



CITY OF TEXARKANA
CITY COUNCIL
MINUTES • OCTOBER 28, 2019

Council Chambers**Regular Meeting****6:00 PM**

220 TEXAS BLVD.
TEXARKANA, TX 75501

I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Present	
Mary Hart	Ward 2	Present	
Betty Williams	Ward 3	Present	
Christie Alcorn	Ward 4	Present	
Bill Harp	Ward 5	Present	
Josh Davis	Ward 6	Present	

Staff Present: City Manager Shirley Jaster, Jennifer Evans, Kristin Peeples, David Orr, Pete Mann, Sherry Jackson Hawkins, Dusty Henslee, Mashell Daniel, Jerry Sparks, Shawn Vaughn, Eric Schlotter, Beebe Lachowsky, and Robby Robertson.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER BETTY WILLIAMS

III. MAYOR' REMARKS AND ITEMS OF COMMUNITY INTEREST - CITY OF ATLANTA, TEXAS

Travis Ransom, Mayor of Atlanta, Texas, thanked the City of Texarkana, Texas, and its firefighters for assistance with a recent fire of a city block in downtown Atlanta. Mayor Ransom was very grateful for the willing and timely response of a neighboring city. Several firefighters were thanked for their help and service in combating the huge fire. The following were recognized:

Captain Chuck Weerts	Driver/Engineer Eric McCasland	Firefighter Aaron Johnson	Firefighter Cody Shields*
Captain Don Rich	Driver/Engineer Jonathan Mixon	Firefighter Lane Peeples	Firefighter Colby Eubanks
Captain Nick Smith*	Driver/Engineer Payton Jones	Firefighter Justin Anderson	Battalion Chief Alan Sikes
Captain Dakota Huddleston*	Firefighter Brandon Whitehurst	Firefighter Andy Harper	Assistant Chief Chris Black
Driver/Engineer Marty Lawrence	Firefighter Brad Smith	Firefighter David Jackson*	Fire Chief Eric Schlotter

*Not shown in photo.



IV. CLOSED SESSION

The City Council convened in closed session pursuant to Texas Government Code Section 551.071 for a private consultation with the City Attorney. No action was taken.

V. RECONVENED INTO OPEN SESSION - 6:41 P.M.

VI. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Tuesday, November 12, 2019 at 6:00 p.m.

Monday, November 25, 2019 at 6:00 p.m.

Monday, December 9, 2019 at 6:00 p.m.

Farmers' Market Event:

November 9th Thanksgiving Pot Luck & Pie Contest

Silvermoon on Broad

Other City Events:

November 21st Employee Appreciation Luncheon

Southwest Center

Parks & Recreation Events:

October 31 st	Trunk or Treat	Spring Lake Park
October 31 st	Movies in the Park - "Toy Story" **	Spring Lake Park

****Movies will begin at dusk****

Additional Parks & Recreation events can be found on the city's website at <http://www.ci.texarkana.tx.us> or call (903) 798-3978 for more information.

The city recently hosted the 3rd annual "Bark at the Park". It was well attended and Mashell Daniel provided a few highlights from this year's event.

The local chapter of the NAACP celebrated its 100th anniversary at the Freedom Fund Awards Banquet on October 26th.

U.S. Senator John Coryn, R-Texas, toured the Randy Sams Outreach Shelter and kicked off the local "Share the Warmth Holiday Donation Drive". He even had the opportunity to make sandwiches in the shelter kitchen along with Mayor Bruggeman.

On Friday, October 25th, Mayor Pro Tem and Council Member Josh Davis attended the TEX-21 quarterly meeting in Austin. TEX-21 is a collective effort of several entities seeking to improve transportation infrastructure in the States of Texas and Oklahoma. While in Austin, Mr. Davis had the opportunity to visit one-on-one with TxDOT Chief Engineer Bill Hale and put in a good word for the Texarkana region.

The Mayor welcomed two visiting students from Texas A&M - Texarkana to the meeting.

VII. OPEN FORUM: COMMENTS FROM THE PUBLIC

Per Council rules, comment time is limited to five minutes, or ten minutes if using a translator. Before comments are made, a speaker must complete an information sheet and give to the City Secretary. If your comment pertains to an agenda item with a scheduled public hearing or public comment, the Council requires that you make your comment at that time; you do not need to complete an information sheet.

There were no public comments made at Open Forum.

VIII. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayoral appointments made for the 2020 U.S. Census Bureau Complete Count Committee:

Rev. David Watkins
Mindy Basurto
Bryan Bixler
Rhonda Dolberry
Dr. Luz Mary Rincon

Motion to confirm Mayoral appointments to the 2020 U.S. Census Bureau Complete Count Committee.

(6:50 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

IX. ITEMS FOR CONSIDERATION

Consent Items

(6:50 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Josh Davis, Ward 6
SECONDER:	Christie Alcorn, Ward 4
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Joint City Committee Special Meeting of the City Council held on October 8, 2019 at 3:00 PM.
2. Consider approval of the minutes of the Regular Meeting of the City Council held on October 14, 2019 at 6:00 PM.

Action Items

3. Resolution No. 2019-102 approving Bowie Central Appraisal District's 2019 tax roll.

Public Hearing:

Council Vote: October 28, 2019

Kristin Peebles briefed this agenda item.

(6:52 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betty Williams, Ward 3
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

4. Resolution No. 2019-104 casting votes for candidate(s) for membership on the Bowie Central Appraisal District's Board of Directors to serve for the 2020-2021 term.

Public Hearing:

Council Vote: October 28, 2019

Kristin Peebles briefed this agenda item.

(6:53 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

5. Joint Resolution No. 2019-106 with Riverbend Water Resources District authorizing the filing of an application for additional water rights from Wright Patman Lake with the City of Texarkana as Permittee, authorizing tender of the application filing fee and designating Riverbend as the point of contact during the application review process.

Public Hearing:

Council Vote: October 28, 2019

Kyle Dooley, Executive Director of Riverbend Water Resources District, briefed this agenda item.

(6:55 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

X. FIRST BRIEFINGS

1. Ordinance No. 2019-067 rezoning a 1.348-acre tract of land, being a part of Lots 3 & 4, Block 1, Carrie D. Hart's First Addition, located in the Thomas Price HRS, A-466, located at 1703 North Bishop Road. Office to Commercial. Curt Green, dba Green, Herrington & Howell, LLC, applicants.

Public Hearing: November 12, 2019

Council Vote: November 12, 2019

David Orr briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 11/12/2019 6:00 PM
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2. Ordinance No. 2019-093 granting Specific Use Permit to allow permanent cosmetics and microblading in a tenant space at 4064 Summerhill Square, being on a 3.16-acre tract of land (Tract 49D) in the MEP & P HRS, A-421. Alan Schimming, applicant. Patty Lynn, agent.

Public Hearing: November 12, 2019
Council Vote: November 12, 2019

David Orr briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 11/12/2019 6:00 PM
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3. Ordinance No. 2019-094 rezoning Lot 6, Block 1, Two Streets Addition, located in the 3500 block of Waco Street. Single Family-2 to Commercial. LBP O-Zone Investments, LLC, applicant. Kayla Wood. MTG Engineers and Surveyors, agent.

Public Hearing: November 12, 2019
Council Vote: November 12, 2019

David Orr briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 11/12/2019 6:00 PM
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4. Ordinance No. 2019-095 granting a Specific Use Permit to allow a billboard on a 25' x 45' strip of leased land on Tract 79 in the George Brinlee HRS, A-18, located at 2703 Richmond Road. Elvin Fenton, applicant. Chad Shipp, Shipp Outdoor, LLC, agent. (due to a petition in opposition, a 3/4 vote will be required to approve this request)

Public Hearing: November 12, 2019
Council Vote: November 12, 2019

David Orr briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 11/12/2019 6:00 PM
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5. Ordinance No. 2019-105 discussion and consideration of all matters incident and related to the issuance and sale of "City of Texarkana, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2019", including the adoption of an ordinance authorizing the issuance of such certificates of obligation.

Public Hearing:
Council Vote: October 28, 2019

Jason Hughes, with Hilltop Securities, briefed this agenda item.
(7:09 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Hart, Ward 2
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

XI. PUBLIC HEARINGS - NONE

XII. ITEMS FOR DISCUSSION

Staff Updates - None

XIII. ADMINISTRATIVE COMMENTS

1. City Council

Council Member Davis thanked Mashell Daniel and staff for organizing and volunteering their time to host the annual "Bark at the Park" event this month.

Council Member Harp commended city staff for arranging the painted mural project on the side of the parking garage on West 3rd Street.

Council Member Williams encouraged citizens to vote on various Texas constitutional amendments during the early voting period which ends Friday, November 1st.

Mayor Bruggeman said the city received a letter recognizing the dedicated career of Rhonda Easley Jones at the CPA firm of Holliday, Lemons, & Cox. Ms. Jones is leaving the firm after 30+ years of service. Ms. Jones worked closely with the Finance Department and conducted several years of audit services for the city.

2. City Staff

Staff had no administrative comments for council.

XIV. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:15 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/15/2019 2:55 PM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Subject: Consider approval of the minutes of the Joint City Committee Special Meeting of the City Council held on October 8, 2019 at 3:00 PM.

Attachments

- a. DRAFT Minutes - Joint City Cmte 100819 (DOCX)



MINUTES

Joint Texarkana Community Committee

City Council of the City of Texarkana, Texas
Board of Directors of the City of Texarkana, Arkansas

Ark-Tex Council of Governments
4808 Elizabeth Street
Texarkana, TX 75503

October 8, 2019 – 3:00 p.m.

Meeting Attendees:

Elected Officials on the Panel – **Texarkana, Texas** - Mayor Bob Bruggeman, Ward 5 Council Member Bill Harp. **Texarkana, Arkansas** - Mayor Allen Brown, Ward 3 Board Director Steven Hollibush, Ward 5 Board Director Barbara Miner.

City Staff & Support – **Texarkana, Texas** – City Manager Shirley Jaster, Jennifer Evans, Jennifer Strayhorn, Betsy Freeman, David Orr, Karey Parker, Lisa Thompson.

- **Welcome by Michael Malone** – Mr. Malone welcomed all in attendance and explained that the purpose of the meeting was to allow elected officials to receive information at the same time on various topics that affect the community. It provides a forum for each side to share ideas and common challenges. The joint committee is not for the purpose of making decisions or taking action. The public is allowed to listen to the meeting, however, questions will be asked of the presenters by the panel of elected officials in order to adjourn the meeting on time.
- **Introduction of Attendees** – Each Mayor introduced his respective council member or board director who attended.
- **Topic of Discussion: HOUSING IN TEXARKANA**
 - AR-TX Council of Governments - ATCOG's Housing Manager, Mae Lewis
 - Texarkana, Texas Housing Authority – Antonio Williams, Chief Executive Officer
 - Texarkana, Arkansas Housing Authority – Dub Wingfield, Executive Director

- City of Texarkana, Texas - Betsy Freeman, Grants Administrator
- City of Texarkana, Arkansas – Mary Beck, City Planner
- Board of Realtors – Dennis Schafer, D. Schafer Realty
- Habitat for Humanity – Mary Wormington, Managing Director

Summary Remarks to Panel – Providing suitable housing to meet the needs of Texarkana’s current population presents unique challenges. One challenge is the availability of **suitable housing**. Suitable housing not only includes safe, decent, and sanitary living space, but also, participation by willing landlords to offer reasonable and affordable rents. Another challenge is the availability of **financial assistance** for future homeowners. Many prospective homeowners’ level of income is just below the lending threshold to secure a loan. Some potential home buyers are hindered by low credit scores or not having enough money set aside for costly down payments and closing costs. Also contributing to the suitable housing shortfall are **minimal job opportunities, low wages, and divided households** that place people in tough categories for receiving personalized assistance, especially from a financial institution. Additionally, as the landscape of society changes through diversity, the desire for **specific types of housing**, such as one-bedroom units or tiny houses, continues to increase for individuals and families. Research done by Texas A&M University shows the need for more rental units in the future as the number of renters increases statewide.

There are local entities who administer public housing programs and offer related assistance which helps to fill in the gaps for those needing some extra financial support to secure housing whether renting or buying a property.

Revitalization of historic buildings and urban areas, by appropriate bond inducement and tax abatement development deals, can be very useful in addressing the need of available housing. Mixed-use renovation of abandoned properties can also broaden the reach of creating more affordable housing.

The cities of Texarkana seek to provide safe, sanitary and quality housing for residents. Strong and solid community partnerships through local collaboration, along with the support of non-local government grants and funding opportunities, all together strive to make a priority and success of addressing and filling the current and future housing needs in Texarkana, USA.

- **Closing Remarks** – Mr. Malone thanked all the presenters who shared information with the panel and thanked all who attended the discussion.
- **Next Meeting Date:** Tentative: January 2020. Topic: TBD.
- **Adjournment** – The meeting was adjourned at 4:02 p.m.

Jennifer Evans, City Secretary

Bob Bruggeman, Mayor



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • OCTOBER 14, 2019

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Present	
Mary Hart	Ward 2	Present	
Betty Williams	Ward 3	Present	
Christie Alcorn	Ward 4	Present	
Bill Harp	Ward 5	Present	
Josh Davis	Ward 6	Present	

Staff Present: City Manager Shirley Jaster, Jennifer Evans, Kristin Peeples, Kevin Schutte, J.D. Phillips, Dusty Henslee, Mashell Daniel, David Orr, Karey Parker, Lisa Thompson, Robby Robertson, and Rea Donna Jones.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY MAYOR BOB BRUGGEMAN

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, October 28, 2019 at 6:00 p.m.

Tuesday, November 12, 2019 at 6:00 p.m.

Monday, November 25, 2019 at 6:00 p.m.

Parks & Recreation Events:

October 17 th	Movies in the Park - "Goosebumps 2"	Spring Lake Park
October 17 th	Fall Festival - 5:00 p.m. to 7:00 p.m.	Spring Lake Park
October 19 th	Girl Scouts Haunted Trail	Bringle Lake East
October 24 th	Movies in the Park - "The Town that Dreaded Sundown"	Spring Lake Park
October 26 th	Community Yard Sale/Electronic Recycle Day	Spring Lake Park
October 26 th	"Bark at the Park" - Kylee Sullivan Dog Park	Spring Lake Park

Minutes Acceptance: Minutes of Oct 14, 2019 6:00 PM (Consent Items)

****Movies will begin at dusk****

Additional Parks & Recreation events can be found on the city's website at <http://www.ci.texarkana.tx.us> or call (903) 798-3978 for more information.

Special Presentations

T.I.S.D. Student Exchange Program - Lejlaa Sabotic from Montenegro and Tatiana Shishenina from Kyrgystan were the 2019 qualified applicants for the FLEX (Future Leaders Exchange) scholarship program. Each student attends Texas High School and is in the 11th grade.

Both students shared the differences of required education in their countries compared to the United States. They also expressed gratitude for the opportunity of being in the U.S. and have enjoyed many good experiences. Mayor Bruggeman presented Lejlaa and Tatiana with a city lapel pin and thanked Brandy Acker for sponsoring this year's FLEX students.

Pro Bono Week - October 20 - 26, 2019

Mayor Bruggeman read the proclamation and presented it to King Wong, representative of Lone Star Legal Aid. Ms. Wong thanked the Mayor and city council for recognizing Pro Bono Week 2019 and Lone Star Legal Aid.

She also expressed thanks to the many private attorneys who make this program a success by their support in donating hours of free legal services to ensure those of limited means an access to justice.

RESULT:	CLOSE ACTION
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IV. OPEN FORUM: COMMENTS FROM THE PUBLIC

Per Council rules, comment time is limited to five minutes, or ten minutes if using a translator. Before comments are made, a speaker must complete an information sheet and give to the City Secretary. If your comment pertains to an agenda item with a scheduled public hearing or public comment, the Council requires that you make your comment at that time; you do not need to complete an information sheet.

Jimmie Young addressed council and expressed thanks to city staff for professionally addressing drainage and sewer concerns at his home.

V. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Council made no appointments or reappointments to any board or commission.

VI. ITEMS FOR CONSIDERATION

Consent Items

(6:30 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christie Alcorn, Ward 4
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on September 23, 2019 at 6:00 PM.
2. Ordinance No. 2019-089 amending budgeted revenues and expenditures for the Metropolitan Planning Organization Fund (Fund 220) in the amount of NINETY-FIVE THOUSAND DOLLARS (\$95,000) for the fiscal year ending September 30, 2020 for supplemental planning and research funds received from the Texas Department of Transportation (TxDOT).

Public Hearing:

Council Vote: October 14, 2019

3. Resolution No. 2019-092 authorizing the City Manager to execute a contract with A.L. Franks Engineering, Inc. of Texarkana, Arkansas, with budgeted funds, in an amount not to exceed \$458,535 for engineering services associated with modifications to the Wagner Creek Wastewater Treatment Plant.

Public Hearing:

Council Vote: October 14, 2019

4. Resolution No. 2019-096 authorizing the City Manager to purchase one (1) Combination Vac-Jet Truck through the HGAC Buy Board, with budgeted funds, in an amount not to exceed, for the Texas portion, \$237,906.47 and the total amount not to exceed \$376,315.20.

Public Hearing:

Council Vote: October 14, 2019

5. Resolution No. 2019-097 authorizing the City Manager to accept the bid and enter into a contract, using budgeted funds, with Kampco, Inc. of Texarkana, Arkansas, in an amount not to exceed \$980,680.17 for the West Texarkana Sewer Project.

Public Hearing:

Council Vote: October 14, 2019

Minutes Acceptance: Minutes of Oct 14, 2019 6:00 PM (Consent Items)

6. Resolution No. 2019-098 authorizing the City Manager to execute a contract with MTG Engineers & Surveyors, Inc. of Texarkana, Texas, for water and sanitary sewer extension services, using budgeted funds in an amount not to exceed \$102,500.

Public Hearing:

Council Vote: October 14, 2019

7. Resolution No. 2019-099 authorizing the City Manager to reimburse Texarkana Convention Partners, LLC in the amount of \$62,095.78 for the installation of sound panels at the Texarkana Convention Center from funds reserved for maintenance of the convention center in the Hotel Occupancy Tax Fund (Fund 212).

Public Hearing:

Council Vote: October 14, 2019

8. Ordinance No. 2019-100 amending budgeted revenues and expenditures for the NEA Grant Fund (Fund 227) in the amount of THIRTEEN THOUSAND SEVEN HUNDRED EIGHTY-SEVEN DOLLARS (\$13,787) for the fiscal year ending September 30, 2020 for a grant received from the National Endowment for the Arts.

Public Hearing:

Council Vote: October 14, 2019

Action Items

9. Ordinance No. 2019-090 amending budgeted revenues and expenditures for the General Fund (Fund 101) in the amount of SIX THOUSAND SEVEN HUNDRED FORTY-SEVEN DOLLARS AND TWENTY-NINE CENTS (\$6,747.29) for the fiscal year ending September 30, 2020 for a donation received from the ArkLaTex 100 Club.

Public Hearing:

Council Vote: October 14, 2019

Kevin Schutte briefed this agenda item.

(6:39 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Hart, Ward 2
SECONDER:	Josh Davis, Ward 6
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

VII. FIRST BRIEFINGS - NONE

VIII. PUBLIC HEARINGS

- Resolution No. 2019-091 approving the application for the Edward Byrne Justice Assistance Grant providing a total grant in the amount of \$25,863, where the City will receive \$15,518 and Bowie County, Texas, will receive \$10,345.

Public Hearing: October 14, 2019
 Council Vote: October 14, 2019

Kevin Schutte briefed this agenda item.
 (6:42 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

IX. ITEMS FOR DISCUSSION

Staff Updates - None

X. ADMINISTRATIVE COMMENTS

- City Council

Council Member Williams thanked the citizens, city staff, and Doug Sims of Waste Management for supporting National Night Out at the Collins Center on October 1st. She also thanked Ina McDowell and Main Street Texarkana for this year's Dine on the Line event held on October 4th.

Mayor Bruggeman said he enjoyed attending several block parties during National Night Out and received good citizen feedback. He thanked Lori Dunn of the Texarkana Gazette for coming to the meeting. Ms. Dunn was filling in for staff reporter Karl Richter who was covering another event.

The Mayor also thanked students from Texas A&M University - Texarkana for joining the meeting.

2. City Staff

Staff had no administrative comments for council.

XI. CLOSED SESSION

The City Council convened into closed session pursuant to Section 551.071 of the Texas Government Code for a private consultation with the City Attorney and Section 551.074 (Personnel Matters) to discuss or deliberate the City Manager's contract, evaluation, duties, goals, and performance review.

XII. RECONVENED INTO OPEN SESSION

1. Ordinance No. 2019-101 extending and amending the City Manager Employment Contract.

Public Hearing:

Council Vote: October 14, 2019

Council Member Harp made the motion to adopt Ordinance No. 2019-101 and approve Exhibit "A" referenced in the ordinance.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

City Manager Jaster thanked the council for extending her contract and said that she looked forward to working more with council in the future.

XIII. ADJOURNMENT

A motion was made to adjourn the meeting.
(8:33 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Christie Alcorn, Ward 4
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/30/2019 2:58 PM

Lead Department: Finance Department **Action Officer:** Kristin Peeples,
Subject: Resolution No. 2019-102 approving Bowie Central Appraisal District's 2019 tax roll.
Briefing: 10/28/2019 **Public Hearing:** **Council Vote:** 10/28/2019

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Bowie Central Appraisal District has completed and presented the City's 2019 tax roll for the City, TIRZ District No. 1 and TIRZ District No. 2. This roll, as presented, needs to be approved by signature of the City Council, and returned to the Appraisal District.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Collections by Bowie Central Appraisal District from the approved tax roll provide funds needed for the operating budget for fiscal year ending September 30, 2020.

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2019-102 RES Approving 2019 Tax Roll (PDF)
- b. 2019-102 Goals & Perspectives (DOCX)

City of Texarkana, Texas

- c. 2019-102 EXH 'A' Tax Roll (PDF)
- d. 2019-102 RES Approving 2019 Tax Roll signed (PDF)

Staff Coordination

Finance Department	Kristin Peebles	Department Head Review	Completed	
	10/09/2019 1:14 PM			
Finance Department	Kristin Peebles	Finance Review	Completed	10/09/2019
1:14 PM				
City Manager	Shirley Jaster	City Manager Review	Completed	10/09/2019
2:40 PM				
City Council	Jennifer Evans	Meeting	Completed	10/28/2019
6:00 PM				

Meeting History

RESOLUTION NO. 2019-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE BOWIE CENTRAL APPRAISAL DISTRICT 2019 TAX ROLL FOR THE CITY OF TEXARKANA, TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Bowie Central Appraisal District has completed the 2019 Tax Roll; and

WHEREAS, it is recommended by the Finance Department that the 2019 Tax Roll for the City of Texarkana, Texas, be approved as presented.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: That the 2019 Tax Roll for the City of Texarkana, Texas, as prepared and presented by the Bowie Central Appraisal District, is hereby approved. Copies of the City of Texarkana, Texas, 2019 Tax Roll are attached hereto and incorporated herein as **Exhibit "A"**.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **28th day of October, 2019.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2019-102 RES Approving 2019 Tax Roll (2167 : 2019 -102 RES Approving 2019 Tax Roll)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☐ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☒ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☒	Newspaper Notice (Required by Statute)	☒	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☐	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☐	None Required	☐	

Other:

CITY OF TEXARKKANA**2019 TAX ROLL**

TOTAL TAXABLE VALUE	2,250,472,905
GROSS TAX LEVY	\$15,753,318.76
LESS TAX ON FROZEN ITEMS	\$2,129,340.28
PLUS FROZEN TAXES	\$1,590,485.82
PLUS LATE PENALTY GAIN	\$34,586.92
TOTAL TAX LEVY	\$15,249,051.22

COUNCIL MEMBERS :

MAYOR , BOB BRUGGEMAN

MEMBER JEAN MATLOCK

MEMBER , MARY HART

MEMBER , BETTY WILLIAMS

MEMBER , CHRISTIE MURRAY-ALCORN

MEMBER JOSH DAVIS

MEMBER, BILL HARP

APPROVED THE _____ DAY OF _____

2019

CITY OF TEXARKKANA T1**2019 TAX ROLL**

TOTAL TAXABLE VALUE	340,554,923
GROSS TAX LEVY	\$2,383,884.72
LESS TAX ON FROZEN ITEMS	\$17,163.80
PLUS FROZEN TAXES	\$11,356.09
PLUS LATE PENALTY GAIN	\$0.00
TOTAL TAX LEVY	\$2,378,077.01

COUNCIL MEMBERS :

MAYOR , BOB BRUGGEMAN

MEMBER JEAN MATLOCK

MEMBER , MARY HART

MEMBER , BETTY WILLIAMS

MEMBER , CHRISTIE MURRAY-ALCORN

MEMBER JOSH DAVIS

MEMBER, BILL HARP

APPROVED THE _____ DAY OF _____

2019

CITY OF TEXARKKANA T2**2019 TAX ROLL**

TOTAL TAXABLE VALUE	54,017,618
GROSS TAX LEVY	\$378,123.57
LESS TAX ON FROZEN ITEMS	\$4,025.44
PLUS FROZEN TAXES	\$2,997.50
PLUS LATE PENALTY GAIN	\$0.00
TOTAL TAX LEVY	\$377,095.63

COUNCIL MEMBERS :

MAYOR , BOB BRUGGEMAN

MEMBER JEAN MATLOCK

MEMBER , MARY HART

MEMBER , BETTY WILLIAMS

MEMBER , CHRISTIE MURRAY-ALCORN

MEMBER JOSH DAVIS

MEMBER, BILL HARP

APPROVED THE _____ DAY OF _____ 2019

RESOLUTION NO. 2019-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE BOWIE CENTRAL APPRAISAL DISTRICT 2019 TAX ROLL FOR THE CITY OF TEXARKANA, TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Bowie Central Appraisal District has completed the 2019 Tax Roll; and

WHEREAS, it is recommended by the Finance Department that the 2019 Tax Roll for the City of Texarkana, Texas, be approved as presented.

