., Government Code, Section 1201.028, this Ordinance shall be effective immediately upon its adoption by the City Council.



SCHEDULE I

SCHEDULE OF ELIGIBLE REFUNDED OBLIGATIONS

City of Longview, Texas General Obligation Improvement and Refunding Bonds, Series 2011, specifically, those bonds of the series that mature on and after June 1, 2021, as shown in the following table:

Original Maturity Date (6/1)	Principal Amount Outstanding
2021	\$1,005,000
2022	1,085,000
2023	1,610,000
2024	1,525,000
2025	1,535,000
2026	1,725,000
2027	1,795,000
2028	1,865,000
2029	1,940,000
2030	<u>2,015,000</u>
Totals	<u>\$16,100,000</u>



Addendum to City Council Meeting Agenda

5:30 p.m.

March 12, 2020

300 West Cotton Street

Jo Ann Metcalf Municipal Building

City Hall Council Chamber

The following item is hereby added to the previously posted agenda for the Regular City Council Meeting on Thursday, March 12, 2020. This item will be considered after the Community Recognition item:

Public Safety Update – COVID-19 Community Preparedness and Prevention - Mayor Andy Mack

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Longview, Texas, a place readily accessible to the general public at all times, on the 9th day of March, 2020 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Angie Shepard
City Secretary