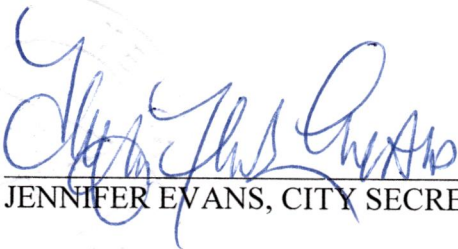
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: That the 2019 Tax Roll for the City of Texarkana, Texas, as prepared and presented by the Bowie Central Appraisal District, is hereby approved. Copies of the City of Texarkana, Texas, 2019 Tax Roll are attached hereto and incorporated herein as **Exhibit "A"**.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **28th day of October, 2019**.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:52 p.m.

Attachment: 2019-102 RES Approving 2019 Tax Roll signed (2167 : 2019 -102 RES Approving 2019 Tax Roll)

CITY OF TEXARKANA T2

2019 TAX ROLL

TOTAL TAXABLE VALUE	54,017,618
GROSS TAX LEVY	\$378,123.57
LESS TAX ON FROZEN ITEMS	\$4,025.44
PLUS FROZEN TAXES	\$2,997.50
PLUS LATE PENALTY GAIN	\$0.00
TOTAL TAX LEVY	\$377,095.63

COUNCIL MEMBERS :

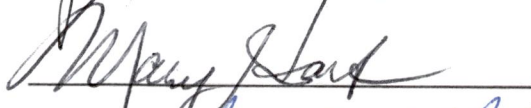
MAYOR, BOB BRUGGEMAN



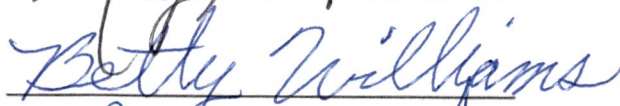
MEMBER JEAN MATLOCK



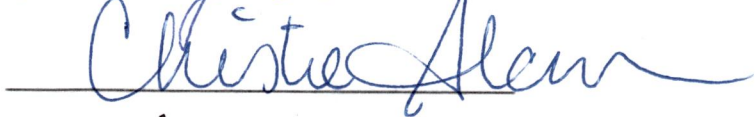
MEMBER, MARY HART



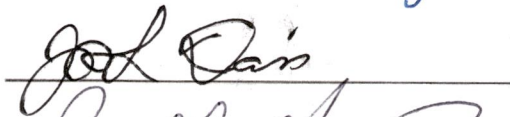
MEMBER, BETTY WILLIAMS



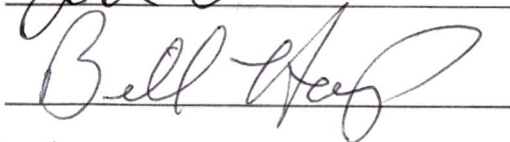
MEMBER, CHRISTIE MURRAY-ALCORN



MEMBER JOSH DAVIS



MEMBER, BILL HARP

APPROVED THE 28th DAY OF OCTOBER 2019

Attachment: 2019-102 RES Approving 2019 Tax Roll signed (2167 : 2019 -102 RES Approving 2019 Tax Roll)

CITY OF TEXARKKANA T1

2019 TAX ROLL

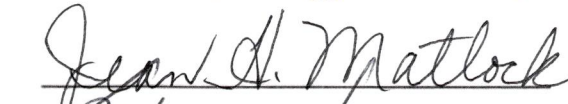
TOTAL TAXABLE VALUE	340,554,923
GROSS TAX LEVY	\$2,383,884.72
LESS TAX ON FROZEN ITEMS	\$17,163.80
PLUS FROZEN TAXES	\$11,356.09
PLUS LATE PENALTY GAIN	\$0.00
TOTAL TAX LEVY	\$2,378,077.01

COUNCIL MEMBERS:

MAYOR, BOB BRUGGEMAN



MEMBER JEAN MATLOCK



MEMBER, MARY HART



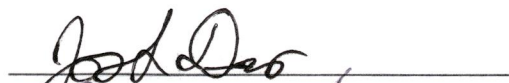
MEMBER, BETTY WILLIAMS



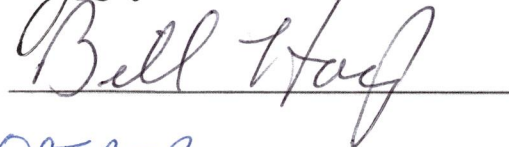
MEMBER, CHRISTIE MURRAY-ALCORN



MEMBER JOSH DAVIS



MEMBER, BILL HARP

APPROVED THE 28th DAY OF OCTOBER 2019

Attachment: 2019-102 RES Approving 2019 Tax Roll signed (2167 : 2019 -102 RES Approving 2019 Tax Roll)

CITY OF TEXARKKANA

2019 TAX ROLL

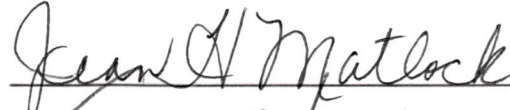
TOTAL TAXABLE VALUE	2,250,472,905
GROSS TAX LEVY	\$15,753,318.76
LESS TAX ON FROZEN ITEMS	\$2,129,340.28
PLUS FROZEN TAXES	\$1,590,485.82
PLUS LATE PENALTY GAIN	\$34,586.92
TOTAL TAX LEVY	\$15,249,051.22

COUNCIL MEMBERS :

MAYOR, BOB BRUGGEMAN



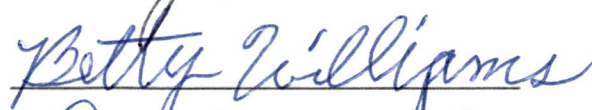
MEMBER JEAN MATLOCK



MEMBER, MARY HART



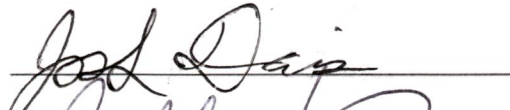
MEMBER, BETTY WILLIAMS



MEMBER, CHRISTIE MURRAY-ALCORN



MEMBER JOSH DAVIS



MEMBER, BILL HARP

APPROVED THE 28th DAY OF OCTOBER 2019

Attachment: 2019-102 RES Approving 2019 Tax Roll signed (2167 : 2019 -102 RES Approving 2019 Tax Roll)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/21/2019 9:42 AM

Lead Department: Finance Department **Action Officer:** Kristin Peeples,
Resolution No. 2019-104 casting votes for candidate(s) for membership on the
Subject: Bowie Central Appraisal District's Board of Directors to serve for the 2020-
2021 term.

Briefing: 10/28/2019 **Public Hearing:** **Council Vote:** 10/28/2019

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Resolution No. 2019-087 nominating Council Member Josh Davis to serve as a director on the Bowie Central Appraisal District Board for a two-year term beginning on January 1, 2020 was passed by City Council on September 23, 2019. The Official Ballot Resolution for this election was provided to the City in a letter, by the Bowie Central Appraisal District, along with instructions from the Property Tax Code Section 6.03(k) that the City determine its vote by resolution and return the Ballot to the Chief Appraiser before December 15, 2019.

Potential Options:

- Cast votes for nominee previously presented.
-

Fiscal Implications:

City's director has direct input into the BCAD budget and to the District's appraisal and tax collections operations on behalf of the City.

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

City of Texarkana, Texas

Attachments

- a. 2019-104 RES Casting Votes on BCAD Board 2020-2021 Term for Josh Davis (DOC)
- b. 2019-104 Goals & Perspectives (DOCX)
- c. 2019-104 EXH 'A' Ballot (PDF)
- d. 2019-104 RES Casting all BCAD Votes for Davis signed (PDF)

Staff Coordination

Finance Department	Kristin Peeples	Department Head Review	Completed
	10/16/2019 9:37 AM		
City Manager	Shirley Jaster	City Manager Review Completed	10/18/2019
1:53 PM			
City Council	Jennifer Evans	Meeting	Completed 10/28/2019
6:00 PM			

Meeting History

RESOLUTION NO. 2019-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, CASTING VOTES FOR CANDIDATE(S) FOR MEMBERSHIP ON THE BOARD OF DIRECTORS OF THE BOWIE CENTRAL APPRAISAL DISTRICT TO SERVE FOR THE 2020-2021 TERM; DIRECTING THE MAYOR TO EXECUTE THE OFFICIAL BALLOT; DIRECTING THE CITY SECRETARY TO DELIVER THE OFFICIAL BALLOT TO THE CHIEF APPRAISER ON OR BEFORE DECEMBER 15, 2019; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the terms of the present members of the Board of Directors of the Bowie Central Appraisal District expire on December 31, 2019; and

WHEREAS, Section 6.03 of the Texas Property Tax Code permits this Council to nominate by resolution one candidate for each of the five positions to be filled on the Board of Directors of the Bowie Central Appraisal District; and

WHEREAS, in accordance with said statute, this Council, by Resolution No. 2019-087, on September 23, 2019, nominated Josh Davis as a candidate for membership on the Board of Directors of the Bowie Central Appraisal District to serve for the 2020-2021 term; and

WHEREAS, the City of Texarkana, Texas, is entitled by law to cast a total of 749 cumulative votes for persons nominated to serve on the said Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: That votes be and are hereby cast by this Council for the candidate(s) for position(s) as director(s) on the Board of Directors of the Bowie Central Appraisal District, to serve for the 2020-2021 term, as shown on the Official Ballot, attached hereto as **Exhibit “A”**.

SECTION 2: That the votes transcribed onto the Official Ballot provided by the Chief Appraiser are to be thereafter executed by the Mayor and attested by the City Secretary.

SECTION 3: That a copy of the Official Ballot as executed be attached hereto as **Exhibit “A”** and made a part hereof by reference.

SECTION 4: That the City Secretary provides a duplicate original executed copy of this Resolution and the original of the executed official ballot to the Chief Appraiser on or before December 15, 2019, as required by the Texas Property Tax Code.

SECTION 5: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **28th day of October, 2019.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☒ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☒ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☒ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☒ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐ Newspaper Notice (Required by Statute)	☐ Public Hearing (Required by Statute)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website Notice
☐ Social Media (Twitter, Facebook, etc.)	☐ Special Mailing
☐ Flyers Posted	☐ Banners Posted
☐ Survey	☐ Automated Phone Call
☒ None Required	☐

Other:

BOWIE CAD

Bowie Central Appraisal District

122 Plaza West, Suite A
Post Office Box 6527
Texarkana, TX 75505-6527
Phone (903) 793-8936
Fax (903) 792-8889

710 James Bowie Dr.
Post Office Box 967
New Boston, TX 75570-0967
Phone (903) 628-5493
Fax (903) 628-2087

October 15, 2019

Enclosed please find ballots for the 2020-2021 Bowie Central Appraisal District Board of Directors. In the upper right hand corner you will find the total number of votes you may cast. Ballots are being sent both by email and certified mail in order to ensure compliant delivery.

Please be advised that Property Tax Code Section 6.03 (K) states:

"The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the Chief Appraiser **BEFORE** December 15."

Thank you for your attention to this matter and if you have any questions please feel free to call.

Regards,
Mike Brower, RPA
Chief Appraiser, BCAD

Attachment: 2019-104 EXH 'A' Ballot (2169 : 2019-104 RES Casting Votes For BCAD Board)

Ballot #22

Number of Votes 749

**OFFICIAL BALLOT
RESOLUTION**

STATE OF TEXAS

COUNTY OF BOWIE

Be it resolved that the Texarkana City cast its votes for the following nominee(s) for election to the Board of Directors for the Bowie Central Appraisal District for the 2020-2021 term:

NOMINEE	NUMBER OF VOTES
Amy Bowers	
Josh Davis	
Paul Miller	
Ron Riddle	
Robert Sheppard	
Tom Whitten	

Attachment: 2019-104 EXH 'A' Ballot (2169 : 2019-104 RES Casting Votes For BCAD Board)

RESOLUTION NO. 2019-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, CASTING VOTES FOR CANDIDATE(S) FOR MEMBERSHIP ON THE BOARD OF DIRECTORS OF THE BOWIE CENTRAL APPRAISAL DISTRICT TO SERVE FOR THE 2020-2021 TERM; DIRECTING THE MAYOR TO EXECUTE THE OFFICIAL BALLOT; DIRECTING THE CITY SECRETARY TO DELIVER THE OFFICIAL BALLOT TO THE CHIEF APPRAISER ON OR BEFORE DECEMBER 15, 2019; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the terms of the present members of the Board of Directors of the Bowie Central Appraisal District expire on December 31, 2019; and

WHEREAS, Section 6.03 of the Texas Property Tax Code permits this Council to nominate by resolution one candidate for each of the five positions to be filled on the Board of Directors of the Bowie Central Appraisal District; and

WHEREAS, in accordance with said statute, this Council, by Resolution No. 2019-087, on September 23, 2019, nominated Josh Davis as a candidate for membership on the Board of Directors of the Bowie Central Appraisal District to serve for the 2020-2021 term; and

WHEREAS, the City of Texarkana, Texas, is entitled by law to cast a total of 749 cumulative votes for persons nominated to serve on the said Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: That votes be and are hereby cast by this Council for the candidate(s) for position(s) as director(s) on the Board of Directors of the Bowie Central Appraisal District, to serve for the 2020-2021 term, as shown on the Official Ballot, attached hereto as **Exhibit "A"**.

SECTION 2: That the votes transcribed onto the Official Ballot provided by the Chief Appraiser are to be thereafter executed by the Mayor and attested by the City Secretary.

SECTION 3: That a copy of the Official Ballot as executed be attached hereto as **Exhibit "A"** and made a part hereof by reference.

SECTION 4: That the City Secretary provides a duplicate original executed copy of this Resolution and the original of the executed official ballot to the Chief Appraiser on or before December 15, 2019, as required by the Texas Property Tax Code.

Attachment: 2019-104 RES Casting all BCAD Votes for Davis signed (2169 : 2019-104 RES Casting Votes For BCAD Board)

SECTION 5: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **28th day of October, 2019.**

ATTEST:


JENNIFER EVANS, CITY SECRETARY
BOB BRUGGEMAN, MAYOR

6:53 p.m.

Attachment: 2019-104 RES Casting all BCAD Votes for Davis signed (2169 : 2019-104 RES Casting Votes For BCAD Board)

2019-104 EXH 'A'

BOWIE CAD

Bowie Central Appraisal District

122 Plaza West, Suite A
Post Office Box 6527
Texarkana, TX 75505-6527
Phone (903) 793-8936
Fax (903) 792-8889

710 James Bowie Dr.
Post Office Box 967
New Boston, TX 75570-0967
Phone (903) 628-5493
Fax (903) 628-2087

October 15, 2019

Enclosed please find ballots for the 2020-2021 Bowie Central Appraisal District Board of Directors. In the upper right hand corner you will find the total number of votes you may cast. Ballots are being sent both by email and certified mail in order to ensure compliant delivery.

Please be advised that Property Tax Code Section 6.03 (K) states:

"The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the Chief Appraiser **BEFORE** December 15."

Thank you for your attention to this matter and if you have any questions please feel free to call.

Regards,
Mike Brower, RPA
Chief Appraiser, BCAD

Attachment: 2019-104 RES Casting all BCAD Votes for Davis signed (2169 : 2019-104 RES Casting Votes For BCAD Board)

Ballot #22

Number of Votes 749

**OFFICIAL BALLOT
RESOLUTION**

STATE OF TEXAS

COUNTY OF BOWIE

Be it resolved that the Texarkana City cast its votes for the following nominee(s) for election to the Board of Directors for the Bowie Central Appraisal District for the 2020-2021 term:

NOMINEE	NUMBER OF VOTES
Amy Bowers	_____
Josh Davis	_____ 749 _____
Paul Miller	_____
Ron Riddle	_____
Robert Sheppard	_____
Tom Whitten	_____

Attachment: 2019-104 RES Casting all BCAD Votes for Davis signed (2169 : 2019-104 RES Casting Votes For BCAD Board)

City of Texarkana, Texas

Briefing Sheet

Version: A

Update Date: 10/24/2019 3:14 PM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Joint Resolution No. 2019-106 with Riverbend Water Resources District
authorizing the filing of an application for additional water rights from Wright
Patman Lake with the City of Texarkana as Permittee, authorizing tender of the
application filing fee and designating Riverbend as the point of contact during
Subject: the application review process.

Briefing: 10/28/2019 **Public Hearing:** 10/28/2019 **Council Vote:** 10/28/2019

Item Schedule

Updates/History of Briefing:

An initial version of this resolution for the City Council appeared on the agenda for May 24, 2019, and was pulled to allow for both Texarkana and Riverbend to approve and sign a joint resolution.

Executive Summary and Background Information:

Additional firm yield water supply of over 174,000 acre-feet appears to be available within the established conservation pool of Wright Patman Lake. This additional water supply is over and above the current water rights — 180,000 acre-feet — permitted to Texarkana. By previous joint resolution between the City Council and Riverbend's Board of Directors, Riverbend had been previously identified as the entity to apply for future water rights on behalf of Riverbend's members for available water between the interim and permanent or "Ultimate Rule Curve" as defined in Texarkana's contracts with the U.S. Government. Due to these contracts, the Texas Commission on Environmental Quality (TCEQ) has informed Riverbend that Texarkana should be the Permittee to apply for additional, future water rights on behalf of Riverbend's member entities up to the "Ultimate Rule Curve".

Approval of this resolution will:

- authorize the preparation and filing of an application for future rights to additional water supply from Wright Patman Lake, with Texarkana as Permittee, for any additional water available in Wright Patman Lake within the conservation pool;
- authorize the City Manager to sign the application;
- designate Riverbend as the point of contact for TCEQ during the application review process
- authorize the City Manager to expend City funds to pay the TCEQ filing fee not to exceed \$90,000; and
- make a joint finding by both Texarkana and Riverbend that the application for water rights is not inconsistent with the Region D Water Plan and does not adversely affect any strategies of the Plan.

City of Texarkana, Texas

This resolution makes no changes to the current water rights held by and permitted to Texarkana.

Riverbend's Board of Directors approved this resolution on October 24, 2019.

Potential Options:

- Approve
- Deny
- Postpone for further review

Fiscal Implications:

Expenditure of \$90,000 from TWU funds.

Staff Recommendation:

Approve the joint resolution.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2019-106 RES Joint Resolution Water Rights App (PDF)
- b. 2019-106 ATTH 01 Signed by Riverbend (PDF)
- c. 2019-106 Goals & Perspectives (DOCX)
- d. 2019-106 RES Jt. RWRD Water Rights App signed (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	
	10/22/2019 4:31 PM			
City Attorney	Jeffery C. Lewis	Review	Completed	10/22/2019
	5:04 PM			
City Manager	Shirley Jaster	City Manager Review	Completed	10/23/2019
	3:12 PM			
City Council	Jennifer Evans	Meeting	Completed	10/28/2019
	6:00 PM			

Meeting History

City of Texarkana, Texas

Texarkana Resolution No. 2019-106

Riverbend Resolution No. 20191024-04

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AND THE BOARD OF DIRECTORS OF RIVERBEND WATER RESOURCES DISTRICT, AUTHORIZING THE FILING OF AN APPLICATION FOR ADDITIONAL WATER RIGHTS FROM WRIGHT PATMAN LAKE WITH TEXARKANA AS PERMITTEE; AUTHORIZING TENDER OF THE APPLICATION FILING FEE; DESIGNATING RIVERBEND AS THE POINT OF CONTACT DURING THE APPLICATION REVIEW PROCESS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas (“Texarkana”), formed in 1873, is a home-rule municipality operating under a municipal charter adopted as authorized by Article XI, Section 5, of the Texas Constitution and as recognized by Texas Local Government Code Section 5.004 and having full power of local self-government.

WHEREAS, Riverbend Water Resources District (“Riverbend”) is a conservation and reclamation district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution, as set forth in Title 6, Special District Local Laws Code, Subtitle L, Municipal Water Districts, Chapter 9601, with statutory powers including the authority to acquire any and all storage rights and storage capacity in a reservoir or other water source inside or outside the boundaries of the district, and to acquire the right to take water from that reservoir or source, subject to the rights or permits held by municipalities or other persons.

WHEREAS, in 2011, the Texas Legislature reconstituted the Board of Directors of Riverbend to be composed of five qualified voters who are residents of the district, not otherwise serving as an elected official or as an employee of a Riverbend member, selected by the local governing bodies of the Riverbend members (the Counties of Bowie, Cass, and Red River, TexAmericas Center, and the Cities of Annona, Atlanta, Avery, DeKalb, Hooks, Leary, Maud, Nash, New Boston, Redwater, Texarkana, and Wake Village) as provided by law.

WHEREAS, Texarkana holds rights to appropriate, divert, and use waters of the State of Texas in the Sulphur River Basin under multiple permits issued by the State of Texas and recognized by final decree of the 202nd Judicial District Court of Bowie County, Texas, Cause No. 86-C1702-202, In re: The Adjudication of Water Rights in the Sulphur River Basin dated December 17, 1986, with those rights and the priority dates associated with those rights certified by the Texas Water Commission in *Certificate of Adjudication* No. 03-4836, issued on March 31, 1987, and amended in 2018 to authorize, in lieu of previous authorizations, diversion anywhere along the perimeter of Wright Patman Reservoir; and

WHEREAS, Texarkana holds valid contracts with the United States Government entered into in 1953 (Contract No. DA-16-047-eng-2033) and 1968 (Contract No. DACW29-69-C-0019 [interim] and Contract No. DACW29-68-A-0103 [permanent or “Ultimate Rule Curve”]) for water storage space and the operation of Wright Patman Lake; and

WHEREAS, there appears to be additional firm yield water supply available within the established conservation pool of Wright Patman Lake as defined for water supply impoundment in Texarkana’s *Certificate of Adjudication* No. 03-4836, as amended; and

WHEREAS, State and Regional Water Plans identify future water supply needs which can be met with additional yield from Wright Patman Lake, and the region's anticipated growth has identified additional future needs not previously captured in State and Regional Water Plans; and

WHEREAS, the City Council of Texarkana and the Board of Directors of Riverbend, by joint resolution (Texarkana Res. No. 2017-038 and Riverbend Res. No. 20170510-04), have previously identified Riverbend's role to apply for future water rights between the interim and permanent or "Ultimate Rule Curve" on behalf of Riverbend's member entities; and

WHEREAS, after making inquiry with regulatory authorities, Riverbend has determined that the best interests of its member entities and the region would be best served with Texarkana applying for such future and additional water rights within and up to the Ultimate Rule Curve; and

WHEREAS, Texarkana is willing to act on its own behalf as Permittee and on behalf of Riverbend and its member entities in making application for such water rights, and any future water rights acquired for this purpose shall be contracted with Riverbend for the purpose of serving the needs of Texarkana, Riverbend, and all of Riverbend's member entities equitably as their requirements may develop; and

WHEREAS, after all of the needs of Riverbend's member entities have first been met, Riverbend may further provide water to meet the needs outside of this region for the benefit of Riverbend's member entities equitably as each member has proportionally contributed to the development of such water; and

WHEREAS, by Ordinance No. 2019-032, the City Council of Texarkana prescribed additional powers and duties of the City Manager to take any and all action within budgeted parameters to implement the Ultimate Rule Curve Contract and the Council's strategy for utilization of Wright Patman Lake, and the City Council delegated express authority to the City Manager to accomplish such duties; and

WHEREAS, by this resolution, both Texarkana and Riverbend intend to prepare and file with the Texas Commission on Environmental Quality (TCEQ) an application for rights to additional water supply from Wright Patman Lake, with Texarkana as Permittee, for any water available in Wright Patman Lake within the conservation pool as defined for water supply impoundment in Texarkana's *Certificate of Adjudication* No. 03-4836, as amended, for Riverbend's Executive Director to be designated as the point of contact during the application review process, and for Texarkana's City Manager to sign the application and tender payment of the application fee to TCEQ.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AND THE BOARD OF DIRECTORS OF RIVERBEND WATER RESOURCES DISTRICT:

Section 1. Texarkana and Riverbend shall prepare and file with the Texas Commission on Environmental Quality (TCEQ) an application for rights to additional water supply from Wright Patman Lake, with Texarkana as Permittee, for any water available in Wright Patman Lake within the conservation pool as defined for water supply impoundment in Texarkana's *Certificate of Adjudication* No. 03-4836, as amended. Texarkana's City Manager shall sign the application. Riverbend's Executive Director shall be designated as the point of contact for TCEQ during the application review process.

Section 2. Texarkana's City Manager is authorized to expend City funds and make payment to TCEQ of the application fee not to exceed Ninety Thousand Dollars (\$90,000.00) at the time of filing the application.

Section 3. Texarkana and Riverbend find and determine that Texarkana's application for water rights to serve the needs of Texarkana, Riverbend, and all of Riverbend's member entities equitably as their requirements may develop is not inconsistent with the Region D Water Plan and does not adversely affect any strategies of the Plan.

Section 4. This joint resolution shall be effective immediately upon approval and signature by Texarkana and Riverbend.

TEXARKANA: PASSED AND APPROVED in Regular Council Session on this the ____ day of October, 2019.

BOB BRUGGEMAN, MAYOR

ATTEST:

JENNIFER EVANS, CITY SECRETARY

RIVERBEND: PASSED AND APPROVED in Regular Board Meeting on this the _____ day of October, 2019.

SONJA HUBBARD, PRESIDENT

ATTEST:

MARSHALL WOOD, SECRETARY

Texarkana Resolution No. 2019-106**Riverbend Resolution No. 20191024-03**

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AND THE BOARD OF DIRECTORS OF RIVERBEND WATER RESOURCES DISTRICT, AUTHORIZING THE FILING OF AN APPLICATION FOR ADDITIONAL WATER RIGHTS FROM WRIGHT PATMAN LAKE WITH TEXARKANA AS PERMITTEE; AUTHORIZING TENDER OF THE APPLICATION FILING FEE; DESIGNATING RIVERBEND AS THE POINT OF CONTACT DURING THE APPLICATION REVIEW PROCESS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas (“Texarkana”), formed in 1873, is a home-rule municipality operating under a municipal charter adopted as authorized by Article XI, Section 5, of the Texas Constitution and as recognized by Texas Local Government Code Section 5.004 and having full power of local self-government.

WHEREAS, Riverbend Water Resources District (“Riverbend”) is a conservation and reclamation district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution, as set forth in Title 6, Special District Local Laws Code, Subtitle L, Municipal Water Districts, Chapter 9601, with statutory powers including the authority to acquire any and all storage rights and storage capacity in a reservoir or other water source inside or outside the boundaries of the district, and to acquire the right to take water from that reservoir or source, subject to the rights or permits held by municipalities or other persons.

WHEREAS, in 2011, the Texas Legislature reconstituted the Board of Directors of Riverbend to be composed of five qualified voters who are residents of the district, not otherwise serving as an elected official or as an employee of a Riverbend member, selected by the local governing bodies of the Riverbend members (the Counties of Bowie, Cass, and Red River, TexAmericas Center, and the Cities of Annona, Atlanta, Avery, DeKalb, Hooks, Leary, Maud, Nash, New Boston, Redwater, Texarkana, and Wake Village) as provided by law.

WHEREAS, Texarkana holds rights to appropriate, divert, and use waters of the State of Texas in the Sulphur River Basin under multiple permits issued by the State of Texas and recognized by final decree of the 202nd Judicial District Court of Bowie County, Texas, Cause No. 86-C1702-202, In re: The Adjudication of Water Rights in the Sulphur River Basin dated December 17, 1986, with those rights and the priority dates associated with those rights certified by the Texas Water Commission in *Certificate of Adjudication* No. 03-4836, issued on March 31, 1987, and amended in 2018 to authorize, in lieu of previous authorizations, diversion anywhere along the perimeter of Wright Patman Reservoir; and

WHEREAS, Texarkana holds valid contracts with the United States Government entered into in 1953 (Contract No. DA-16-047-eng-2033) and 1968 (Contract No. DACW29-69-C-0019 [interim] and Contract No. DACW29-68-A-0103 [permanent or “Ultimate Rule Curve”]) for water storage space and the operation of Wright Patman Lake; and

WHEREAS, there appears to be additional firm yield water supply available within the established conservation pool of Wright Patman Lake as defined for water supply impoundment in Texarkana’s *Certificate of Adjudication* No. 03-4836, as amended; and

WHEREAS, State and Regional Water Plans identify future water supply needs which can be met with additional yield from Wright Patman Lake, and the region's anticipated growth has identified additional future needs not previously captured in State and Regional Water Plans; and

WHEREAS, the City Council of Texarkana and the Board of Directors of Riverbend, by joint resolution (Texarkana Res. No. 2017-038 and Riverbend Res. No. 20170510-04), have previously identified Riverbend's role to apply for future water rights between the interim and permanent or "Ultimate Rule Curve" on behalf of Riverbend's member entities; and

WHEREAS, after making inquiry with regulatory authorities, Riverbend has determined that the best interests of its member entities and the region would be best served with Texarkana applying for such future and additional water rights within and up to the Ultimate Rule Curve; and

WHEREAS, Texarkana is willing to act on its own behalf as Permittee and on behalf of Riverbend and its member entities in making application for such water rights, and any future water rights acquired for this purpose shall be contracted with Riverbend for the purpose of serving the needs of Texarkana, Riverbend, and all of Riverbend's member entities equitably as their requirements may develop; and

WHEREAS, after all of the needs of Riverbend's member entities have first been met, Riverbend may further provide water to meet the needs outside of this region for the benefit of Riverbend's member entities equitably as each member has proportionally contributed to the development of such water; and

WHEREAS, by Ordinance No. 2019-032, the City Council of Texarkana prescribed additional powers and duties of the City Manager to take any and all action within budgeted parameters to implement the Ultimate Rule Curve Contract and the Council's strategy for utilization of Wright Patman Lake, and the City Council delegated express authority to the City Manager to accomplish such duties; and

WHEREAS, by this resolution, both Texarkana and Riverbend intend to prepare and file with the Texas Commission on Environmental Quality (TCEQ) an application for rights to additional water supply from Wright Patman Lake, with Texarkana as Permittee, for any water available in Wright Patman Lake within the conservation pool as defined for water supply impoundment in Texarkana's *Certificate of Adjudication* No. 03-4836, as amended, for Riverbend's Executive Director to be designated as the point of contact during the application review process, and for Texarkana's City Manager to sign the application and tender payment of the application fee to TCEQ.

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Section 3. Texarkana and Riverbend find and determine that Texarkana's application for water rights to serve the needs of Texarkana, Riverbend, and all of Riverbend's member entities equitably as their requirements may develop is not inconsistent with the Region D Water Plan and does not adversely affect any strategies of the Plan.

Section 4. This joint resolution shall be effective immediately upon approval and signature by Texarkana and Riverbend.

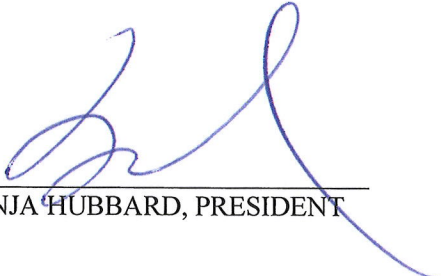
TEXARKANA: PASSED AND APPROVED in Regular Council Session on this the ____ day of October, 2019.

BOB BRUGGEMAN, MAYOR

ATTEST:

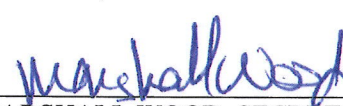
JENNIFER EVANS, CITY SECRETARY

RIVERBEND: PASSED AND APPROVED in Regular Board Meeting on this the 24TH day of October, 2019.



SONJA HUBBARD, PRESIDENT

ATTEST:



MARSHALL WOOD, SECRETARY

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☒ Promote an Environmentally Sensitive & Livable Community ☒ Provide a Safe Community ☒ Deliver Quality Services ☒ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☒ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☒ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐ Newspaper Notice (Required by Statute)	☐ Public Hearing (Required by Statute)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website Notice
☐ Social Media (Twitter, Facebook, etc.)	☐ Special Mailing
☐ Flyers Posted	☐ Banners Posted
☐ Survey	☐ Automated Phone Call
☒ None Required	☐

Other:

Texarkana Resolution No. 2019-106

Riverbend Resolution No. 20191024-03

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AND THE BOARD OF DIRECTORS OF RIVERBEND WATER RESOURCES DISTRICT, AUTHORIZING THE FILING OF AN APPLICATION FOR ADDITIONAL WATER RIGHTS FROM WRIGHT PATMAN LAKE WITH TEXARKANA AS PERMITTEE; AUTHORIZING TENDER OF THE APPLICATION FILING FEE; DESIGNATING RIVERBEND AS THE POINT OF CONTACT DURING THE APPLICATION REVIEW PROCESS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas (“Texarkana”), formed in 1873, is a home-rule municipality operating under a municipal charter adopted as authorized by Article XI, Section 5, of the Texas Constitution and as recognized by Texas Local Government Code Section 5.004 and having full power of local self-government.

WHEREAS, Riverbend Water Resources District (“Riverbend”) is a conservation and reclamation district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution, as set forth in Title 6, Special District Local Laws Code, Subtitle L, Municipal Water Districts, Chapter 9601, with statutory powers including the authority to acquire any and all storage rights and storage capacity in a reservoir or other water source inside or outside the boundaries of the district, and to acquire the right to take water from that reservoir or source, subject to the rights or permits held by municipalities or other persons.

WHEREAS, in 2011, the Texas Legislature reconstituted the Board of Directors of Riverbend to be composed of five qualified voters who are residents of the district, not otherwise serving as an elected official or as an employee of a Riverbend member, selected by the local governing bodies of the Riverbend members (the Counties of Bowie, Cass, and Red River, TexAmericas Center, and the Cities of Annona, Atlanta, Avery, DeKalb, Hooks, Leary, Maud, Nash, New Boston, Redwater, Texarkana, and Wake Village) as provided by law.

WHEREAS, Texarkana holds rights to appropriate, divert, and use waters of the State of Texas in the Sulphur River Basin under multiple permits issued by the State of Texas and recognized by final decree of the 202nd Judicial District Court of Bowie County, Texas, Cause No. 86-C1702-202, In re: The Adjudication of Water Rights in the Sulphur River Basin dated December 17, 1986, with those rights and the priority dates associated with those rights certified by the Texas Water Commission in *Certificate of Adjudication* No. 03-4836, issued on March 31, 1987, and amended in 2018 to authorize, in lieu of previous authorizations, diversion anywhere along the perimeter of Wright Patman Reservoir; and

WHEREAS, Texarkana holds valid contracts with the United States Government entered into in 1953 (Contract No. DA-16-047-eng-2033) and 1968 (Contract No. DACW29-69-C-0019 [interim] and Contract No. DACW29-68-A-0103 [permanent or “Ultimate Rule Curve”]) for water storage space and the operation of Wright Patman Lake; and

WHEREAS, there appears to be additional firm yield water supply available within the established conservation pool of Wright Patman Lake as defined for water supply impoundment in Texarkana’s *Certificate of Adjudication* No. 03-4836, as amended; and

Attachment: 2019-106 RES Jt. RWRD Water Rights App signed (2180 : 2019-106 RES Jt. Riverbend Water Rights Application)

WHEREAS, State and Regional Water Plans identify future water supply needs which can be met with additional yield from Wright Patman Lake, and the region's anticipated growth has identified additional future needs not previously captured in State and Regional Water Plans; and

WHEREAS, the City Council of Texarkana and the Board of Directors of Riverbend, by joint resolution (Texarkana Res. No. 2017-038 and Riverbend Res. No. 20170510-04), have previously identified Riverbend's role to apply for future water rights between the interim and permanent or "Ultimate Rule Curve" on behalf of Riverbend's member entities; and

WHEREAS, after making inquiry with regulatory authorities, Riverbend has determined that the best interests of its member entities and the region would be best served with Texarkana applying for such future and additional water rights within and up to the Ultimate Rule Curve; and

WHEREAS, Texarkana is willing to act on its own behalf as Permittee and on behalf of Riverbend and its member entities in making application for such water rights, and any future water rights acquired for this purpose shall be contracted with Riverbend for the purpose of serving the needs of Texarkana, Riverbend, and all of Riverbend's member entities equitably as their requirements may develop; and

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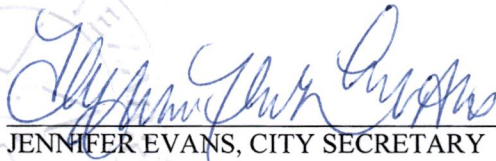
Section 3. Texarkana and Riverbend find and determine that Texarkana's application for water rights to serve the needs of Texarkana, Riverbend, and all of Riverbend's member entities equitably as their requirements may develop is not inconsistent with the Region D Water Plan and does not adversely affect any strategies of the Plan.

Section 4. This joint resolution shall be effective immediately upon approval and signature by Texarkana and Riverbend.

TEXARKANA: PASSED AND APPROVED in Regular Council Session on this the 28th day of October, 2019.


BOB BRUGGEMAN, MAYOR

ATTEST:

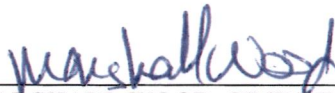

JENNIFER EVANS, CITY SECRETARY

6:55 p.m.

RIVERBEND: PASSED AND APPROVED in Regular Board Meeting on this the 24th day of October, 2019.


SONJA HUBBARD, PRESIDENT

ATTEST:


MARSHALL WOOD, SECRETARY

Texarkana Resolution No. 2019-106

Riverbend Resolution No. 20191024-03

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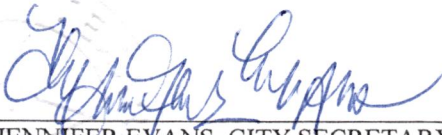
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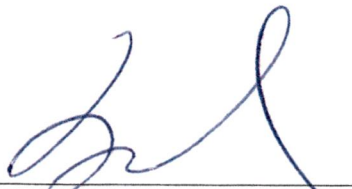

BOB BRUGGEMAN, MAYOR

ATTEST:

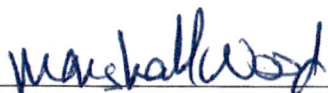

JENNIFER EVANS, CITY SECRETARY

6:55 p.m.

RIVERBEND: PASSED AND APPROVED in Regular Board Meeting on this the 24TH day of October, 2019.


SONJA HUBBARD, PRESIDENT

ATTEST:


MARSHALL WOOD, SECRETARY

Attachment: 2019-106 RES Jt. RWRD Water Rights App signed (2180 : 2019-106 RES Jt. Riverbend Water Rights Application)

City of Texarkana, Texas

Version: B

Update Date: 10/22/2019 2:15 PM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,
Ordinance No. 2019-067 rezoning a 1.348-acre tract of land, being a part of
Lots 3 & 4, Block 1, Carrie D. Hart's First Addition, located in the Thomas
Price HRS, A-466, located at 1703 North Bishop Road. Office to Commercial.
Subject: Curt Green, dba Green, Herrington & Howell, LLC, applicants.

Briefing: 11/12/2019 **Public Hearing:** 11/12/2019 **Council Vote:** 11/12/2019

Item Schedule

Updates/History of Briefing:**Executive Summary and Background Information:**

At the Planning and Zoning Commission meeting, the owner, Mr. Curt Green, indicated that the proposed purchaser has stated that he plans to use the existing business to the north (1705 North Bishop Road) as an office for the proposed trucking company. The proposed purchaser currently owns this property that is being used as an embroidery shop.

Z-19-14: This is a request for rezoning from Office to Commercial by Curt Green, dba Green, Herrington & Howell, LLC, applicant at 1703 North Bishop Road (a 1.348-acre tract being part of Lots 3 & 4, Block 1, Carrie D. Hart's First Addition in the Thomas Price HRS, A-466). This property is currently vacant land. The proposed use is a regional trucking company office and truck parking lot.

The adjacent zoning is General Retail to the north, Single Family-2 to the west, Limited Commercial to the south and the loop (Jarvis Parkway) to the east. The adjacent land use is an embroidery shop to the north, Terminix office to the south, residences to the west and vacant land/loop to the east.

The Comprehensive Plan has designated this area as Regional Commercial.

The proposed regional trucking company with an office and truck parking lot are an allowed use in the Commercial zoning district. The main highway corridors along the interstate and loop were designated as Regional Commercial on the Future Land Use Map.

Since this area was designated to allow commercial type businesses, staff recommends for approval of the request.

The applicant should be aware that if this rezoning is approved, there may be additional applicable city code/ordinance requirements including but not limited to building, elevations, fire, drainage, water and sewer prior to the issuance of building permits.

In addition, TXDOT may need to be contacted to provide additional curb cuts if required.

City of Texarkana, Texas

All notification and application requirements have been met to consider this request.

Potential Options:

“None”

Fiscal Implications:

“None”

Staff Recommendation:

Since this area was designated on the future land use map to allow commercial type businesses, staff recommends for approval of the request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of the request.

Advisory Board/Committee Meeting Date and Minutes:

October 7, 2019

Attachments

- a. 2019-067 ORD rezoning 1703 N. Bishop Rd. (DOCX)
- b. 2019-067 EXH 'A' (PDF)
- c. 2019-067 ATTH 01 Maps (PDF)
- d. 2019-067 Goals & Perspectives (DOCX)
- e. 2019-067 ORD rezoning 1703 N. Bishop Rd signed (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	10/22/2019 9:26 AM	
City Manager	Shirley Jaster	City Manager Review Completed
3:14 PM		10/23/2019
City Council	Jennifer Evans	Meeting
6:00 PM		Completed
		10/28/2019

Meeting History

Z-19-14

ORDINANCE NO. 2019-067

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 1.348-ACRE TRACT OF LAND, BEING A PART OF LOTS 3 & 4, BLOCK 1, CARRIE D. HART'S FIRST ADDITION, LOCATED IN THE THOMAS PRICE HRS, A-466, LOCATED AT 1703 NORTH BISHOP ROAD IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM OFFICE TO COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone a 1.348-acre tract of land, being a part of Lots 3 & 4, Block 1, Carrie D. Hart's First Addition, located in the Thomas Price HRS, A-466 (**Exhibit 'A'**), located at 1703 North Bishop Road in the City of Texarkana, Bowie County, Texas, from **Office to Commercial**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously six (6) to zero (0) to recommend the application for rezoning from Office to Commercial on a 1.348-acre tract of land, being a part of Lots 3 & 4, Block 1, Carrie D. Hart's First Addition, located in the Thomas Price HRS, A-466 (Exhibit 'A'), located at 1703 North Bishop Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Office to Commercial** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone a 1.348-acre tract of land, being part of Lots 3 & 4, Block 1, Carrie D. Hart's First Addition (**Exhibit 'A'**), located at 1703 North Bishop Road in the City of Texarkana, Bowie County, Texas, from **Office to Commercial**.

Attachment: 2019-067 ORD rezoning 1703 N. Bishop Rd. (2172 : 2019-067 ORD rezoning 1703 N. Bishop Rd.)

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **12th day of November, 2019.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

2019-067 EXH 'A' legal description

1.348 Acres

THIS IS TO CERTIFY: that this plat and field notes correctly reflect the results of a survey made by us on the ground covering all that certain tract or parcel of land, same being a part of Lot Numbered Three (3) and Lot Numbered Four (4) in Block Numbered One (1) of MRS. CARRIE D. HART'S FIRST ADDITION, a subdivision of a portion of the Thomas Price Headright Survey, Abstract No. 466, according to the map or plat thereof recorded in Volume 40, Page 196 of the Plat Records of Bowie County, Texas, which Lots 3 and 4, Block 1 were conveyed to H. H. Lee and wife Madge K. Lee, Lot 3 by deed dated March 1, 1945, of record in Volume 201, Page 571 and Lot 4 by deed dated February 20, 1945 of record in Volume 208, Page 334 of the Deed Records of Bowie County, Texas, and the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8 inch reinforcing steel rod found for corner on the South line of said Lot Numbered Three (3), being S 89° 41' 00" W, 17.72 feet from the Southeast corner of said Lot Numbered Three (3) and the said POINT OF BEGINNING being on the North right-of-way line of Mercer Lane and the West right-of-way line of U. S. Highway No. 59, said point also being 265.00 feet at right angles from survey centerline Station No. 73+ 26.96;
 THENCE: S 89° 40' 17" W, 246.07 feet with the South boundary line of Lot 3 and subsequently with the South boundary line of Lot 4, and the North right-of-way line of Mercer Lane to a 3/8 inch reinforcing steel rod found for corner on the East right-of-way line of a street designated as Lee Way;
 THENCE: N 02° 20' 59" W, 301.47 feet with the East right-of-way line of Lee Way to a 1/2 inch reinforcing steel rod set for corner;
 THENCE: N 89° 40' 17" E, 139.28 feet across said Lot 3 and Lot 4 to a 1/2 inch reinforcing steel rod set for corner in the West right-of-way line of U. S. Highway No. 59;
 THENCE: S 22° 23' 00" E, 312.10 feet with the West right-of-way line of U. S. Highway No. 59 to a right-of-way marker found for corner;
 THENCE: S 01° 25' 42" E, 12.02 feet with the West right-of-way line of U. S. Highway No. 59 to the POINT OF BEGINNING and containing 1.348 acres of land, more or less.

TO THE LIENHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO THE TITLE COMPANY:
 The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that any discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments of improvements, apparent or visible easements or rights-of-way are as shown hereon and/or described herein as best can be determined by documents provided and as per on the ground survey, and that said property has access to and from a dedicated roadway.

According to the Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 481194 0005 B, effective date September 27, 1991, the herein described tract of land does not appear to lie within a Special Flood Hazard Area.



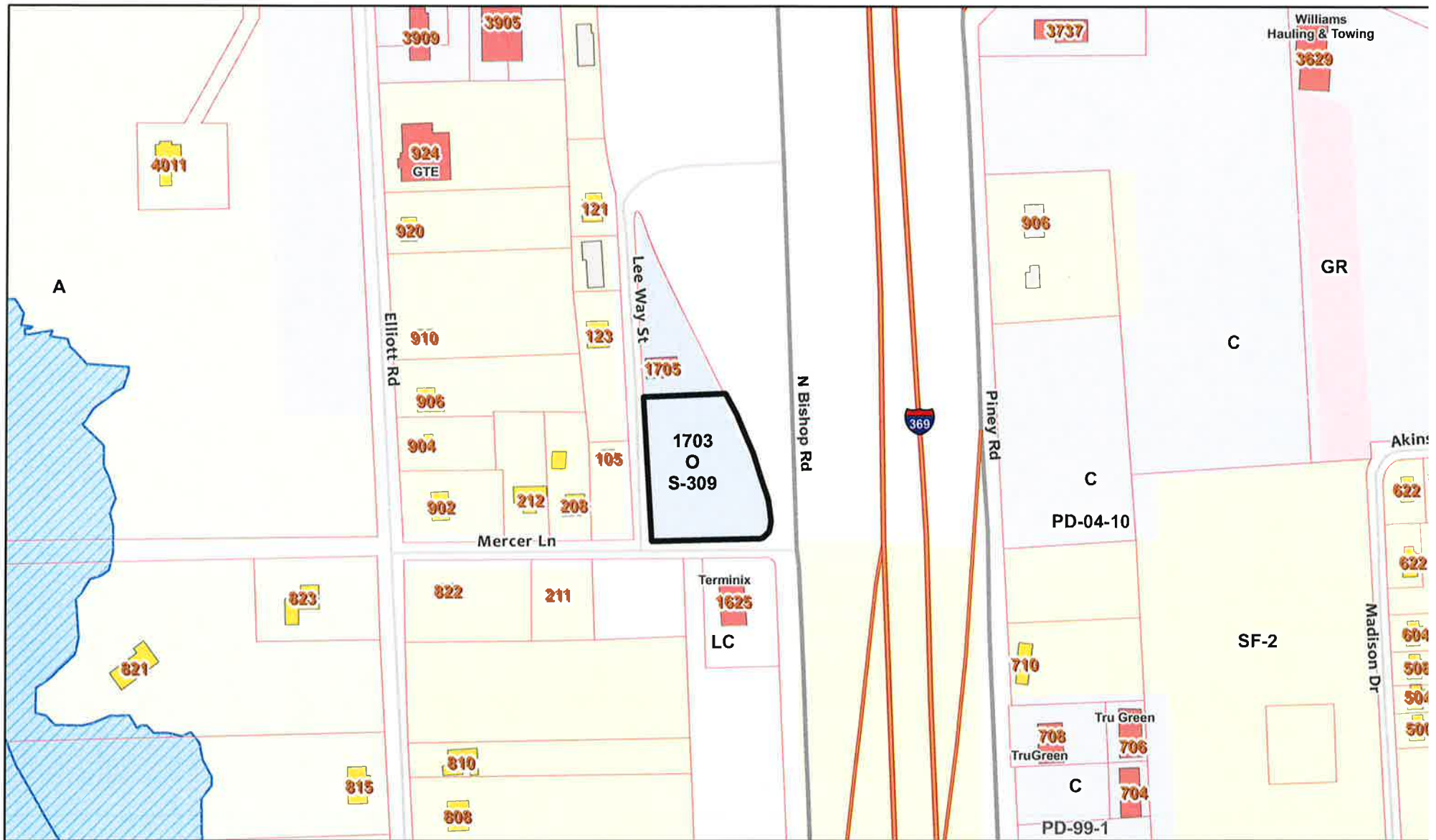
Wallace D. Roy
 WALLACE D. ROY
 REGISTERED PROFESSIONAL
 LAND SURVEYOR
 TEXAS NO. 2107



Part of Lot 3 and Lot 4 Block 1		1.348 acres
MRS. CARRIE D. HART'S FIRST ADDITION		THOMAS PRICE HRS
Bowie County, Texas		Bowie County, Texas
SCALE: 1" = 50'	APPROVED BY:	DRAWN BY:
DATE: 01-03-03		REVISED:
ROY SURVEYING 4203 RICHMOND PLACE TEXARKANA, TEXAS 75503 (803-832-3451)		
JOB NUMBER: 02-12-318	DRAWING NUMBER P-00261	

Attachment: 2019-067 EXH 'A' (2172 : 2019-067 ORD rezoning 1703 N. Bishop Rd.)

1703 North Bishop Road Department of Planning & Community Development



Attachment: 2019-067 ATTH 01 Maps (2172 : 2019-067 ORD rezoning 1703 N. Bishop Rd.)



1703 North Bishop Road
Department of Planning & Community Development



Attachment: 2019-067 ATTH 01 Maps (2172 : 2019-067 ORD rezoning 1703 N. Bishop Rd.)



City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☐ Deliver Efficient Services ☒ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☒ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

☒	Newspaper Notice (Required by Statute)	☒	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☒	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☒	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☒	None Required	☒	Sign Posted

Other:

Attachment: 2019-067 Goals & Perspectives (2172 : 2019-067 ORD rezoning 1703 N. Bishop Rd.)

ORDINANCE NO. 2019-067

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WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously six (6) to zero (0) to recommend the application for rezoning from Office to Commercial on a 1.348-acre tract of land, being a part of Lots 3 & 4, Block 1, Carrie D. Hart's First Addition, located in the Thomas Price HRS, A-466 (Exhibit 'A'), located at 1703 North Bishop Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Office to Commercial** is in the best interest of the public health, safety, morals and general welfare of the City.

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

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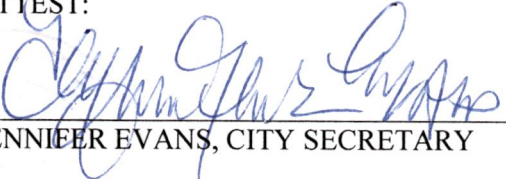
SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **12th day of November, 2019.**

ATTEST:


JENNIEER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:31 p.m.

2019-067 EXH 'A' legal description

1.348 Acres

THIS IS TO CERTIFY: that this plat and field notes correctly reflect the results of a survey made by us on the ground covering all that certain tract or parcel of land, same being a part of Lot Numbered Three (3) and Lot Numbered Four (4) in Block Numbered One (1) of MRS. CARRIE D. HART'S FIRST ADDITION, a subdivision of a portion of the Thomas Price Headright Survey, Abstract No. 466, according to the map or plat thereof recorded in Volume 40, Page 196 of the Plat Records of Bowie County, Texas, which Lots 3 and 4, Block 1 were conveyed to H. H. Lee and wife Madge K. Lee, Lot 3 by deed dated March 1, 1945, of record in Volume 201, Page 571 and Lot 4 by deed dated February 20, 1945 of record in Volume 205, Page 334 of the Deed Records of Bowie County, Texas, and the subject tract being more particularly described by metes and bounds as follows:

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According to the Federal Emergency Management Agency-Flood-Insurance-Rate-Map-Community-Panel No. 481194 0005 B, effective date September 27, 1991, the herein described tract of land does not appear to lie within a Special Flood Hazard Area.



Wallace D. Roy
 WALLACE D. ROY
 REGISTERED PROFESSIONAL
 LAND SURVEYOR
 TEXAS NO. 2107



Part of Lot 3 and Lot 4 Block 1		1.348 acres
MRS. CARRIE D. HART'S FIRST ADDITION		THOMAS PRICE HRS
Bowie County, Texas		Bowie County, Texas
SCALE: 1" = 50'	APPROVED BY:	DRAWN BY:
DATE: 01-03-03		REVISED:
ROY SURVEYING 4203 RICHMOND PLACE TEXARKANA, TEXAS 75503 (803-832-3451)		
JOB NUMBER: 02-12-318	DRAWING NUMBER P-00261	

Attachment: 2019-067 ORD rezoning 1703 N. Bishop Rd signed (2172 : 2019-067 ORD rezoning 1703 N. Bishop Rd.)

City of Texarkana, Texas

Version: A

Update Date: 10/22/2019 2:45 PM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,
Ordinance No. 2019-093 granting Specific Use Permit to allow permanent
cosmetics and microblading in a tenant space at 4064 Summerhill Square, being
on a 3.16-acre tract of land (Tract 49D) in the MEP & P HRS, A-421. Alan
Subject: Schimming, applicant. Patty Lynn, agent.

Briefing: 11/12/2019 **Public Hearing:** 11/12/2019 **Council Vote:** 11/12/2019

Item Schedule

Updates/History of Briefing:

"NOT APPLICABLE"

Executive Summary and Background Information:

S-711: This is a request by Alan Schimming, owner, and Patty Lynn, agent, for a Specific Use Permit, SUP, to allow the location of a permanent cosmetics and microblading business in a tenant space at 4064 Summerhill Square, being on a 3.16-acre tract of land (Tract 49D) in the MEP & P HRS, A-421. A hair salon is currently located in this tenant space.

The adjacent zoning is General Retail to the north, south and west and Single Family-1 to the east. The adjacent land use is retail tenant spaces to the north, south and west and single family residences to the east.

This property is zoned General Retail. A Specific Use Permit is required to allow the one additional use of a permanent cosmetics/microblading business which is also considered a "tattoo" per the City's Zoning Ordinance. The State of Texas will regulate this business as to licensing and other health related issues. Several medical facilities and hair salons are now offering this type service for clients. A similar business is located next door to this tenant space.

If this request is approved, staff would suggest the following stipulations be placed in the Ordinance:

1. That the owner/or any employee performing the application of permanent cosmetics/microblading (tattooing) procedures be currently licensed by the State and meet all Federal, State and City licensing laws and health regulations. (A copy of the current license must be provided to the City prior to the opening of the business).
2. That the Specific Use Permit be intended for the application of permanent cosmetics/microblading only.
3. That if this use ever ceases to exist at this location, the City may automatically revoke the Specific Use Permit.

City of Texarkana, Texas

This request meets all city requirements to allow this one additional use on this property. There should be adequate parking for this business.

All notifications and application requirements have been met to consider this request.

Potential Options:

“None”

Fiscal Implications:

“None”

Staff Recommendation:

Staff recommends for approval with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

October 7, 2019

Attachments

- a. 2019-093 ORD granting SUP at 4064 Summerhill Square (DOCX)
- b. 2019-093 ATTH 01 Maps (PDF)
- c. 2019-093 Goals & Perspectives (DOCX)
- d. 2019-093 ORD granting SUP at 4064 Summerhill Sq signed (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	10/22/2019 9:27 AM	
City Manager	Shirley Jaster	City Manager Review Completed
3:21 PM		10/23/2019
City Council	Jennifer Evans	Meeting
6:00 PM		Completed
		10/28/2019

Meeting History

ORDINANCE NO. 2019-093

S-711

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-711 TO ALLOW THE ONE ADDITIONAL USE OF APPLICATION OF PERMANENT COSMETICS/MICROBLADING ON A 3.16-ACRE TRACT OF LAND (TRACT 49D) IN THE MEP & P HRS, A-421, LOCATED IN A TENANT SPACE AT 4064 SUMMERHILL SQUARE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the **one additional use of application of permanent cosmetics/microblading** on a 3.16-acre tract of land (Tract 49D) in the MEP & P HRS, A-421, located in a tenant space at 4064 Summerhill Square, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously six (6) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the one additional use of application of permanent cosmetics/microblading** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Number S-711 to allow the one additional use of application of permanent cosmetics/microblading on a 3.16-acre tract of land (Tract 49D) in the MEP & P HRS, A-421, located in a tenant space at 4064 Summerhill Square** in the City of Texarkana, Bowie County, Texas.

SECTION 2: That the following stipulations are hereby imposed and made a part of this Ordinance:

1. That the owner/or any employee performing the application of permanent cosmetics/microblading (tattooing) procedures be currently licensed by the state and meet all Federal, State and City licensing laws and health regulations. (A copy of the current license must be provided to the City prior to the opening of the business).
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PASSED AND APPROVED in Regular Council Session on this the **12th** **day of November, 2019.**

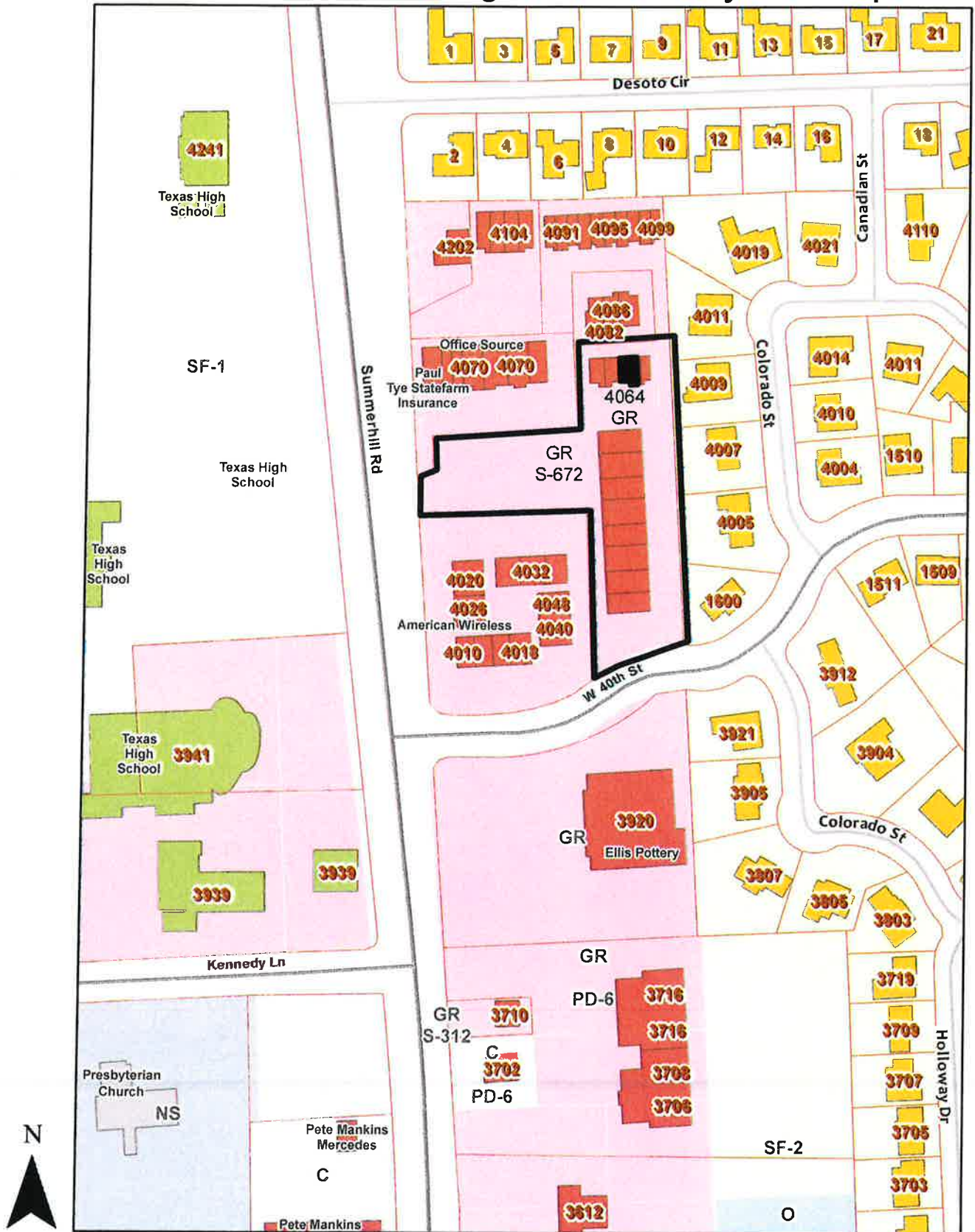
ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

4064 Summerhill Square

Department of Planning & Community Development



1:2,500



Attachment: 2019-093 ATTH 01 Maps (2173 : 2019-093 ORD granting SUP at 4064 Summerhill Square)

2
SF-1
6
4100 4104 4091 4093 4095 4097 4099
4202 GR
4086 4082
4076 4070 4070
4064 GR
4064 GR
4009 4007 4005 1600 3921
4020 4030 4032 4038
4026 4048 4040
4010 4014
GR S-672
Summerhill Rd
W 40th St
SF-2 4019
Colorado St

1:1,250



City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
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Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☒ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

☒	Newspaper Notice (Required by Statute)	☒	Public Hearing (Required by Statute)
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☐	Flyers Posted	☐	Banners Posted
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☒	None Required	☒	Sign Posted

Other:

Attachment: 2019-093 Goals & Perspectives (2173 : 2019-093 ORD granting SUP at 4064 Summerhill Square)

ORDINANCE NO. 2019-093

S-711

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3. That if this use ever ceases to exist at this location, the City may automatically revoke the Specific Use Permit.

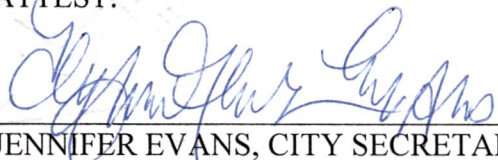
SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 5: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 12th day of November, 2019.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:32 p.m.

City of Texarkana, Texas

Version: A

Update Date: 10/23/2019 5:23 PM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,
Ordinance No. 2019-094 rezoning Lot 6, Block 1, Two Streets Addition, located
in the 3500 block of Waco Street. Single Family-2 to Commercial. LBP O-
Zone Investments, LLC, applicant. Kayla Wood. MTG Engineers and
Subject: Surveyors, agent.

Briefing: 11/12/2019 **Public Hearing:** 11/12/2019 **Council Vote:** 11/12/2019

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:**

"NOT APPLICABLE"

Executive Summary and Background Information:

Z-19-17: This is a request for rezoning from Single Family-2 to Commercial by LBP O-Zone Investments, LLC, applicant and Kayla Wood, MTG Engineering & Surveying, agent in the 3500 block of Waco Street (Lot 6, Block 1, Two Streets Addition). This property is currently vacant land. The proposed use is for RV and/or boat storage.

The adjacent zoning is Industrial-2 to the north, Industrial-1 to the west and Single Family-2 to the east and south. The adjacent land use is vacant land and an industrial business to the north, vacant land to the west and south and a residence to the east.

The Comprehensive Plan has designated this as an Industrial area.

There are mixed industrial and residential uses in this area of Waco Street. The proposed use of RV and/or boat storage would also include the lot to the west that is zoned Industrial-1 and is also currently owned by the applicant. Rezoning this residential lot to Commercial creates a buffer between the residential properties to the east and the Industrial uses to the west. Therefore, staff recommends for approval of the request.

The applicant should be aware that if this rezoning is approved, there may be additional applicable city code/ordinance requirements including but not limited to building, elevations, fire, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

"None"

City of Texarkana, Texas

Fiscal Implications:

"None"

Staff Recommendation:

As stated above, there are mixed industrial and residential uses in this area of Waco Street. The proposed use of RV and/or boat storage would also include the lot to the west that is zoned Industrial-1 and is also currently owned by the applicant. Rezoning this residential lot to Commercial creates a buffer between the residential properties to the east and the Industrial uses to the west. Therefore, staff recommends for approval of the request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of the request.

Advisory Board/Committee Meeting Date and Minutes:

October 7, 2019

Attachments

- a. 2019-094 ORD rezoning 3500 Block Waco (DOCX)
- b. 2019-094 ATTH 01 Maps (PDF)
- c. 2019-094 Goals & Perspectives (DOCX)
- d. 2019-094 ORD rezoning 3500 blk Waco St signed (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	10/22/2019 4:14 PM	
City Manager	Shirley Jaster	City Manager Review Completed
3:19 PM		10/23/2019
City Council	Jennifer Evans	Meeting
6:00 PM		Completed
		10/28/2019

Meeting History

Z-19-17

ORDINANCE NO. 2019-094

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOT 6, BLOCK 1, TWO STREETS ADDITION, LOCATED IN THE 3500 BLOCK OF WACO STREET IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-2 TO COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone Lot 6, Block 1, Two Streets Addition, located in the 3500 block of Waco in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously six (6) to zero (0) to recommend the application for rezoning from Single Family-2 to Commercial on Lot 6, Block 1, Two Streets Addition, located in the 3500 block of Waco** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Commercial** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone Lot 6, Block 1, Two Streets Addition, located in the 3500 block of Waco in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial**.

Attachment: 2019-094 ORD rezoning 3500 Block Waco (2178 : 2019-094 ORD rezoning 3500 blk. of Waco St.)

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **12th day of November, 2019.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

3500 Block of Waco Street. Department of Planning & Community Development



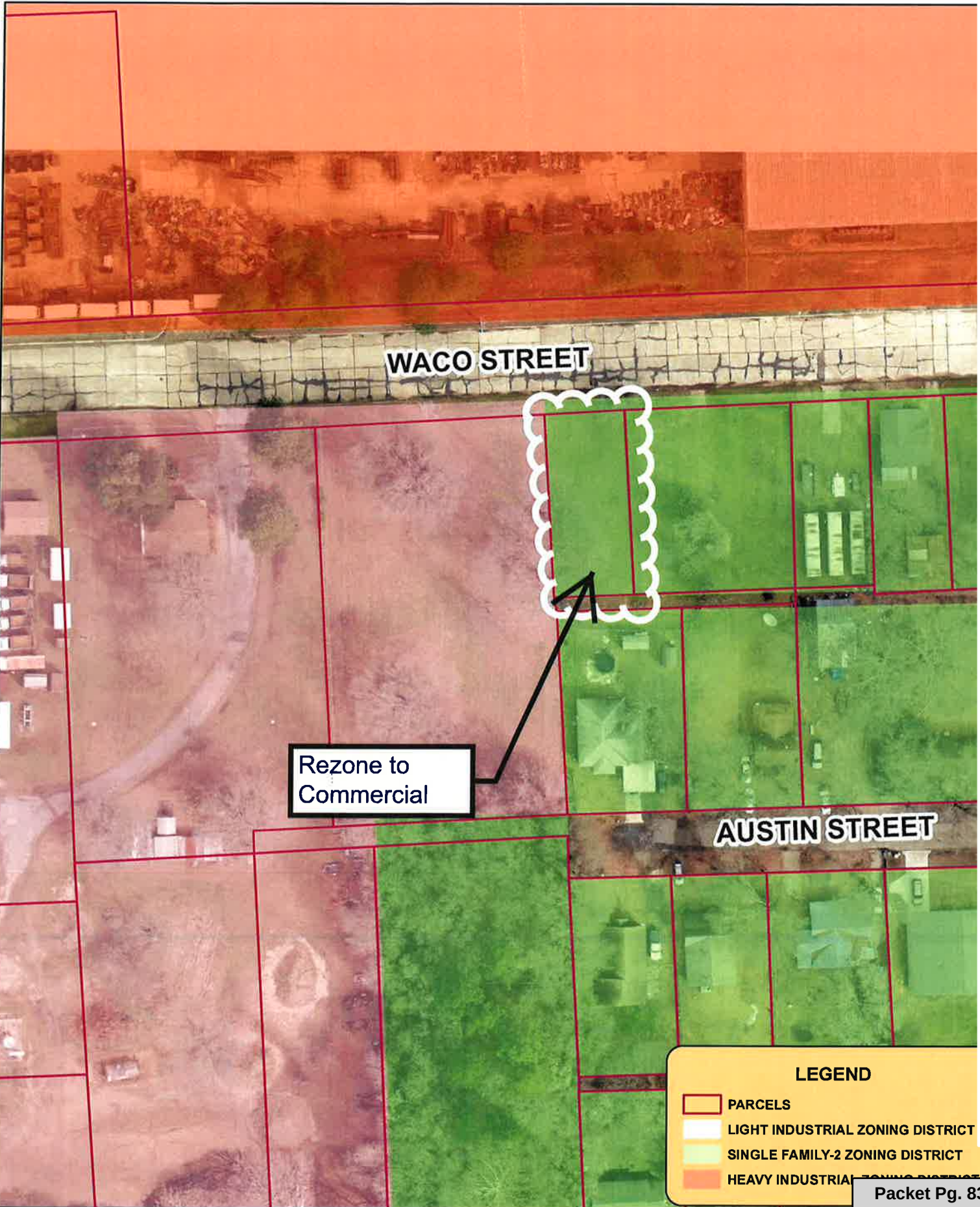
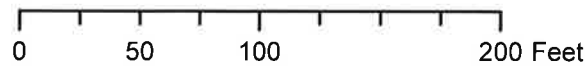
3500 Block of Waco Street. Department of Planning & Community Development



Attachment: 2019-094 ATTH 01 Maps (2178 : 2019-094 ORD rezoning 3500 blk. of Waco St.)



WACO STREET DEVELOPMENT



WACO STREET

Rezone to
Commercial

AUSTIN STREET

LEGEND

- PARCELS
- LIGHT INDUSTRIAL ZONING DISTRICT
- SINGLE FAMILY-2 ZONING DISTRICT
- HEAVY INDUSTRIAL ZONING DISTRICT

Attachment: 2019-094 ATTH 01 Maps (2178 : 2019-094 ORD rezoning 3500 blk. of Waco St.)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☐ Deliver Efficient Services ☒ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☒ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

☒	Newspaper Notice (Required by Statute)	☒	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☒	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☒	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☒	None Required	☒	Sign Posted

Other:

ORDINANCE NO. 2019-094

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOT 6, BLOCK 1, TWO STREETS ADDITION, LOCATED IN THE 3500 BLOCK OF WACO STREET IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-2 TO COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone Lot 6, Block 1, Two Streets Addition, located in the 3500 block of Waco in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously six (6) to zero (0) to recommend the application for rezoning from Single Family-2 to Commercial on Lot 6, Block 1, Two Streets Addition, located in the 3500 block of Waco** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Commercial** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone Lot 6, Block 1, Two Streets Addition, located in the 3500 block of Waco in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial**.

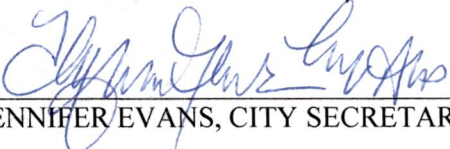
SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **12th day of November, 2019.**

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:34 p.m.

Attachment: 2019-094 ORD rezoning 3500 blk Waco St signed (2178 : 2019-094 ORD rezoning 3500 blk. of Waco St.)

City of Texarkana, Texas

Version: B

Update Date: 11/7/2019 1:32 PM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,
Ordinance No. 2019-095 granting a Specific Use Permit to allow a billboard on a 25' x 45' strip of leased land on Tract 79 in the George Brinlee HRS, A-18, located at 2703 Richmond Road. Elvin Fenton, applicant. Chad Shipp, Shipp Outdoor, LLC, agent. (due to a petition in opposition, a 3/4 vote will be required to approve this request)

Subject: to approve this request)

Briefing: 11/12/2019 **Public Hearing:** 11/12/2019 **Council Vote:** 11/12/2019

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:**

NA

Executive Summary and Background Information:

A petition in opposition to the proposed billboard was submitted at the Planning and Zoning Commission meeting that contained signatures of persons who own twenty (20) percent or more of the land within 200' of the proposed change. Therefore, a $\frac{3}{4}$ vote will be required by the City Council to approve this request.

S-712: This is a request from Elvin Fenton, owner, and Chad Shipp, Shipp Outdoor, LLC, agent, requesting a Specific Use Permit to allow the location of an 8' x 24' (192 sq. ft.) CEVMS (digital) billboard on an approximate 25' x 45' strip of leased land on Tract 79 in the George Brinlee HRS, A-18, located at 2703 Richmond Road.

Mr. Shipp is proposing to lease this property to construct an off-premise CEVMS (digital) billboard on the north side of the existing eye clinic parking lot. See attached map showing the proposed location of the billboard.

General Retail zoning requires approval of a Specific Use Permit to allow the construction of an off-premise billboard structure. The proposed CEVMS (digital) billboard will be a smaller double-sided, 8' x 24' in size (192 square feet) with an overall height of 30 feet.

Staff is aware of only two existing billboards located on Richmond Road north of Interstate 30. These two billboards are in the approximate 6000 block of Richmond Road and are legal nonconforming signs since they were both constructed prior to annexation into the city limits. The attached TXDOT Commercial Signs Regulatory Program Inventory Map also shows no permitted billboards in this area.

If approved, staff would suggest the following stipulations be placed in the Ordinance:

City of Texarkana, Texas

1. There will be only one billboard allowed on the property at this location (see attached exhibit). The CEVMS billboard will be a double-sided digital billboard.
2. The CEVMS billboard will be 8' x 24' (192 square feet) in size.
3. The CEVMS will have an overall height not to exceed 30'.
4. Any distance requirements must be followed concerning existing utility lines.
5. Applicant shall be required follow all applicable TXDOT Commercial Signs Regulatory Program guidelines including but not limited to the following:
 - a. Obtain a state commercial sign permit. Richmond Rd (FM559) is designated a primary highway and regulated by TXDOT.
 - b. Permitted signs on the same side of a regulated freeway, including freeway frontage roads, may not be erected closer than 1,500 feet apart. For a highway on a non-freeway primary system and outside the incorporated boundaries of a municipality, permitted signs on the same side of the highway may not be erected closer than 750 feet apart. For a highway on a non-freeway primary system highway and within the incorporated boundaries of a municipality, permitted signs on the same side of the highway may not be erected closer than 300 feet apart.
 - c. A sign may not be located in a place that creates a safety hazard, including a location that: (1) causes a driver to be unduly distracted; (2) obscures or interferes with the effectiveness of an official traffic sign, signal, or device; or (3) obscures or interferes with the driver's view of approaching, merging, or intersecting traffic.

All notification and application requirements have been met to consider this request.

Potential Options:

"None"

Fiscal Implications:

"None"

Staff Recommendation:

If approved, staff would recommend adding the above stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission by a vote of three (3) to two (2) with one (1) member abstaining recommended for approval of the request.

Advisory Board/Committee Meeting Date and Minutes:

October 7, 2019

Attachments

City of Texarkana, Texas

- a. 2019-095 ORD granting SUP at 2703 Richmond Rd(DOCX)
- b. 2019-095 EXH 'A' Survey & legal description (PDF)
- c. 2019-095 ATTH 01 Maps (PDF)
- d. 2019-095 ATTH 02 Land use map (provided by applicant) (PDF)
- e. 2019-095 ATTH 03 Sample of proposed billboard (PDF)
- f. 2019-095 ATTH 04 TXDOT signs map (PDF)
- g. 2019-095 ATTH 05 Map showing billboard location (PDF)
- h. 2019-095 ATTH 06 Renderings of previous & proposed sign (PDF)
- i. 2019-095 ATTH 07 Opposition Petition (PDF)
- j. 2019-095 ATTH 08 Opposition letter(PDF)
- k. 2019-095 ATTH 09 Superimposed billboard showing size difference (DOCX)
- l. 2019-095 Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	10/22/2019 2:06 PM	
City Manager	Shirley Jaster	City Manager Review Completed 10/23/2019
4:18 PM		
City Council	Jennifer Evans	Meeting Completed 10/28/2019
6:00 PM		

Meeting History

ORDINANCE NO. 2019-095

S-712

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-712 TO ALLOW A BILLBOARD ON A 25'x 45' STRIP OF LEASED LAND ON TRACT 79 IN THE GEORGE BRINLEE HRS, A-18, LOCATED AT 2703 RICHMOND ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow a billboard on a 25'x 45' strip of leased land on Tract 79 in the George Brinlee HRS, A-18 (**Exhibit 'A'**), located at 2703 Richmond Road, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **three (3) to two (2) with one (1) member abstaining to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the billboard** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-712 to allow to allow a billboard on a 25' x 45' strip of leased land on Tract 79 in the George Brinlee HRS, A-18 (Exhibit 'A'), located at 2703 Richmond Road** in the City of Texarkana, Bowie County, Texas.

Attachment: 2019-095 ORD granting SUP at 2703 Richmond Rd (2177 : 2019-095 ORD granting SUP at 2703 Richmond Rd.)

SECTION 2: That the following stipulations are hereby imposed and made a part of this Ordinance:

1. There will be only one billboard allowed on the property at this location (see attached exhibit for location). The CEVMS billboard will be a double-sided digital billboard.
2. The CEVMS billboard will be 8'X 24' (192 square feet) in size.
3. The CEVMS will have an overall height not to exceed 30'.
4. Any distance requirements must be followed concerning existing utility lines.
5. Applicant shall be required to follow all applicable TXDOT Commercial Signs Regulatory Program guidelines including but not limited to the following:
 - a. Obtain a state commercial sign permit. Richmond Rd (FM 559) is designated a primary highway and regulated by TXDOT.
 - b. Permitted signs on the same side of a regulated freeway, including freeway frontage roads, may not be erected closer than 1,500 feet apart. For a highway on a non-freeway primary system and outside the incorporated boundaries of a municipality, permitted signs on the same side of the highway may not be erected closer than 750 feet apart. For a highway on a non-freeway primary system highway and within the incorporated boundaries of a municipality, permitted signs on the same side of the highway may not be erected closer than 300 feet part.
 - c. A sign may not be located in a place that creates a safety hazard, including a location that: (1) causes a driver to be unduly distracted; (2) obscures or interferes with the effectiveness of an official traffic sign, signal, or device; or (3) obscures or interferes with the driver's view of approaching, merging, or intersecting traffic.

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

SECTION 4: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 5: That this ordinance shall be in full force and effect from and after its passage and approval.

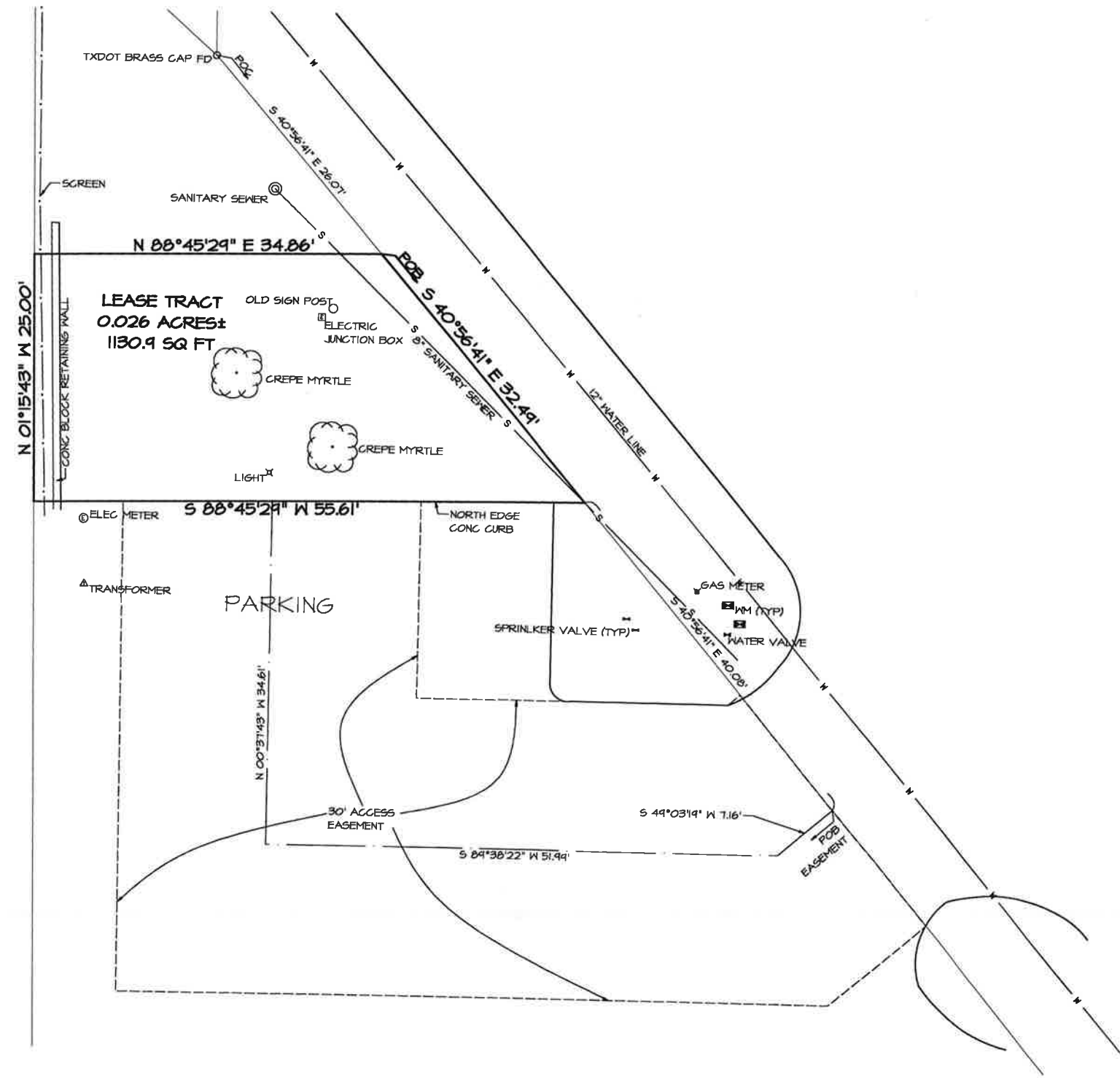
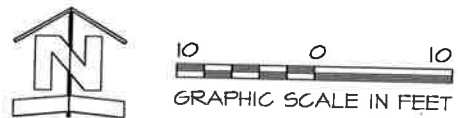
PASSED AND APPROVED in Regular Council Session on this the 12th day of November, 2019.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2019-095 ORD granting SUP at 2703 Richmond Rd (2177 : 2019-095 ORD granting SUP at 2703 Richmond Rd.)



DESCRIPTION OF PROPERTY:

All that certain tract or parcel of land situated in the GEORGE BRINLEE HEADRIGHT SURVEY, A-18, Bowie County, Texas; said tract being a part of a certain 0.704 acre tract of land conveyed to IDOC Properties, LLC, a Texas limited liability company by ASSUMPTION DEED recorded in Volume 5292, Page 135 of the Real Property Records of Bowie County, Texas; and being more particularly described by metes and bounds as follows:

COMMENCING at a TxDOT brass cap in concrete right-of-way monument found in place on the South and West right-of-way line of Texas F. M. Road No. 559 (Richmond Road); said POINT OF BEGINNING being the Point of Beginning of that certain 0.704 acre tract of land conveyed to IDOC Properties, LLC, a Texas limited liability company by ASSUMPTION DEED recorded in Volume 5292, Page 135 of the Real Property Records of Bowie County, Texas; THENCE - S. 40° 56' 41" E., 26.07 ft. with said South and West right-of-way line, same being the East boundary line of said 0.704 acre tract to the POINT OF BEGINNING of the herein described tract of land;

THENCE - S. 40° 56' 41" E., 32.49 ft. with the above mentioned South and West right-of-way line and East boundary line of said 0.704 acre tract to the projection of a line along the North edge of an existing concrete curb on the North side an existing concrete parking area;

THENCE - S. 88° 45' 29" W., 55.61 ft. with the above mentioned projection of and North edge of concrete curb to the West boundary line of the above mentioned 0.704 acre tract;

THENCE - N. 01° 15' 43" W., 25.00 ft. with the above mentioned West boundary line;

THENCE - N. 88° 45' 29" E., 34.86 ft. to the POINT OF BEGINNING; basis of bearings is deed call bearing of South and West right-of-way line of Texas F. M. Road No. 559 (Richmond Road). The above described property being surveyed by Richard V. Hall, Jr. contains 0.026 acres of land, more or less;

AND ALSO an ACCESS EASEMENT being a strip of land 30.00 ft. in width along the following described centerline:

COMMENCING at the Southeast corner of the above described 0.026 acre tract, THENCE - S. 40° 56' 41" E., 40.08 ft. with the above mentioned South and West right-of-way line and East boundary line of 0.704 acre tract to the center of an existing concrete drive, the POINT OF BEGINNING of the herein described centerline; said POINT OF BEGINNING being S. 40° 56' 41" E., 98.64 ft. from the Point of Beginning of said 0.704 acre tract;

THENCE - S. 49° 03' 19" W., 7.16 ft.;

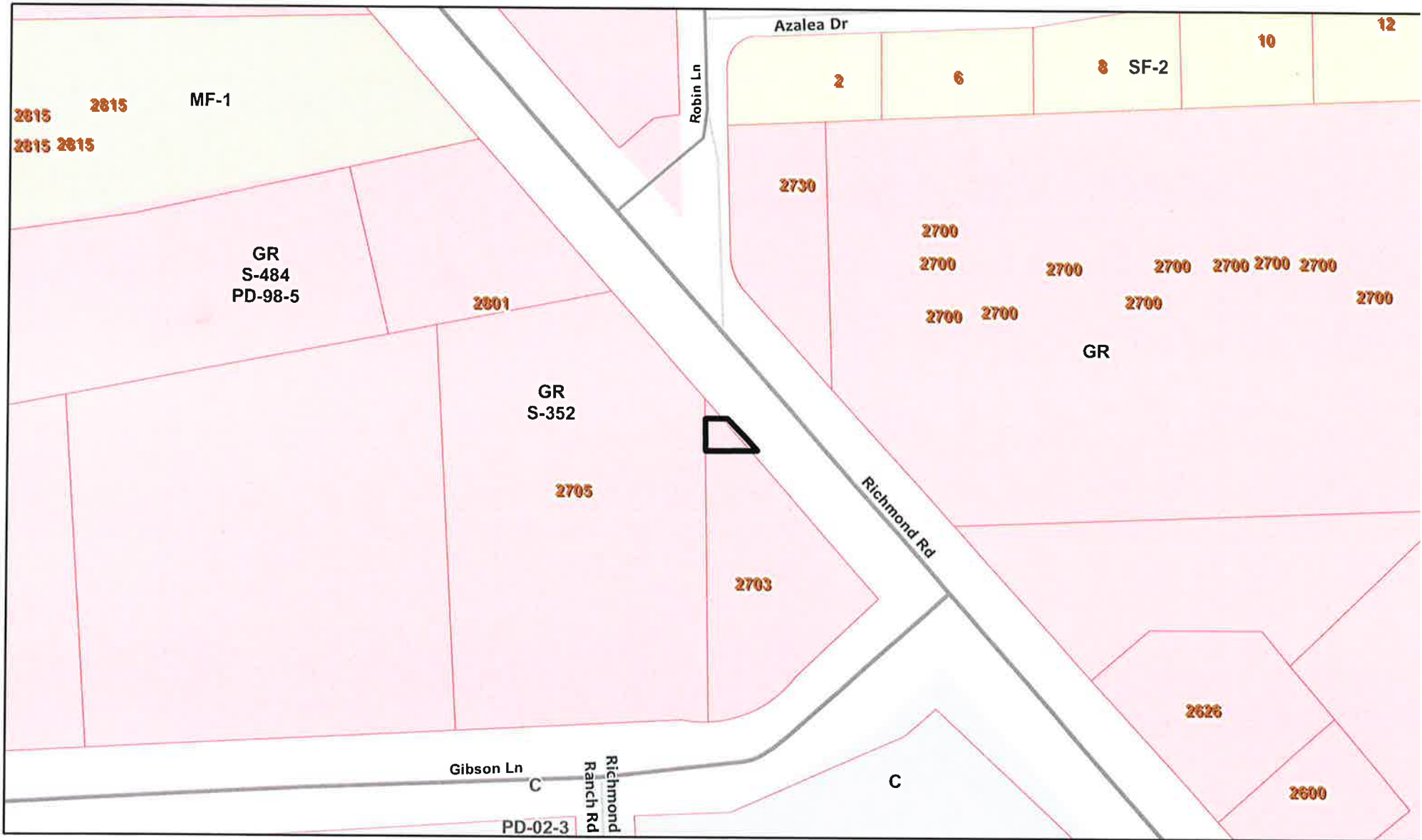
THENCE - S. 89° 38' 22" W., 51.99 ft.;

THENCE - N. 00° 37' 43" W., 34.61 ft. to the South boundary line of the above described 0.026 acre tract, same being the North edge of an existing concrete curb, the END POINT of the herein described centerline; the right and left boundary lines of the herein described 30.00 ft. strip of land are to be shorten or prolonged to end at said South boundary line of 0.026 acre tract and the above mentioned West right-of-way line.



LEASE TRACT PLAT		Drawn: ADM	Checked: RVHjr
0.026 ACRES± GEORGE BRINLEE HRS, A-18		Cert.: 2001	FB: DATA COLL
		Date: 9/30/19	File: 2019-056.pro
		Revisions:	

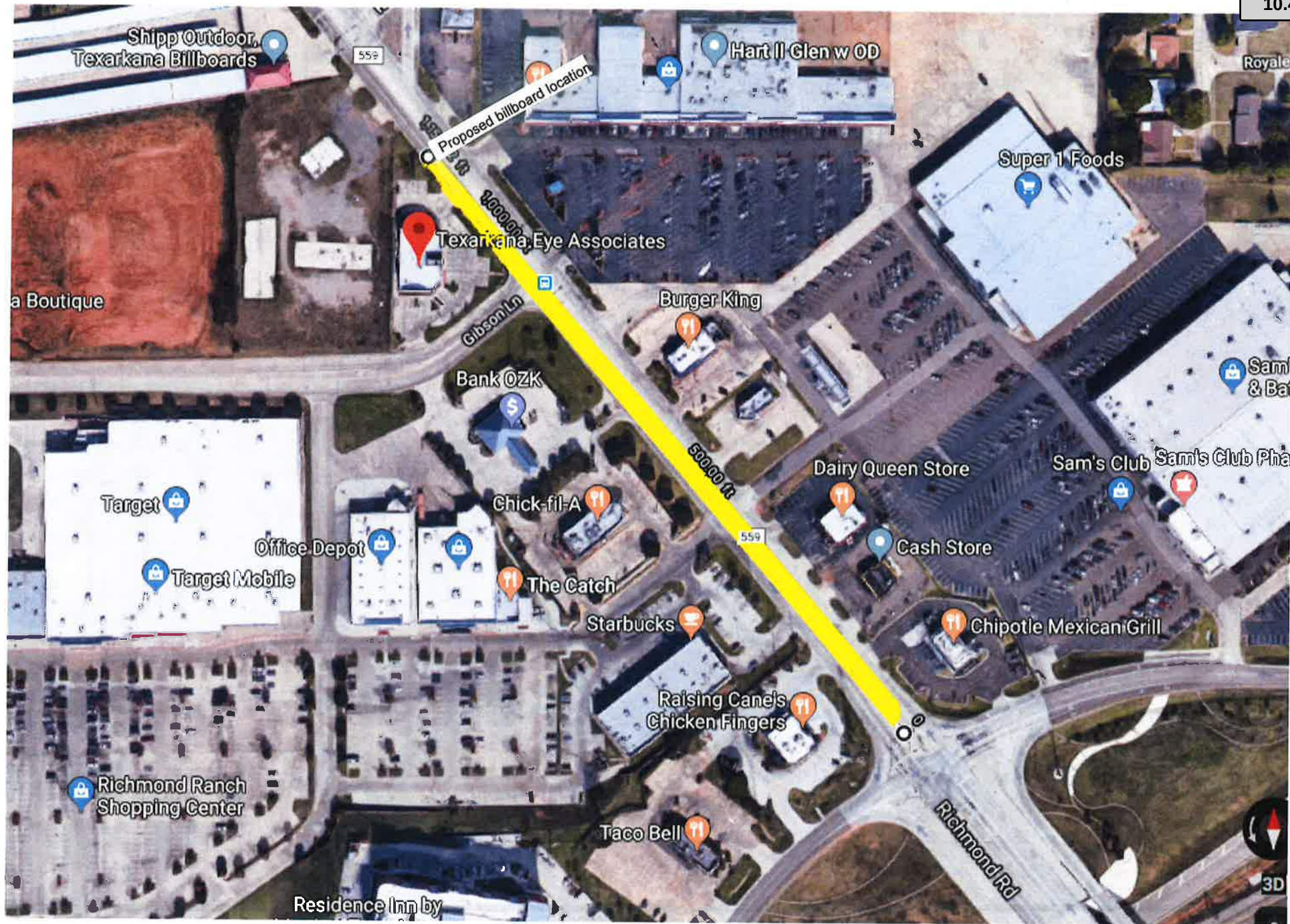
Attachment: 2019-095 EXH 'A' Survey & legal description (2177 : 2019-095 ORD granting SUP at 2703 Richmond Rd.)



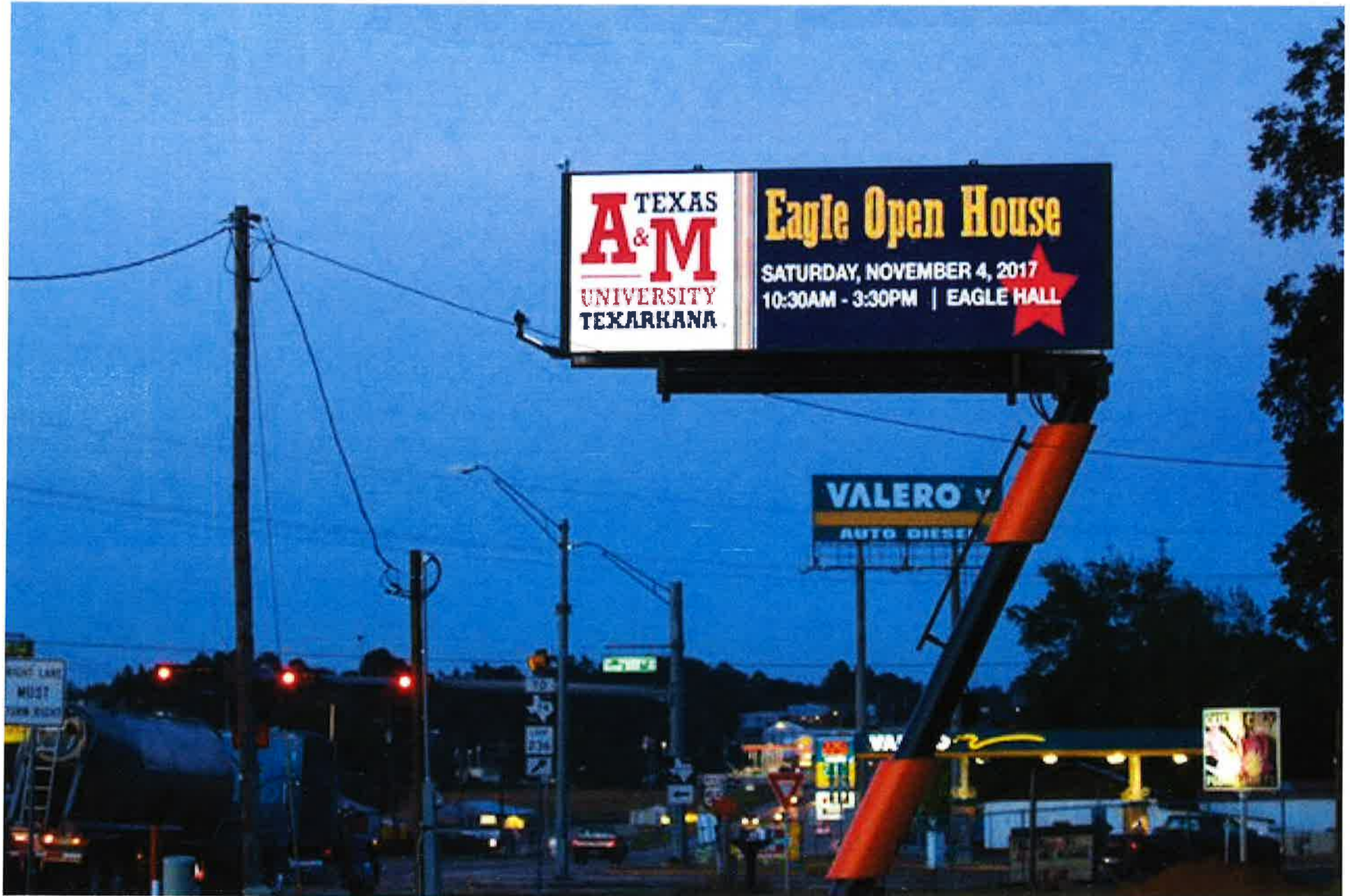
Attachment: 2019-095 ATTH 01 Maps (2177 : 2019-095 ORD granting SUP at 2703 Richmond Rd.)





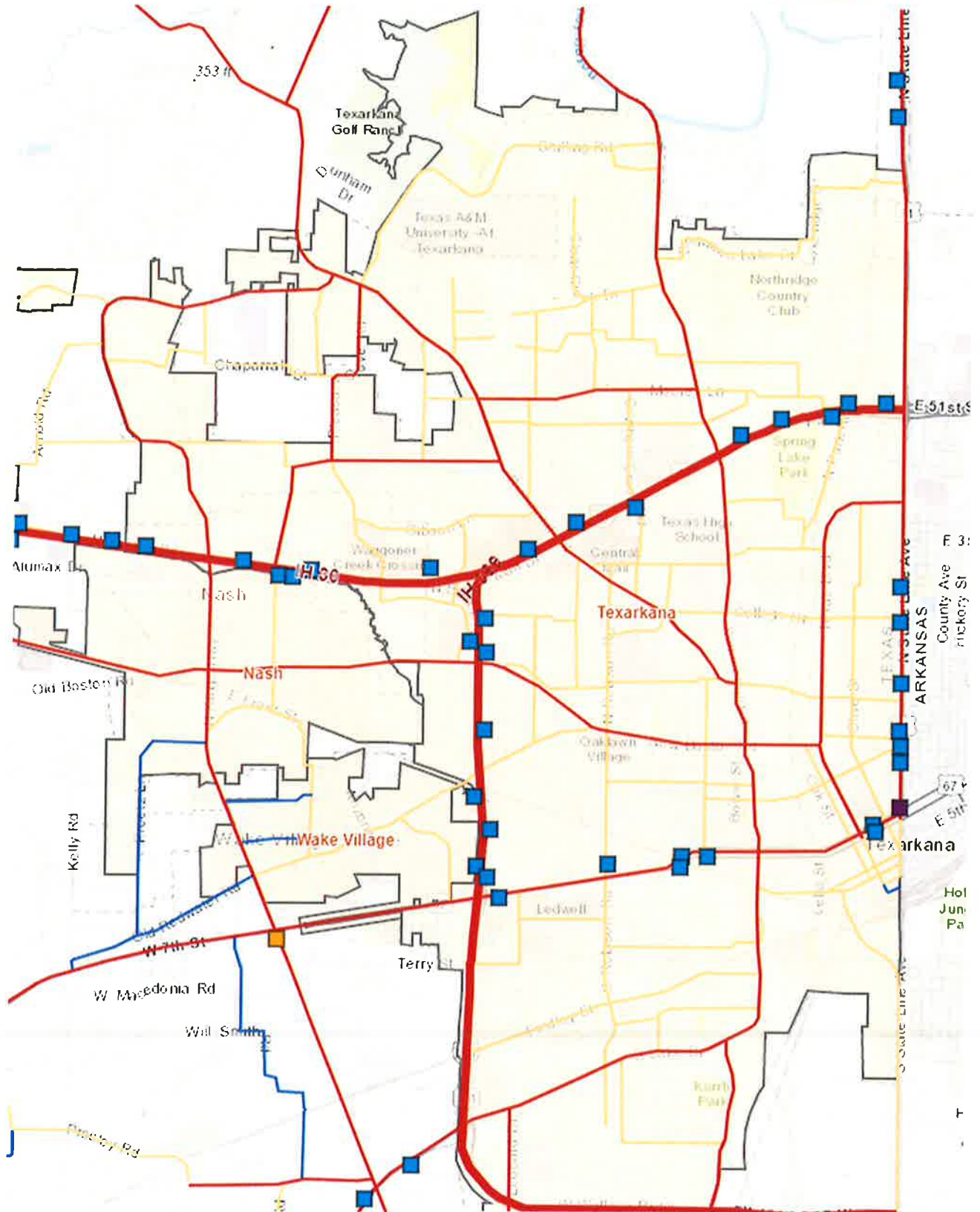


Attachment: 2019-095 ATTH 02 Land use map (provided by applicant) (2177 : 2019-095 ORD granting SUP



TXDOT Commercial Signs Regulatory Program Map 9.30.19

http://maps.dot.state.tx.us/AGO_Template/TxDOT_Viewer/?appid=ffce013d7b714fb9b721f7a3cf7a21c5



Attachment: 2019-095 ATTH 04 TXDOT signs map (2177 : 2019-095 ORD granting SUP at 2703 Richmond Rd.)



Attachment: 2019-095 ATTH 05 Map showing billboard location (2177 : 2019-095 ORD granting SUP at

RENDERING OF PREVIOUS
ON-PREMISE SIGN



Attachment: 2019-095 ATTH 06 Renderings of previous & proposed sign (2177 : 2019-095 ORD granting



RENDERING OF PROPOSED
BILLBOARD



Attachment: 2019-095 ATTH 06 Renderings of previous & proposed sign (2177 : 2019-095 ORD granting

PETITION

October 7, 2019

To: The City Council of the City of Texarkana
And Planning & Zoning
220 Texas Boulevard
Texarkana, Texas 75501

RE: Petition to deny proposed digital billboard special use permit at
2703 Richmond Rd, Texarkana, TX 75503

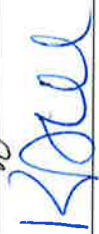
I/We, the undersigned, petition the Planning and Zoning Committee and the City of Texarkana Texas to deny the permit for the proposed billboard at 2703 Richmond Rd., as follows:

1. The proposed billboard will be very distracting for drivers in this very congested traffic area.
2. The distraction of a billboard will only add to the frequent wrecks in this vicinity, which will contribute to making it more dangerous for drivers, and much more traffic congestion.
3. There are already many people who try to avoid this area, or take another route because of the traffic congestion as it is. This takes customers away from our businesses.
4. A billboard will also take away from the aesthetics of this area.
5. The city of Texarkana Texas has placed great restrictions on our signage as to widths, heights, materials and such, and has done so in order to protect the aesthetics of this area of town. We see no reason for something such as a billboard to be made as an exception.
6. A billboard will visibly block some of our properties, and will make it harder for people to locate our businesses and/or make it hard to know we exist at all.
 - a. We paid premiums for our properties so that our businesses would be highly visible in order to draw customers to our sites.
 - b. We also pay premium property taxes for this asset as well.
7. A billboard will devalue our properties and our businesses.
8. There is already an abundance of signage in this area, and we do not need any "extra" distractions.

9. A billboard does not belong in this area, nor will it enhance the area. More problems will come from the placement of the proposed billboard in this vicinity than any good.

We ask that the City of Texarkana Texas along with the Planning and Zoning Committee help to continue to protect the safety of our citizens and visitors from further traffic danger in this area, as well as to continue to keep the high standards for protecting the aesthetics of the properties in this area.

The below signed property owners and/or their designated officers respectfully ask the City of Texarkana Texas Planning and Zoning Committee to deny the permit for the proposed billboard at 2703 Richmond Road, Texarkana, Texas.

Name	Address	Signature	E-mail Address
Susan Cogell Murphy LLP	2801 Richmond Rd Texarkana, TX 75503		txknationalstorage@yahoo.com
Alex Schubert HFS Properties	1831 Sunstone Way Knoxville, TN 37921		builder@usit.net
Doug Irwin HFS Properties	1831 Sunstone Way Knoxville, TN 37921		
Steve Raffaelli John D. Raffaelli	1901 Mall Drive Texarkana, TX 75503	 Steve Raffaelli	Steve.Raffaelli@AOL.com
Kelly Sullivan Bank OZK	5202 Summerhill Texarkana, TX 75503		Kelly.Sullivan@OZK.com

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – “Public Information Act”.

Name	Address	Signature	E-mail Address
Susan Cogell Murphy L.L.P	2801 Richmond Rd Texarkana, TX 75503		txknationalstorage@yahoo.com
Alex Schubert HFS Properties	1831 Sunstone Way Knoxville, TN 37921	<i>M. G. Schubert Jr.</i>	builder@usit.net
Doug Irwin HFS Properties	1831 Sunstone Way Knoxville, TN 37921	<i>C. Douglas Irwin</i>	cdouglasirwin@outlook.com
Sieve Raffaelli	1901 Mall Drive Texarkana, TX 75503		
John D. Raffaelli			

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – “Public Information Act”.

Harmony Food Services
Panera Cafés
HFS Properties, GP
Knoxville, TN
865-253-7097

Dear Texarkana Planning and Zoning Commission,

As a concerned property owner at 2705 Richmond Road, Texarkana, TX adjoining the Elvin Fenton property at 2703 Richmond Road, we are opposed to the proposed use permit to allow the location of a digital billboard on the Fenton property. The Texarkana planning and zoning commission is holding a public hearing on Monday, October 7, 2019 that we cannot attend. We would like to petition that the use for a digital billboard on the site be denied.

We are Harmony Food Service and operate a few franchised Panera Cafes. We purchased the Richmond Road site as a possible location to operate a Café in Texarkana. We paid a premium price for a location on Richmond road with visibility. The property is an odd shape lying between Richmond Road and Gibson Lane. Installing a billboard on the 2703 Richmond Road Parcel will block our visibility from Richmond Road and greatly devalue our property.

Richmond Road carries a lot of traffic and a digital billboard would be distracting and dangerous especially so close to a traffic light at Gibson Lane in Richmond Road. Even a smaller digital billboard is inherently dangerous as the sole purpose is to get people to look at the billboard. It would be safer for drivers to pay attention to the road so they can see traffic and pedestrians and cars stopped at the traffic light, without having the distraction of a digital billboard.

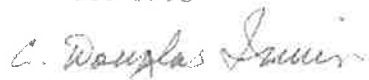
There is no circumstance that justifies a digital billboard at this location adding to the clutter and distraction to drivers that already exists. A digital billboard on the site is inappropriate and is not consistent with the existing commercial use in the area along Richmond Road. There are billboards along the interstate corridor but not from the interstate out Richmond road to the north until you reach areas that were annexed into Texarkana with grandfathered billboards.

We would respectfully ask that this proposed use to permit a digital billboard on this site be denied.

Respectfully, HFS Properties, GP,



Morgan Alex Schubert, General Partner
865-389-0795



C. Douglas Irwin, General Partner
865-310-6102



Attachment: 2019-095 ATTH 09 Superimposed billboard showing size difference (2177 : 2019-095 ORD

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☐ Deliver Efficient Services ☒ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☒ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

☒	Newspaper Notice (Required by Statute)	☒	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☒	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☒	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☒	None Required	☒	Sign Posted

Other:

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/22/2019 3:56 PM

Lead Department: Finance Department **Action Officer:** Kristin Peeples,
Ordinance No. 2019-105 discussion and consideration of all matters incident
and related to the issuance and sale of "City of Texarkana, Texas, Combination
Tax and Revenue Certificates of Obligation, Series 2019", including the
adoption of an ordinance authorizing the issuance of such certificates of
obligation.

Subject:

Briefing: 10/28/2019 **Public Hearing:** **Council Vote:** 10/28/2019

Item Schedule

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

On September 9, 2019 the Council approved a notice of intent to issue certificates of obligation. The first notice of intent was published in the Texarkana Gazette on September 12, 2019 and the second notice of intent was published on September 19, 2019. Since the publication, staff has not received any feedback from citizens. In order to officially sell the bonds, Council must approve an ordinance approving the sale.

Potential Options:

- Approve
- Deny

Fiscal Implications:

The proposed certificates of obligation will be paid with current property tax revenue generated in the Tax Increment Reinvestment Zone (TIRZ) #1.

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

City of Texarkana, Texas

Attachments

- a. 2019-105 ORD Sale of CO's Series 2019 (PDF)
- b. 2019-105 EXH 'A' (PDF)
- c. 2019-105 Goals & Perspectives (DOCX)
- d. 2019-105 ORD Approving Sale of Co's Series 2019 signed (PDF)

Staff Coordination

Finance Department	Kristin Peeples	Department Head Review	Completed	
	10/21/2019 1:41 PM			
Finance Department	Kristin Peeples	Finance Review	Completed	10/21/2019
	1:41 PM			
City Attorney	Jeffery C. Lewis	Review	Completed	10/22/2019
	5:06 PM			
City Manager	Shirley Jaster	City Manager Review	Completed	10/23/2019
	4:22 PM			
City Council	Jennifer Evans	Meeting	Completed	10/28/2019
	6:00 PM			

Meeting History

ORDINANCE NO. 2019-105

AN ORDINANCE authorizing the issuance of “CITY OF TEXARKANA, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019”; providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the surplus net revenues derived from the operation of the City’s Waterworks and Sanitary Sewer System; providing the terms and conditions of such certificates of obligation and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates of obligation, including the approval and execution of a Paying Agent/Registrar Agreement and the approval and distribution of an Official Statement pertaining thereto; and providing an effective date.

WHEREAS, the City Council of the City of Texarkana, Texas has heretofore determined that certificates of obligation should be issued in the maximum principal amount not to exceed \$7,200,000 for the purpose of paying contractual obligations to be incurred for (i) constructing, improving and equipping public safety facilities, (ii) street and bridge improvements, including landscaping, drainage, curbs, gutters, medians, sidewalks, signage, lighting and traffic signalization incidental thereto, the relocation of utilities affected by such street improvements and the acquisition of land and rights-of-way therefor and (iii) professional services rendered in relation to such projects and the financing thereof;

WHEREAS, a “Notice of Intention to Issue City of Texarkana, Texas, Certificates of Obligation” was (a) duly published in the *Texarkana Gazette*, a newspaper of general circulation in the City of Texarkana, Texas, on September 12, 2019, and September 19, 2019, the date of the first publication of such notice being not less than forty-six (46) days prior to the tentative date stated therein for the passage and adoption of this Ordinance; (b) duly published continuously on the City’s website for at least forty-five (45) days before the tentative date stated therein for the passage of this Ordinance; and

WHEREAS, no petition protesting the issuance of the certificates of obligation described in the aforesaid notice, signed by at least 5% of the qualified voters of the City, has been presented to or filed with the City Secretary on or prior to the date of the passage of this Ordinance; and

WHEREAS, the City Council hereby finds and determines that \$_____ in total principal amount of the certificates of obligation described in such notice should be authorized at this time; now, therefore,

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

SECTION 1: Authorization, Designation, Principal Amount, Purpose. Certificates of obligation of the City shall be and are hereby authorized to be issued in the aggregate principal amount of \$_____, to be designated and bear the title “CITY OF TEXARKANA, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES

2019” (hereinafter referred to as the “Certificates”), for the purpose of paying contractual obligations to be incurred for (i) constructing, improving and equipping public safety facilities, (ii) street and bridge improvements, including landscaping, drainage, curbs, gutters, medians, sidewalks, signage, lighting and traffic signalization incidental thereto, the relocation of utilities affected by such street improvements and the acquisition of land and rights-of-way therefor and (iii) professional services rendered in relation to such projects and the financing thereof, pursuant to authority conferred by, and in conformity with, the Constitution and laws of the State of Texas, including Texas Local Government Code, Subchapter C of Chapter 271, as amended.

SECTION 2: Fully Registered Obligations – Authorized Denominations – Stated Maturities – Interest Rates – Date. The Certificates are issuable in fully registered form only; shall be dated November 1, 2019 (the “Certificate Date”); and shall be in denominations of \$5,000 or any integral multiple thereof, and the Certificates shall become due and payable on February 15 in each of the years and in principal amounts (the “Stated Maturity”) and bear interest at the per annum rate(s) in accordance with the following schedule:

<u>Year of Stated Maturity</u>	<u>Principal Amount (\$)</u>	<u>Interest Rate (%)</u>
2020		
2021		
2022		
2023		
2024		
2025		
2026		
2027		
2028		
2029		
2030		
2031		
2032		
2033		
2034		

The Certificates shall bear interest on the unpaid principal amount thereof from the date of their delivery to the initial purchasers, anticipated to be November 26, 2019 (the "Delivery Date"), at the per annum rates shown above (calculated on the basis of a 360-day year consisting of twelve 30-day months), and such interest shall be payable on February 15 and August 15 of each year until maturity or prior redemption, commencing February 15, 2020.

SECTION 3: Payment of Certificates – Paying Agent/Registrar. The principal of, premium, if any, and interest on the Certificates, due and payable by reason of maturity, redemption or otherwise, shall be payable, without exchange or collection charges to the registered owner thereof, in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts.

The selection and appointment of U.S. Bank National Association, Dallas, Texas, to serve as Paying Agent/Registrar for the Certificates is hereby approved and confirmed. Books and records (the "Security Register") for the registration, payment, and transfer of the Certificates, shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar all as provided herein, in accordance with the terms and provisions of a "Paying Agent/Registrar Agreement", substantially in the form attached hereto as **Exhibit A** and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe; and the Mayor or Mayor Pro Tem and City Secretary are authorized to execute and deliver such Agreement in connection with the delivery of the Certificates. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Certificates are paid, and any successor Paying Agent/Registrar shall be a commercial bank, trust company, financial institution, or other entity duly qualified and legally authorized to act as and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Certificates, the City agrees to promptly cause a written notice thereof to be sent to each registered owner of the Certificates by United States mail, first class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Principal of and premium, if any, on the Certificates shall be payable at the Stated Maturities or upon prior redemption thereof only upon presentation and surrender of the Certificates to the Paying Agent/Registrar at its designated offices initially in St. Paul, Minnesota, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor, (the "Designated Payment/Transfer Office"). Interest on the Certificates shall be paid to the registered owners of the Certificates (the "Holder" or "Holders") whose name appears in the Security Register at the close of business on the Record Date (the fifteenth (15th) day of the month next preceding the interest payment date) and shall be paid by the Paying Agent/Registrar (i) by check sent by United States mail, first class postage prepaid, to the address of the Holder recorded in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized to be closed, and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a non-payment 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 City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (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 Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

SECTION 4: Redemption.

(a) Optional Redemption. The Certificates having Stated Maturities on and after February 15, 2029, shall be subject to redemption prior to maturity, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on February 15, 2028, or on any date thereafter at the redemption price of par plus accrued interest to the date of redemption.

(b) Exercise of Redemption Option. At least forty-five (45) days prior to an optional redemption date for the Certificates (unless a shorter notification period shall be satisfactory to the Paying Agent/Registrar), the City shall notify the Paying Agent/Registrar of the decision to redeem Certificates, the principal amount of each Stated Maturity to be redeemed, and the date of redemption therefor. The decision of the City to exercise the right to redeem Certificates shall be entered in the minutes of the governing body of the City.

(c) Selection of Certificates for Redemption. If less than all Outstanding Certificates of the same Stated Maturity are to be redeemed on a redemption date, the Paying Agent/Registrar shall treat such Certificates as representing the number of Certificates Outstanding which is obtained by dividing the principal amount of such Certificates by \$5,000 and shall select the Certificates to be redeemed within such Stated Maturity by lot.

(d) Notice of Redemption. Not less than thirty (30) days prior to a redemption date for the Certificates, a notice of redemption shall be sent by United States mail, first class postage prepaid, in the name of the City and at the City's expense, to each Holder of a Certificate to be redeemed in whole or in part at the address of the Holder appearing on the Security Register at the close of business on the business day next preceding the date of mailing such notice, and any notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether or not received by the Holder.

All notices of redemption shall (i) specify the date of redemption for the Certificates, (ii) identify the Certificates to be redeemed and, in the case of a portion of the principal amount to be redeemed, the principal amount thereof to be redeemed, (iii) state the redemption price, (iv) state that the Certificates, or the portion of the principal amount thereof to be redeemed, shall become due and payable on the redemption date specified, and the interest thereon, or on the portion of the principal amount thereof to be redeemed, shall cease to accrue from and after the redemption date, and (v) specify that payment of the redemption price for the Certificates, or the principal amount thereof to be redeemed, shall be made at the principal offices of the Paying Agent/Registrar only upon presentation and surrender thereof by the Holder. If a Certificate is subject by its terms to prior redemption and has been called for redemption and notice of redemption thereof has been duly given as hereinabove provided, such Certificate (or the principal amount thereof to be redeemed) shall become due and payable and interest thereon shall cease to accrue from and after the redemption date therefor; provided moneys sufficient for the payment of such Certificate (or of the principal amount thereof to be redeemed) at the then applicable redemption price are held for the purpose of such payment by the Paying Agent/Registrar.

(e) Conditional Notice of Redemption. With respect to any optional redemption of the Certificates, unless moneys sufficient to pay the principal of and premium, if any, and interest on

the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

SECTION 5: Registration-Transfer-Exchange of Certificates-Predecessor Certificates. A Security Register relating to the registration, payment, and transfer or exchange of the Certificates shall at all times be kept and maintained by the City at the principal offices of the Paying Agent/Registrar, and the Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of each Holder of the Certificates issued under and pursuant to the provisions of this Ordinance. Any Certificate may, in accordance with its terms and the terms hereof, be transferred or exchanged for Certificates of other authorized denominations upon the Security Register by the Holder, in person or by his duly authorized agent, upon surrender of such Certificate to the Paying Agent/Registrar at its principal offices for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon the surrender for transfer of any Certificate (other than the Initial Certificate authorized in Section 8 hereof) at the Designated Payment/Transfer Office of the Paying Agent/Registrar, the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Certificates, executed on behalf of, and furnished by, the City, of authorized denominations and having the same Stated Maturity and of a like aggregate principal amount as the Certificate or Certificates surrendered for transfer.

At the option of the Holder, Certificates may be exchanged for other Certificates of authorized denominations and having the same Stated Maturity, bearing the same rate of interest, and of like aggregate principal amount as the Certificates surrendered for exchange upon surrender of the Certificates to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/Registrar. Whenever any Certificates are so surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Certificates, executed on behalf of, and furnished by the City, to the Holder requesting the exchange.

All Certificates issued upon any transfer or exchange of Certificates shall be delivered at the Designated Payment/Transfer Office of the Paying Agent/Registrar, or sent by United States mail, first class postage prepaid, to the Holder and, upon the registration and delivery thereof, the same shall be valid obligations of the City, evidencing the same obligation to pay, and entitled to the same benefits under this Ordinance, as the Certificates surrendered in such transfer or exchange.

All transfers or exchanges of Certificates pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange

of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Certificates canceled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be “Predecessor Certificates,” evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Certificate or Certificates registered and delivered in the exchange or transfer therefor. Additionally, the term “Predecessor Certificates” shall include any Certificate registered and delivered pursuant to Section 23 hereof in lieu of a mutilated, lost, destroyed, or stolen Certificate, which shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Certificate.

Neither the City nor the Paying Agent/Registrar shall be required to issue or transfer to an assignee of a Holder any Certificate called for redemption, in whole or in part, within 45 days of the date fixed for the redemption of such Certificate; provided, however, such limitation on transferability shall not be applicable to an exchange by the Holder of the unredeemed balance of a Certificated called for redemption in part.

SECTION 6: Book-Entry-Only Transfers and Transactions. Notwithstanding the provisions contained in Sections 3, 4 and 5 hereof relating to the payment, and transfer/exchange of the Certificates, the City hereby approves and authorizes the use of “Book-Entry-Only” securities clearance, settlement and transfer system provided by The Depository Trust Company (“DTC”), a limited purpose trust company organized under the laws of the State of New York, in accordance with the operational arrangements referenced in the Blanket Issuer Letter of Representations, by and between the City and DTC (the “Depository Agreement”).

Pursuant to the Depository Agreement and the rules of DTC, the Certificates shall be deposited with DTC who shall hold said Certificates for its participants (the “DTC Participants”). While the Certificates are held by DTC under the Depository Agreement, the Holder of the Certificates on the Security Register for all purposes, including payment and notices, shall be Cede & Co., as nominee of DTC, notwithstanding the ownership of each actual purchaser or owner of each Certificate (the “Beneficial Owners”) being recorded in the records of DTC and DTC Participants.

In the event DTC determines to discontinue serving as securities depository for the Certificates or otherwise ceases to provide book-entry clearance and settlement of securities transactions in general or the City decides to discontinue use of the system of book-entry transfers through DTC, the City covenants and agrees with the Holders of the Certificates to cause Certificates to be printed in definitive form to be issued and delivered to DTC Participants and Beneficial Owners, as the case may be. Thereafter, the Certificates in definitive form shall be assigned, transferred and exchanged on the Security Register maintained by the Paying Agent/Registrar and payment of such Certificates shall be made in accordance with the provisions of Sections 3, 4 and 5 hereof.

SECTION 7: Execution – Registration. The Certificates shall be executed on behalf of the City by the Mayor or Mayor Pro Tem under its seal reproduced or impressed thereon and countersigned by the City Secretary. The signatures of said officers on the Certificates may be manual or facsimile. Certificates bearing the manual or facsimile signatures of said individuals

who are or were the proper officers of the City on the Certificate Date shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals or any of them shall cease to hold such offices prior to the delivery of the Certificates to the initial purchasers, and with respect to Certificates delivered in subsequent exchanges and transfers, all as authorized and provided in Texas Government Code, Chapter 1201, as amended.

No Certificate shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Certificate either a certificate of registration substantially in the form provided in Section 9(c), manually executed by the Comptroller of Public Accounts of the State of Texas or his or her duly authorized agent, or a certificate of registration substantially in the form provided in Section 9(d), manually executed by an authorized officer, employee, or representative of the Paying Agent/Registrar, and either such certificate duly signed upon any Certificate shall be conclusive evidence, and the only evidence, that such Certificate has been duly certified, registered, and delivered.

SECTION 8: Initial Certificate. The Certificates herein authorized shall be initially issued as a single fully registered Certificate in the total principal amount as provided in Section 1 hereof with the principal amount to become due and payable as provided in Section 2 hereof and numbered T-1 (hereinafter referred to as the “Initial Certificate”) and the Initial Certificate shall be registered in the name of the initial purchasers or the designee thereof. The Initial Certificate shall be the Certificate submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas, and delivered to the initial purchasers. Any time after the delivery of the Initial Certificate, the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Certificate delivered hereunder and exchange therefor definitive Certificates of authorized denominations, Stated Maturity, principal amounts, and bearing applicable interest rates for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the initial purchasers, or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

SECTION 9: Forms. (a) Forms Generally. The Certificates, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Certificate of Registration of the Paying Agent/Registrar, and the form of Assignment to be printed on the Certificates, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends on any insured Certificates and any reproduction of an opinion of counsel) thereon as may, consistently herewith, be established by the City or be determined by the officers executing such Certificates as evidenced by their execution thereof. Any portion of the text of any Certificate may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Certificate.

The Certificates, including the Initial Certificate, shall be printed, lithographed, photocopied, typewritten, or engraved, or produced in any other similar manner, all as determined by the officers executing such Certificates as evidenced by their execution thereof.

(b) Form of Definitive Certificates.REGISTERED
NO. _____REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF TEXARKANA, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION
SERIES 2019

Certificate Date:	Interest Rate:	Stated Maturity:	CUSIP No.:	Delivery Date:
November 1, 2019	_____ %	February 15, 20__	_____	November 26, 2019

Registered Owner:

Principal Amount: DOLLARS

The City of Texarkana (hereinafter referred to as the "City"), a body corporate and municipal corporation in the County of Bowie, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, the Principal Amount hereinabove stated (or so much thereof as shall not have been paid upon prior redemption), on the Stated Maturity date specified above and to pay interest on the unpaid principal amount hereof from the interest payment date next preceding the "Registration Date" of this Certificate appearing below (unless this Certificate bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Certificate is prior to the initial interest payment date in which case it shall bear interest from the Delivery Date) at the per annum rate of interest specified above computed on the basis of a 360-day year consisting of twelve 30-day months; such interest being payable on February 15 and August 15 in each year until maturity or prior redemption, commencing February 15, 2020. Principal installments of this Certificate are payable in the year of maturity to the Registered Owner hereof, upon its presentation and surrender at the Designated Payment/Transfer Office of U.S. Bank National Association, Dallas, Texas, the initial "Paying Agent/Registrar" executing the registration certificate appearing hereon, or its successor; provided, however, while this Certificate is registered to Cede & Co., the payment of principal upon a partial redemption of the principal amount hereof may be accomplished without presentation and surrender of this Certificate. Interest shall be payable to the Registered Owner of this Certificate whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the fifteenth day of the month next preceding the interest payment date hereof, and interest shall be paid by the Paying Agent/Registrar by check sent by United States mail, first class postage prepaid, to the address of the Registered Owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by and at the risk and expense of the Registered Owner. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated

Payment/Transfer 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 which is not such a Saturday, Sunday, legal holiday, or day when 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. All payments of principal of, premium, if any, and interest on this Certificate shall be without exchange or collection charges to the owners hereof and in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts.

This Certificate is one of the series specified in its title issued in the aggregate principal amount of \$_____ (herein referred to as the "Certificates") for the purpose of paying contractual obligations to be incurred for (i) constructing, improving and equipping public safety facilities, (ii) street and bridge improvements, including landscaping, drainage, curbs, gutters, medians, sidewalks, signage, lighting and traffic signalization incidental thereto, the relocation of utilities affected by such street improvements and the acquisition of land and rights-of-way therefor and (iii) professional services rendered in relation to such projects and the financing thereof, under and in strict conformity with the Constitution and laws of the State of Texas, particularly Texas Local Government Code, Subchapter C of Chapter 271, as amended, and pursuant to an ordinance adopted by the City Council of the City (herein referred to as the "Ordinance").

The Certificates having Stated Maturities on and after February 15, 2029 may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on February 15, 2028, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption.

At least thirty days prior to a redemption date, the City shall cause a written notice of such redemption to be sent by United States Mail, first class postage prepaid, to the registered owners of each Certificate to be redeemed at the address shown on the Security Register and subject to the terms and provisions relating thereto contained in the Ordinance. If a Certificate (or any portion of its principal sum) shall have been duly called for redemption and notice of such redemption duly given, then upon the redemption date such Certificate (or the portion of its principal sum to be redeemed) shall become due and payable, and, if moneys for the payment of the redemption price and the interest accrued on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar, interest shall cease to accrue and be payable from and after the redemption date on the principal amount redeemed.

In the event a portion of the principal amount of a Certificate is to be redeemed and the registered owner is someone other than Cede & Co., payment of the redemption price of such principal amount shall be made to the registered owner only upon presentation and surrender of such Certificate to the Designated Payment/Transfer Office of the Paying Agent/Registrar, and a new Certificate or Certificates of like maturity and interest rate in any authorized denominations provided by the Ordinance for the then unredeemed balance of the principal sum thereof will be issued to the registered owner, without charge. If a Certificate is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer such Certificate to an assignee of the registered owner within 45 days of the redemption date therefor; provided,

however, such limitation on transferability shall not be applicable to an exchange by the registered owner of the unredeemed balance of a Certificate redeemed in part.

With respect to any optional redemption of the Certificates, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

This Certificate is payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City and is additionally payable from and secured by a lien on and limited pledge (not to exceed \$1,000) of the surplus Net Revenues of the City's Waterworks and Sanitary Sewer System (the "System"), such lien and pledge, together with a parity pledge securing the payment of the Previously Issued Certificates, being junior and subordinate to the lien on and pledge of the Net Revenues securing the payment of the Prior Lien Obligations (identified and defined in the Ordinance). In the Ordinance, the City reserves and retains the right to issue Prior Lien Obligations while the Certificates are outstanding without limitation as to principal amount but subject to any terms, conditions, or restrictions as may be applicable thereto under law or otherwise and additional certificates equally and ratably secured with the Certificates by a parity lien on and pledge of the surplus Net Revenues of the System.

Reference is hereby made to the Ordinance, a copy of which is on file at the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all of the provisions of which the Registered Owner by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of this Certificate; the properties constituting the System; the Net Revenues pledged to the payment of the principal of and interest on this Certificate; the nature, extent, and manner of enforcement of the pledge; the terms and conditions relating to the transfer or exchange of this Certificate; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Registered Owners; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which the tax levy and the liens, pledges, charges, and covenants made therein may be discharged at or prior to the maturity of this Certificate, and this Certificate is deemed to be no longer Outstanding thereunder; and for the other terms and provisions thereof. Capitalized terms used herein have the meanings assigned in the Ordinance.

This Certificate, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by the Registered Owner hereof, or his duly authorized agent. When a transfer on the Security Register occurs, one or more new fully registered Certificates of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of

the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, may treat the Registered Owner hereof whose name appears on the Security Register (i) on the Record Date as the owner entitled to the payment of the interest hereon, (ii) on the date of surrender of this Certificate as the owner entitled to the payment of the principal hereof at its Stated Maturity, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of a non-payment 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 City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (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 Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited, represented, and covenanted that the City is a duly organized and legally existing municipal corporation under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Certificates is duly authorized by law; that all acts, conditions, and things required to exist and be done precedent to and in the issuance of the Certificates to render the same lawful and valid obligations of the City have been properly done, have happened, and have been performed in regular and due time, form, and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Certificates do not exceed any constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and interest on the Certificates by the levy of a tax and a limited pledge of and lien on the surplus Net Revenues of the System as aforesated. In case any provision in this Certificate or any application thereof shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions and applications shall not in any way be affected or impaired thereby. The terms and provisions of this Certificate and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Certificate to be duly executed under the official seal of the City as of the Certificate Date.

CITY OF TEXARKANA, TEXAS

Mayor

COUNTERSIGNED:

City Secretary

(CITY SEAL)

(c) Form of Registration Certificate of the Comptroller of Public Accounts to appear on Initial Certificate only.

REGISTRATION CERTIFICATE OF
THE COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER	)	
	)	
OF PUBLIC ACCOUNTS	)	REGISTER NO. _____
	)	
THE STATE OF TEXAS	)	

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

WITNESS my signature and seal of office this _____.

Comptroller of Public Accounts
of the State of Texas

(SEAL)

(d) Form of Registration Certificate of Paying Agent/Registrar to appear on Definitive Certificates only.

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Certificate of Obligation has been duly issued and registered under the provisions of the within mentioned Ordinance; the Certificate of Obligation or Certificates of Obligation of the above entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as shown by the records of the Paying Agent/Registrar.

The office of the Paying Agent/Registrar in St. Paul, Minnesota, is the Designated Payment/Transfer Office for this Certificate.

U.S. BANK NATIONAL ASSOCIATION,
Dallas, Texas, Paying Agent/Registrar

By: _____
Authorized Signature

Registered this date:

(e) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print or typewrite name, address, and zip code of transferee:) _____

(Social Security or other identifying number: _____)
the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Certificate on the books kept for registration thereof, with full power of substitution in the premises.

DATED:

Signature guaranteed:

NOTICE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Certificate in every particular.

(f) The Initial Certificate shall be in the form set forth in paragraph (b) of this Section, except that the form of a single fully registered Initial Certificate shall be modified as follows:

The heading and first paragraph shall be amended as follows:

REGISTERED
NO. T-1

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF TEXARKANA, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION

SERIES 2019

Certificate Date: November 1, 2019

Registered Owner: _____

Principal Amount: _____

The City of Texarkana (hereinafter referred to as the “City”), a body corporate and municipal corporation in the County of Bowie, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, the Principal Amount hereinabove stated on February 15 in each of the years and in principal installments in accordance with the following schedule:

YEAR	PRINCIPAL INSTALLMENTS	INTEREST RATE (%)
_____	_____ (\$)	_____

(Information to be inserted from schedule in Section 2 hereof).

(or so much thereof as shall not have been prepaid prior to maturity) and to pay interest on the unpaid principal amounts hereof from the Delivery Date at the per annum rate(s) of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 15 and August 15 of each year, commencing February 15, 2020 Principal installments of this Certificate are payable at its Stated Maturity or on a prepayment date to the registered owner hereof by U.S. Bank National Association, Dallas, Texas (the “Paying Agent/Registrar”), upon presentation and surrender, at its designated offices in St. Paul, Minnesota (the “Designated Payment/Transfer Office”). Interest is payable to the registered owner of this Certificate whose name appears on the “Security Register” maintained by the Paying Agent/Registrar at the close of business on the “Record Date”, which is the fifteenth (15th) day of the month next preceding each interest payment date hereof and interest shall be paid by the Paying Agent/Registrar by check sent United States mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer 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 which is not such a Saturday, Sunday, legal holiday, or day when 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. All payments of principal of, premium, if any, and interest on this Certificate shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

SECTION 10: Definitions. For purposes of this Ordinance and for clarity with respect to the issuance of the Certificates herein authorized, and the levy of taxes and appropriation of Net

Revenues therefor, the following words or terms, whenever the same appear herein without qualifying language, are defined to mean as follows:

(a) The term “Additional Certificates” shall mean combination tax and revenue certificates of obligation hereafter issued under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended, or any similar law hereafter enacted, and payable from ad valorem taxes and additionally payable from and secured by a lien on and pledge of the surplus Net Revenues on a parity with and of equal dignity with the lien and pledge securing the payment of the Certificates.

(b) The term “Certificates” shall mean the “City of Texarkana, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2019” authorized by this Ordinance.

(c) The term “Certificate Fund” shall mean the special Fund created and established under the provisions of Section 11 of this Ordinance.

(d) The term “Collection Date” shall mean, when reference is being made to the levy and collection of annual ad valorem taxes, the date the annual ad valorem taxes levied each year by the City become delinquent.

(e) The term “Fiscal Year” shall mean the annual financial accounting period used with respect to the System now ending on September 30th of each year; provided, however, the City Council may change, by ordinance duly passed, such annual financial accounting period to end on another date if such change is found and determined to be necessary for accounting purposes and to be consistent with the ordinances authorizing the Prior Lien Obligations.

(f) The term “Maintenance and Operating Expenses” shall mean all current expenses of operating and maintaining the System, including all salaries, labor, materials, repairs and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised, are necessary to maintain the operations and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair obligations payable from Net Revenues shall be deducted in determining “Net Revenues”. Depreciation charges shall not be considered Maintenance and Operating Expenses. Maintenance and Operating Expenses shall include payments under contracts for the purchase of water supply, treatment of sewage or other materials, goods, services, or facilities for the System to the extent authorized by law and the provisions of such contract.

(g) The term “Net Revenues” shall mean, with respect to any period, all income, revenues, and receipts received from the operation and ownership of the System less Maintenance and Operation expenses of the System during such period.

(h) The term “Outstanding” when used in this Ordinance with respect to Certificates means, as of the date of determination, all Certificates theretofore issued and delivered under this Ordinance, except:

(1) those Certificates theretofore canceled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

(2) those Certificates for which payment has been duly provided by the City in accordance with the provisions of Section 25 hereof by the irrevocable deposit with the Paying Agent/Registrar, or an authorized escrow agent, of money or Government Securities, or both, in the amount necessary to fully pay the principal of, premium, if any, and interest thereon to maturity; and

(3) those Certificates that have been mutilated, destroyed, lost, or stolen and for which (i) replacement Certificates have been registered and delivered in lieu thereof or (ii) have been paid, all as provided in Section 23 hereof.

(i) The term “Prior Lien Obligations” shall mean all bonds or other obligations now outstanding and hereafter issued that are payable from and secured by a lien on and pledge of all or any part of the Net Revenues of the System, including but not limited to, the unpaid bonds of the following issues or series designated “City of Texarkana, Texas, Waterworks and Sanitary Sewer System Revenue [Refunding] Bonds,” further identified by Series, Date, and Original Principal Amount as follows:

<u>SERIES</u>	<u>DATE</u>	<u>ORIGINAL PRINCIPAL AMOUNT</u>
2004	January 15, 2004	\$2,500,000
2013	June 15, 2013	\$2,200,000

and (i) all bonds hereafter issued to refund any part of the aforesaid bonds or other obligations listed in this definition if the same are made payable from and secured by a lien on and pledge of the Net Revenues of the System and (ii) any obligations hereafter issued on a parity (insofar as the revenues of the System are concerned) with such Prior Lien Obligations or refunding bonds issued to refund such obligations if the same are made payable from and secured by a lien on and pledge of the Net Revenues of the System which lien is prior and superior in claim, rank, and dignity to the lien and pledge of the Net Revenues securing the payment of the Certificates.

(j) The term “System” shall mean the City’s combined Water and Sanitary Sewer System, including all present and future additions, extensions, replacements, and improvements thereto.

SECTION 11: Certificate Fund. The City covenants that for the purpose of paying the interest on and providing a sinking fund for the payment and retirement of the Certificates, there shall be and is hereby created a special fund to be designated “Special 2019 Combination Tax and Revenue Certificate of Obligation Fund” (the “Certificate Fund”) which Certificate Fund shall be kept and maintained at the City’s depository bank, and moneys deposited in the Certificate Fund shall be used for no other purpose. Authorized officials of the City are hereby authorized and directed to make withdrawals from the Certificate Fund sufficient to pay the principal of and interest on the Certificates as the same become due and payable, and, shall cause to be transferred to the Paying Agent/Registrar from moneys on deposit in the Certificate Fund an amount sufficient to pay the amount of principal and/or interest falling due on the Certificates, such transfer of funds to the Paying Agent/Registrar to be made in such manner as will cause immediately available funds

to be deposited with the Paying Agent/Registrar on or before the last business day next preceding each interest and principal payment date for the Certificates.

Pending the transfer of funds to the Paying Agent/Registrar, money in the Certificate Fund may, at the option of the City, be invested in obligations identified in, and in accordance with the provisions of the City's Investment Policy as the same may be amended from time to time and the "Public Funds Investment Act" (Texas Government Code, Chapter 2256, as amended) relating to the investment of "bond proceeds"; provided that all such investments shall be made in such a manner that the money required to be expended from the Certificate Fund will be available at the proper time or times. All interest and income derived from deposits and investments in said Certificate Fund shall be credited to, and any losses debited to, the said Certificate Fund. All such investments shall be sold promptly when necessary to prevent any default in connection with the Certificates.

SECTION 12: Tax Levy. To provide for the payment of the "Debt Service Requirements" on the Certificates being (i) the interest on said Certificates and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% (whichever amount shall be the greater), there shall be and there is hereby levied, within the limitations prescribed by law, for the current year and each succeeding year thereafter while said Certificates or any interest thereon shall remain Outstanding, a sufficient tax on each one hundred dollars' valuation of taxable property in said City, adequate to pay such Debt Service Requirements, full allowance being made for delinquencies and costs of collection; said tax shall be assessed and collected each year and applied to the payment of the Debt Service Requirements, and the same shall not be diverted to any other purpose. The taxes so levied and collected shall be paid into the Certificate Fund. The City Council hereby declares its purpose and intent to provide and levy a tax legally and fully sufficient to pay the said Debt Service Requirements, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding indebtedness.

The amount of taxes to be provided annually for the payment of the principal of and interest on the Certificates shall be determined and accomplished in the following manner:

(a) Prior to the date the City Council establishes the annual tax rate and passes an ordinance levying ad valorem taxes each year, the Council shall determine:

(1) The amount on deposit in the Certificate Fund after (a) deducting therefrom the total amount of Debt Service Requirements to become due on Certificates prior to the Collection Date for the ad valorem taxes to be levied and (b) adding thereto the amount of the Net Revenues and other lawfully available funds appropriated and allocated to pay such Debt Service Requirements prior to the Collection Date for the ad valorem taxes to be levied.

(2) The amount of surplus Net Revenues and any other lawfully available revenues which are appropriated and to be set aside for the payment of the Debt Service Requirements on the Certificates between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding calendar year.

(3) The amount of Debt Service Requirements to become due and payable on the Certificates between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding calendar year.

(b) The amount of taxes to be levied annually each year to pay the Debt Service Requirements on the Certificates shall be the amount established in paragraph (3) above less the sum total of the amounts established in paragraphs (1) and (2), after taking into consideration delinquencies and costs of collecting such annual taxes.

PROVIDED, however, in regard to the payments to become due on the Certificates on February 15, 2020 and August 15, 2020, sufficient current funds, including earnings to be realized from the investment of the proceeds of sale of the Certificates pending their expenditure for authorized purposes, will be available and are hereby appropriated to make such payments; and the Mayor, Mayor Pro Tem, City Manager or Chief Financial Officer of the City are hereby authorized and directed to transfer and deposit in the Certificate Fund such current funds (including earnings realized from the investment of the proceeds of sale of the Certificates) which will be sufficient to pay the payments on the Certificates on February 15, 2020 and August 15, 2020.

SECTION 13: Limited Pledge of Net Revenues. The City hereby covenants and agrees that subject to the prior lien on and pledge of the Net Revenues to the payment and security of the Prior Lien Obligations, the surplus Net Revenues of the System (within the limitation of a total amount of \$1,000) are hereby irrevocably pledged to the payment of the principal of and interest on the Certificates, and the limited pledge of surplus Net Revenues herein made for the payment of the Certificates shall constitute a lien on the surplus Net Revenues in accordance with terms and provisions hereof and shall be on a parity in all respects with the lien on the Net Revenues securing the payment of the Certificates. Furthermore, such lien on and pledge of the Net Revenues securing the payment of the Certificates shall constitute a lien on the Net Revenues of the System until such time as the City shall pay all of such \$1,000, after which time the pledge shall cease, all in accordance with the terms and provisions hereof and be valid and binding without any physical delivery thereof or further act by the City.

Chapter 1208, Texas Government Code, as amended, applies to the issuance of the Certificates and the pledge of the revenues granted by the City under this Section of this Ordinance, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Certificates are Outstanding and unpaid such that the pledge of the revenues granted by the City under this Section of this Ordinance is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, as amended, then in order to preserve to the Holders of the Certificates the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code, as amended, and enable a filing to perfect the security interest in said pledge to occur.

SECTION 14: System Fund. The City hereby covenants and agrees that all revenues derived from the operation and ownership of the System shall be kept separate and apart from all other funds, accounts, and moneys of the City, and shall be deposited as collected into the "Water and Sewer System Fund" (heretofore created in conjunction with the issuance of the outstanding Prior Lien Obligations and hereinafter called the "System Fund"). All moneys deposited in the

System Fund shall be pledged and appropriated to the extent required for the following purposes and in the order of priority shown, to wit:

First: To the payment of the reasonable and proper Maintenance and Operation Expenses of the System as defined herein or required by statute to be a first charge on and claim against the revenues of the System.

Second: To the payment of all amounts required to be deposited in any special funds created and established for the payment, security, and benefit of any Prior Lien Obligations in accordance with the terms and provisions of any ordinance authorizing the issuance of any Prior Lien Obligations.

Third: To the payment, equally and ratably, of the amounts required to be deposited in the special funds and accounts created and established for the payment of the “City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2008”, dated February 1, 2008, the “City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2009”, dated December 1, 2009, the “City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Taxable Series 2010”, dated May 15, 2010, the “City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2012”, dated August 1, 2012, the “City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2017,” dated March 15, 2017, the Certificates and Additional Certificates.

Any Net Revenues remaining in the System Fund after satisfying the foregoing payments, or making adequate and sufficient provision for the payment thereof, may be appropriated and used for any other City purpose now or hereafter permitted by law.

SECTION 15: Deposits to Certificate Fund. The City hereby covenants and agrees to cause to be deposited in the Certificate Fund the amount required to fully pay the interest and principal then due and payable on the Certificates, such deposits to pay maturing principal and accrued interest on the Certificates to be made on or before February 15 and August 15, beginning February 15, 2020.

The deposits to be made to the Certificate Fund, as hereinabove provided, shall be made until such time as such Fund contains an amount equal to pay the principal of and interest and premium, if any, on the Certificates to maturity. Accrued interest, if any, and premium, if any (to the extent it is not used to finance the projects described in Section 1), received from the purchaser(s) of the Certificates shall be deposited to the Certificate Fund and ad valorem taxes levied, collected, and deposited in the Certificate Fund for and on behalf of the Certificates may be taken into consideration and utilized to reduce the amount of the deposits otherwise required to be deposited in the Certificate Fund from the Net Revenues of the System. In addition, any surplus proceeds from the sale of the Certificates not expended for authorized purposes shall be deposited in the Certificate Fund, and such amounts so deposited shall reduce the sums otherwise required to be deposited in said Fund from ad valorem taxes and the Net Revenues.

SECTION 16: Security of Funds. All moneys on deposit in the Funds for which this Ordinance makes provision (except any portion thereof as may be at any time properly invested)

shall be secured in the manner and to the fullest extent required by the laws of Texas for the security of public funds, and moneys on deposit in such Funds shall be used only for the purposes permitted by this Ordinance.

SECTION 17: Remedies in Event of Default. In addition to all the rights and remedies provided by the laws of the State of Texas, the City covenants and agrees particularly that in the event the City (a) defaults in the payments to be made to the Certificate Fund, or (b) defaults in the observance or performance of any other of the covenants, conditions, or obligations set forth in this Ordinance, any Holder shall be entitled to a writ of mandamus issued by a court of proper jurisdiction compelling and requiring the governing body of the City and other officers of the City to observe and perform any covenant, condition, or obligation prescribed in this Ordinance.

No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power, or shall be construed to be a waiver of any such default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient. The specific remedies herein provided shall be cumulative of all other existing remedies and the specification of such remedies shall not be deemed to be exclusive.

SECTION 18: Special Covenants. The City hereby covenants as follows:

(i) That it has the lawful power to pledge the Net Revenues supporting this issue of Certificates and has lawfully exercised said powers under the Constitution and laws of the State of Texas, including said power existing under Subchapter C of Chapter 271 of the Texas Local Government Code, as amended, and Texas Government Code, Chapter 1502, as amended.

(ii) That other than for the payment of the outstanding Prior Lien Obligations, the “City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2008”, dated February 1, 2008, the “City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2009”, dated December 1, 2009, the “City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Taxable Series 2010”, dated May 15, 2010, the “City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2012”, dated August 1, 2012, “City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2017, dated March 15, 2017 and the Certificates, the Net Revenues are not in any manner pledged to the payment of any debt or obligation of the City or of the System.

(iii) That, as long as any Certificates or any interest thereon remain Outstanding and the limited pledge of the surplus Net Revenues has not been fully satisfied, the City will not sell, lease, or encumber the System or any substantial part thereof, provided that this covenant shall not be construed to prohibit the sale of such machinery or other properties or equipment which has become obsolete or otherwise unsuited to the efficient operation of the System.

(iv) The City recognizes that the purchasers and owners of the Certificates will have accepted them on, and paid therefor a price which reflects, the understanding that interest thereon is excludable from federal income taxation under laws in force at the time

the Certificates shall have been delivered. In this connection the City covenants to take no action or fail to take any action, which action or failure to act may render the interest on any of such Certificates subject to federal income taxation, particularly pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), nor shall the City take any action or fail to take any action, which action or failure to act, would have the effect of causing the income derived by the City from the System to become subject to federal income taxation in the hands of the City, whether or not provision shall have been made for the payment of such Certificates.

SECTION 19: Issuance of Prior Lien Obligations and Additional Certificates. The City hereby expressly reserves the right to hereafter issue Prior Lien Obligations, without limitation as to principal amount but subject to any terms, conditions, or restrictions applicable thereto under law or otherwise, and, also reserves the right to issue Additional Certificates payable from and secured by a lien on and pledge of the Net Revenues of equal rank and dignity, and on a parity in all respects, with the lien thereon and pledge thereof securing the payment of the Previously Issued Certificates and the Certificates.

It is the intention of this governing body and accordingly hereby recognized and stipulated that the provisions, agreements, and covenants contained herein bearing upon the management and operations of the System, and the administering and application of revenues derived from the operation thereof, shall to the extent possible be harmonized with like provisions, agreements, and covenants contained in any ordinance authorizing the issuance any Prior Lien Obligations, and to the extent of any irreconcilable conflict between the provisions contained herein and in any ordinance authorizing the issuance of any Prior Lien Obligations, the provisions, agreements, and covenants contained therein shall prevail to the extent of such conflict and be applicable to this Ordinance but in all respects subject to the priority of rights and benefits, if any, conferred thereby to the holders of any Prior Lien Obligations.

SECTION 20: Sale of the Certificates – Official Statement Approval. Pursuant to a public sale for the Certificates, the bid submitted by _____ (herein referred to as the "Purchasers") is declared to be the best bid received producing the lowest true interest cost rate to the City, and the sale of the Certificates to said Purchaser at the price of par plus a cash premium of \$_____ is hereby determined to be in the best interests of the City and is approved and confirmed. Delivery of the Certificates to the Purchasers shall occur as soon as possible upon payment being made therefor in accordance with the terms of sale. The Initial Certificate shall be registered as provided in the winning bid.

Furthermore, the use of the Preliminary Official Statement by the Purchasers in connection with the public offering and sale of the Certificates is hereby ratified, confirmed and approved in all respects. The final Official Statement, which reflects the terms of sale (together with such changes approved by the Mayor, Mayor Pro Tem, City Manager or Chief Financial Officer, individually or collectively), shall be and is hereby in all respects approved, and the Purchasers are hereby authorized to use and distribute said final Official Statement, dated October 28, 2019 in the reoffering, sale and delivery of the Certificates to the public. The Mayor, Mayor Pro Tem, and City Secretary are further authorized and directed to manually execute and deliver for and on behalf of the City copies of said Official Statement in final form as may be required by the Purchasers, and such final Official Statement in the form and content manually executed by said

officials shall be deemed to be approved by the City Council and constitute the Official Statement authorized for distribution and use by the Purchasers.

SECTION 21: Proceeds of Sale. The proceeds of sale of the Certificates, less amounts to pay costs of issuance shall be deposited in a construction fund maintained at a City depository bank. Pending expenditure for authorized projects and purposes, such proceeds of sale may be invested in authorized investments and any investment earnings realized may be expended for such authorized projects and purposes or deposited in the Certificate Fund as shall be determined by the City Council. Any investment earnings remaining after completion of all authorized projects or purposes shall be deposited to the credit of the Certificate Fund. Any surplus proceeds of sale may be deposited to the Certificate Fund or used for other authorized purposes specified in Section 1 hereof.

SECTION 22: Cancellation. All Certificates surrendered for payment, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly canceled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already canceled, shall be promptly canceled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Certificates previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Certificates so delivered shall be promptly canceled by the Paying Agent/Registrar. All canceled Certificates held by the Paying Agent/Registrar shall be returned to the City.

SECTION 23: Mutilated, Destroyed, Lost, and Stolen Certificates. If (a) any mutilated Certificate is surrendered to the Paying Agent/Registrar, or the City and the Paying Agent/Registrar receive evidence to their satisfaction of the destruction, loss, or theft of any Certificate, and (b) there is delivered to the City and the Paying Agent/Registrar such security or indemnity as may be required to save each of them harmless, then, in the absence of notice to the City or the Paying Agent/Registrar that such Certificate has been acquired by a bona fide purchaser, the City shall execute and, upon its request, the Paying Agent/Registrar shall register and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost, or stolen Certificate, a new Certificate of the same Stated Maturity and of like tenor and principal amount, bearing a number not contemporaneously outstanding.

In case any such mutilated, destroyed, lost, or stolen Certificate has become or is about to become due and payable, the City in its discretion may, instead of issuing a new Certificate, pay such Certificate.

Upon the issuance of any new Certificate under this Section, the City may require payment by the Holder of a sum sufficient to cover any tax or other governmental charge imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent/Registrar) connected therewith.

Every new Certificate issued pursuant to this Section in lieu of any mutilated, destroyed, lost, or stolen Certificate shall constitute a replacement of the prior obligation of the City, whether or not the mutilated, destroyed, lost, or stolen Certificate shall be at any time enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Certificates.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost, or stolen Certificates.

SECTION 24: Covenants to Maintain Tax Exempt Status of Interest on the Certificates.

(a) Definitions. When used in this Section, the following terms shall have the following meanings:

“Closing Date” means the date on which the Certificates are first authenticated and delivered to the initial purchaser against payment therefor.

“Code” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“Computation Date” has the meaning set forth in Section 1.148 1(b) of the Regulations.

“Gross Proceeds” means any proceeds as defined in Section 1.148 1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148 1(c) of the Regulations, of the Certificates.

“Investment” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Nonpurpose Investment” means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Certificates are invested and which is not acquired to carry out the governmental purposes of the Certificates.

“Rebate Amount” has the meaning set forth in Section 1.148 1(b) of the Regulations.

“Regulations” means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Certificates. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“Yield” of

(1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations; and

(2) the Certificates has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition,

construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Certificate to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Certificate, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Certificates:

(1) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Certificates, and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Certificates or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds, other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Certificates to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be "loaned" to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take or pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Certificates directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Certificates.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Certificates to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038 G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(1) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six (6) years after the day on which the last outstanding Certificate is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Certificates with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(2) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Certificates until six years after the final Computation Date.

(3) As additional consideration for the purchase of the Certificates by the Purchaser and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall pay to the United States out of its general fund, or appropriate fund, or, if permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the Certificate Fund, the amount that when added to the future value of previous rebate payments made for the Certificates equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(4) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the

error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148 3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Certificates, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Certificates not been relevant to either party.

(j) Elections. The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Manager and Chief Financial Officer, either or any combination of them, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Certificates, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document.

(k) Qualified Tax-Exempt Obligations. In accordance with the provisions of paragraph (3) of subsection (b) of Section 265 of the Code, the City hereby designates the Certificates to be "qualified tax-exempt obligations" in that the Certificates are not "private activity bonds" as defined in the Code and the reasonably anticipated amount of "qualified tax exempt obligations" to be issued by the City (including all subordinate entities of the City) for the calendar year 2019 will not exceed \$10,000,000.

SECTION 25: Satisfaction of Obligations of City. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Certificates, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied under this Ordinance and the lien on and pledge of the Net Revenues (to the extent such limited pledge of Net Revenues shall not have been discharged or terminated by prior payment of principal of or interest on the Certificates) and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.

Certificates, or any principal amount(s) thereof, shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (a) money sufficient to pay in full such Certificates or the principal amount(s) thereof at maturity, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (b) Government Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities have been certified by an independent accounting firm to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Certificates, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof. The City covenants that no deposit of moneys or Government Securities will be made under this Section and no use made of any such deposit which would cause the Certificates to be treated as "arbitrage bonds" within the meaning of Section 148 of the Code or regulations adopted pursuant thereto.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Certificates, or any principal amount(s) thereof, or interest thereon with respect to which such moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Certificates and remaining unclaimed for a period of three (3) years after the Stated Maturity of the Certificates for which such moneys were deposited and are held in trust to pay, shall upon the request of the City be remitted to the City against a written receipt therefor. Notwithstanding the above and foregoing, any remittance of funds from the Paying Agent/Registrar to the City shall be subject to any applicable unclaimed property laws of the State of Texas.

The term "Government Securities", as used herein, means (i) direct noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations unconditionally guaranteed or insured by the agency or instrumentality and on the date of their acquisition or purchase by the City are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent and (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Certificates under the then applicable laws of the State of Texas.

SECTION 26: Ordinance a Contract – Amendments. This Ordinance shall constitute a contract with the Holders from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Certificate remains Outstanding except as permitted in this Section. The City, may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the written consent of Holders owning a majority in aggregate principal amount of the Certificates then Outstanding affected thereby, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Holders of Outstanding Certificates, no such amendment, addition, or rescission shall (a) extend the time or times of payment of the principal of, premium, if any, and interest on the Certificates, reduce the principal amount thereof, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Certificates, (b) give any preference to any Certificate over any other Certificate, or (c) reduce the aggregate principal amount of Certificates required to be held by Holders for consent to any such amendment, addition, or rescission.

SECTION 27: Control and Custody of Certificates. The Mayor or Mayor Pro Tem of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending investigation by the Attorney General of the State of Texas, including the printing and supply of definitive Certificates, and shall take and have charge and control of the Initial Certificate

pending the approval thereof by the Attorney General, the registration thereof by the Comptroller of Public Accounts, and the delivery thereof to the Purchaser.

Furthermore, the Mayor, Mayor Pro Tem, the City Secretary, the City Manager and the Chief Financial Officer of the City, any one or more of said officials, are hereby authorized and directed to furnish and execute such documents relating to the City and its financial affairs as may be necessary for the issuance of the Certificates, the approval of the Attorney General, and their registration by the Comptroller of Public Accounts and, together with the City's financial advisor, bond counsel, and the Paying Agent/Registrar, make the necessary arrangements for the delivery of the Initial Certificate to the Purchaser and the initial exchange thereof for definitive Certificates.

SECTION 28: Bond Counsel's Opinion. The Purchaser's obligation to accept delivery of the Certificates is subject to being furnished a final opinion of Norton Rose Fulbright US LLP, Dallas, Texas, Bond Counsel to the City, approving such Certificates as to their validity, said opinion to be dated and delivered as of the date of delivery and payment for such Certificates. An executed counterpart of said opinion shall accompany the global certificates deposited with The Depository Trust Company or a reproduction thereof shall be printed on the definitive Certificates in the event the book-entry-only system shall be discontinued.

SECTION 29: CUSIP Numbers. CUSIP numbers may be printed or typed on the definitive Certificates. It is expressly provided, however, that the presence or absence of CUSIP numbers on the definitive Certificates shall be of no significance or effect as regards the legality thereof and neither the City nor the attorneys approving said Certificates as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Certificates.

SECTION 30: Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar, and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof, this Ordinance and all its provisions being intended to be and being for the sole and exclusive benefit of the City, the Paying Agent/Registrar, and the Holders.

SECTION 31: Inconsistent Provisions. All ordinances, orders, or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

SECTION 32: 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 33: Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

SECTION 34: 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 or 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 35: Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551 of the Texas Government Code, as amended.

SECTION 36: Continuing Disclosure Undertaking.

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

“Financial Obligation” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) 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 Board.

“Rule” means SEC Rule 15c2 12, as amended from time to time.

“SEC” means the United States Securities and Exchange Commission.

(b) Annual Reports. The City shall provide annually to the MSRB: (1) within six months after the end of each fiscal year, beginning in or after 2019, financial information and operating data with respect to the City of the general type included under Tables numbered 1 through 6 and 8 through 15 of the Official Statement and (2) within twelve months after the end of each fiscal year ending in or after 2019, and if not provided as part of such financial information and operating data, audited financial statements of the City. Any financial statements so provided shall be prepared in accordance with the accounting principles described in Appendix B of the Official Statement hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided.

If the City 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 City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document available to the public on the MSRB’s internet web site or filed with the SEC.

(c) Notice of Certain Events. The City shall provide notice of any of the following events with respect to the Certificates to the MSRB in a timely manner and not more than ten (10) business days after occurrence of the event:

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 Certificates, or other material events affecting the tax status of the Certificates;
7. Modifications to rights of holders of the Certificates, if material;
8. Certificate calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Certificates, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of 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; and
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material.
15. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, 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 City, any of which reflect financial difficulties.

For these purposes, (a) any event described in item 12 of the immediately preceding paragraph is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers 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 City and (b) the City intends the words used in the immediately preceding items 15 and 16 of the immediately preceding paragraph in this Section to have the meanings ascribed to them in SEC Release No. 34-83885, dated August 20, 2018.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Section 36(b) of this Ordinance by the time required by such Section.

(d) Filings with the MSRB. All financial information, operating data, financial statements, notices, and other documents provided to the MSRB in accordance with this Section shall be provided in an electronic format prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

(e) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Certificates within the meaning of the Rule, except that the City in any event will give the notice required by Section 36(c) of any Certificate calls and defeasance that cause the City to be no longer such an “obligated person.”

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Certificates, 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 City 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 City’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 City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, 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.

No default by the City in observing or performing its obligations under this Section shall constitute 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 City under federal and state securities laws.

Notwithstanding anything to the contrary in this Ordinance, the provisions of this Section may be amended by the City from time to time to adapt to changed circumstances resulting from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates

in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders 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 Certificates consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Certificates. The provisions of this Section may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent underwriters of the initial public offering of the Certificates from lawfully purchasing or selling Certificates in such offering. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with Section 36(b) an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

SECTION 37: Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer and City Secretary are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance of the Certificates. In addition, prior to the initial delivery of the Bonds, the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer or Bond Counsel to the City are each hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the documents authorized and approved by this Ordinance: (i) in order to cure any ambiguity, formal defect, or omission in the Ordinance or such other document; or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Certificates by the Attorney General and if such officer or counsel determines that such changes are consistent with the intent and purpose of the Ordinance, which determination shall be final. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 38: Incorporation of Findings and Determinations. The findings and determinations of the City Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

SECTION 39: Effective Date. This Ordinance shall take effect and be in full force immediately from and after its adoption on the date hereof in accordance with the provisions of Texas Government Code, Section 1201.028, as amended.

[Remainder of page intentionally left blank]

PASSED AND APPROVED, this the 28th day of October, 2019.

CITY OF TEXARKANA, TEXAS

Mayor

ATTEST:

City Secretary

(City Seal)

Attachment: 2019-105 ORD Sale of CO's Series 2019 (2170 : 2019-105 ORD Authorizing Issuance of Certificates of Obligation)

EXHIBIT A
PAYING AGENT/REGISTRAR AGREEMENT

Attachment: 2019-105 ORD Sale of CO's Series 2019 (2170 : 2019-105 ORD Authorizing Issuance of Certificates of Obligation)

PAYING AGENT/REGISTRAR AGREEMENT

THIS AGREEMENT is entered into as of October 28, 2019 (this "Agreement"), by and between U. S. Bank National Association, a banking association duly organized and existing under the laws of the United States of America, or its successors (the "Bank") and the City of Texarkana, Texas (the "Issuer"),

RECITALS

WHEREAS, the Issuer has duly authorized and provided for the issuance of its "City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2019" (the "Securities"), dated November 1, 2019, such Securities scheduled to be delivered to the initial purchasers thereof on or about November 26, 2019; and

WHEREAS, the Issuer has selected the Bank to serve as Paying Agent/Registrar in connection with the payment of the principal of, premium, if any, and interest on said Securities and with respect to the registration, transfer and exchange thereof by the registered owners thereof; and

WHEREAS, the Bank has agreed to serve in such capacities for and on behalf of the Issuer and has full power and authority to perform and serve as Paying Agent/Registrar for the Securities;

NOW, THEREFORE, it is mutually agreed as follows:

ARTICLE ONE APPOINTMENT OF BANK AS PAYING AGENT AND REGISTRAR

Section 1.01 Appointment. The Issuer hereby appoints the Bank to serve as Paying Agent with respect to the Securities, and, as Paying Agent for the Securities, the Bank shall be responsible for paying on behalf of the Issuer the principal, premium (if any), and interest on the Securities as the same become due and payable to the registered owners thereof; all in accordance with this Agreement and the "Authorizing Document" (hereinafter defined). The Issuer hereby appoints the Bank as Registrar with respect to the Securities and, as Registrar for the Securities, the Bank shall keep and maintain for and on behalf of the Issuer books and records as to the ownership of said Securities and with respect to the transfer and exchange thereof as provided herein and in the Authorizing Document.

The Bank hereby accepts its appointment, and agrees to serve as the Paying Agent and Registrar for the Securities.

Section 1.02 Compensation. As compensation for the Bank's services as Paying Agent/Registrar, the Issuer hereby agrees to pay the Bank the fees and amounts set forth in **Annex A** attached hereto; provided however, notwithstanding anything herein or in Annex A to the contrary, the aggregate value of this agreement shall not exceed the dollar limitation set forth in Section 2270.002(a)(2) of the Texas Government Code, as amended.

In addition, the Issuer agrees to reimburse the Bank upon its request for all reasonable expenses, disbursements and advances incurred or made by the Bank in accordance with any of the provisions hereof (including the reasonable compensation and the expenses and disbursements of its agents and counsel).

ARTICLE TWO DEFINITIONS

Section 2.01 Definitions. For all purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires:

“Acceleration Date” on any Security means the date, if any, on and after which the principal or any or all installments of interest, or both, are due and payable on any Security which has become accelerated pursuant to the terms of the Security.

“Authorizing Document” means the resolution, order, or ordinance of the governing body of the Issuer pursuant to which the Securities are issued, as the same may be amended or modified, including any pricing certificate related thereto, certified by the secretary or any other officer of the Issuer and delivered to the Bank.

“Bank Office” means the designated office of the Bank at the address shown in Section 3.01 hereof. The Bank will notify the Issuer in writing of any change in location of the Bank Office.

“Holder” and “Security Holder” each means the Person in whose name a Security is registered in the Security Register.

“Person” means any individual, corporation, partnership, joint venture, association, joint stock company, trust, unincorporated organization or government or any agency or political subdivision of a government.

“Predecessor Securities” of any particular Security means every previous Security evidencing all or a portion of the same obligation as that evidenced by such particular Security (and, for the purposes of this definition, any mutilated, lost, destroyed, or stolen Security for which a replacement Security has been registered and delivered in lieu thereof pursuant to Section 4.06 hereof and the Authorizing Document).

“Redemption Date”, when used with respect to any Security to be redeemed, means the date fixed for such redemption pursuant to the terms of the Authorizing Document.

“Responsible Officer”, when used with respect to the Bank, means the Chairman or Vice-Chairman of the Board of Directors, the Chairman or Vice-Chairman of the Executive Committee of the Board of Directors, the President, any Vice President, the Secretary, any Assistant Secretary, the Treasurer, any Assistant Treasurer, the Cashier, any Assistant Cashier, any Trust Officer or Assistant Trust Officer, or any other officer of the Bank customarily performing functions similar to those performed by any of the above designated officers and also means, with respect to a particular corporate trust matter, any other officer to whom such matter is referred because of his knowledge of and familiarity with the particular subject.

“Security Register” means a register maintained by the Bank on behalf of the Issuer providing for the registration and transfers of Securities.

“Stated Maturity” means the date specified in the Authorizing Document the principal of a Security is scheduled to be due and payable.

Section 2.02 Other Definitions. The terms “Bank,” “Issuer,” and “Securities (Security)” have the meanings assigned to them in the recital paragraphs of this Agreement.

The term “Paying Agent/Registrar” refers to the Bank in the performance of the duties and functions of this Agreement.

ARTICLE THREE PAYING AGENT

Section 3.01 Duties of Paying Agent. As Paying Agent, the Bank shall pay, provided adequate collected funds have been provided to it for such purpose by or on behalf of the Issuer, on behalf of the Issuer the principal of each Security at its Stated Maturity, Redemption Date or Acceleration Date, to the Holder upon surrender of the Security to the Bank at the following address:

U.S. Bank National Association
Attention: Bond Operations
111 Fillmore Avenue East
St. Paul, Minnesota 55107-1402

As Paying Agent, the Bank shall, provided adequate collected funds have been provided to it for such purpose by or on behalf of the Issuer, pay on behalf of the Issuer the interest on each Security when due, by computing the amount of interest to be paid each Holder and making payment thereof to the Holders of the Securities (or their Predecessor Securities) on the Record Date (as defined in the Authorizing Document). All payments of principal and/or interest on the Securities to the registered owners shall be accomplished (1) by the issuance of checks, payable to the registered owners, drawn on the paying agent account provided in Section 5.05 hereof, sent by United States mail, first class postage prepaid, to the address appearing on the Security Register or (2) by such other method, acceptable to the Bank, requested in writing by the Holder at the Holder's risk and expense.

Section 3.02 Payment Dates. The Issuer hereby instructs the Bank to pay the principal of and interest on the Securities on the dates specified in the Authorizing Document.

ARTICLE FOUR REGISTRAR

Section 4.01 Security Register - Transfers and Exchanges. The Bank agrees to keep and maintain for and on behalf of the Issuer at the Bank Office books and records (herein sometimes referred to as the “Security Register”) for recording the names and addresses of the Holders of the Securities, the transfer, exchange and replacement of the Securities and the payment of the principal of and interest on the Securities to the Holders and containing such other information as may be reasonably required by the Issuer and subject to such reasonable regulations as the Issuer and the Bank may prescribe. The Bank represents and warrants that it will at all times have immediate access to the Security Register by electronic or other means and

will be capable at all times of producing a hard copy of the Security Register for use by the Issuer. All transfers, exchanges and replacements of Securities shall be noted in the Security Register.

Every Security surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, the signature on which has been guaranteed by an officer of a federal or state bank or a member of the Financial Industry Regulatory Authority, such written instrument to be in a form satisfactory to the Bank and duly executed by the Holder thereof or his agent duly authorized in writing.

The Bank may request any supporting documentation it feels necessary to effect a re-registration, transfer or exchange of the Securities.

To the extent possible and under reasonable circumstances, the Bank agrees that, in relation to an exchange or transfer of Securities, the exchange or transfer by the Holders thereof will be completed and new Securities delivered to the Holder or the assignee of the Holder in not more than three (3) business days after the receipt of the Securities to be cancelled in an exchange or transfer and the written instrument of transfer or request for exchange duly executed by the Holder, or his duly authorized agent, in form and manner satisfactory to the Paying Agent/Registrar.

Section 4.02 Securities. The Issuer shall provide additional Securities when needed to facilitate transfers or exchanges thereof. The Bank covenants that such additional Securities, if and when provided, will be kept in safekeeping pending their use and reasonable care will be exercised by the Bank in maintaining such Securities in safekeeping, which shall be not less than the care maintained by the Bank for debt securities of other governments or corporations for which it serves as registrar, or that is maintained for its own securities.

Section 4.03 Form of Security Register. The Bank, as Registrar, will maintain the Security Register relating to the registration, payment, transfer and exchange of the Securities in accordance with the Bank's general practices and procedures in effect from time to time. The Bank shall not be obligated to maintain such Security Register in any form other than those which the Bank has currently available and currently utilizes at the time.

The Security Register may be maintained in written form or in any other form capable of being converted into written form within a reasonable time.

Section 4.04 List of Security Holders. The Bank will provide the Issuer at any time requested by the Issuer, upon payment of the required fee, a copy of the information contained in the Security Register. The Issuer may also inspect the information contained in the Security Register at any time the Bank is customarily open for business, provided that reasonable time is allowed the Bank to provide an up-to-date listing or to convert the information into written form.

The Bank will not release or disclose the contents of the Security Register to any person other than to, or at the written request of, an authorized officer or employee of the Issuer, except upon receipt of a court order or as otherwise required by law. Upon receipt of a court order and prior to the release or disclosure of the contents of the Security Register, the Bank will notify the Issuer so that the Issuer may contest the court order or such release or disclosure of the contents of the Security Register.

Section 4.05 Return of Cancelled Securities. The Bank will, at such reasonable intervals as it determines, surrender to the Issuer, all Securities in lieu of which or in exchange for which other Securities have been issued, or which have been paid.

Section 4.06 Mutilated, Destroyed, Lost or Stolen Securities. The Issuer hereby instructs the Bank, subject to the provisions of the Authorizing Document, to deliver and issue Securities in exchange for or in lieu of mutilated, destroyed, lost, or stolen Securities as long as the same does not result in an overissuance.

In case any Security shall be mutilated, destroyed, lost or stolen, the Bank may execute and deliver a replacement Security of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Security, or in lieu of and in substitution for such mutilated, destroyed, lost or stolen Security, only upon the approval of the Issuer and after (i) the filing by the Holder thereof with the Bank of evidence satisfactory to the Bank of the destruction, loss or theft of such Security, and of the authenticity of the ownership thereof and (ii) the furnishing to the Bank of indemnification in an amount satisfactory to hold the Issuer and the Bank harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Security shall be borne by the Holder of the Security mutilated, destroyed, lost or stolen.

Section 4.07 Transaction Information to Issuer. The Bank will, within a reasonable time after receipt of written request from the Issuer, furnish the Issuer information as to the Securities it has paid pursuant to Section 3.01, Securities it has delivered upon the transfer or exchange of any Securities pursuant to Section 4.01, and Securities it has delivered in exchange for or in lieu of mutilated, destroyed, lost, or stolen Securities pursuant to Section 4.06.

ARTICLE FIVE THE BANK

Section 5.01 Duties of Bank. The Bank undertakes to perform the duties set forth herein and agrees to use reasonable care in the performance thereof.

Section 5.02 Reliance on Documents, Etc.

(a) The Bank may conclusively rely, as to the truth of the statements and correctness of the opinions expressed therein, on certificates or opinions furnished to the Bank.

(b) The Bank shall not be liable for any error of judgment made in good faith by a Responsible Officer, unless it shall be proved that the Bank was negligent in ascertaining the pertinent facts.

(c) No provisions of this Agreement shall require the Bank to expend or risk its own funds or otherwise incur any financial liability for performance of any of its duties hereunder, or in the exercise of any of its rights or powers, if it shall have reasonable grounds for believing that repayment of such funds or adequate indemnity satisfactory to it against such risks or liability is not assured to it.

(d) The Bank may rely and shall be protected in acting or refraining from acting upon any resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, bond, note, security or other paper or document believed by it to be genuine and to have been signed or presented by the proper party or parties. Without limiting the generality

of the foregoing statement, the Bank need not examine the ownership of any Securities, but is protected in acting upon receipt of Securities containing an endorsement or instruction of transfer or power of transfer which appears on its face to be signed by the Holder or an agent of the Holder. The Bank shall not be bound to make any investigation into the facts or matters stated in a resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, bond, note, security or other paper or document supplied by the Issuer.

(e) The Bank may consult with counsel, and the written advice of such counsel or any opinion of counsel shall be full and complete authorization and protection with respect to any action taken, suffered, or omitted by it hereunder in good faith and in reliance thereon.

(f) The Bank may exercise any of the powers hereunder and perform any duties hereunder either directly or by or through agents or attorneys of the Bank.

(g) The Bank is also authorized to transfer funds relating to the closing and initial delivery of the Securities in the manner disclosed in the closing memorandum or letter as prepared by the Issuer, Issuer's financial advisor or other agent. The Bank may act on a facsimile or e-mail transmission of the closing memorandum or letter acknowledged by the Issuer, the Issuer's financial advisor or other agent as the final closing memorandum or letter. The Bank shall not be liable for any losses, costs or expenses arising directly or indirectly from the Bank's reliance upon and compliance with such instructions.

Section 5.03 Recitals of Issuer. The recitals contained herein with respect to the Issuer and in the Securities shall be taken as the statements of the Issuer, and the Bank assumes no responsibility for their correctness.

The Bank shall in no event be liable to the Issuer, any Holder or Holders of any Security, or any other Person for any amount due on any Security from its own funds.

Section 5.04 May Hold Securities. The Bank, in its individual or any other capacity, may become the owner or pledgee of Securities and may otherwise deal with the Issuer with the same rights it would have if it were not the Paying Agent/Registrar, or any other agent.

Section 5.05 Moneys Held by Bank - Paying Agent Account/Collateralization. A paying agent account shall at all times be kept and maintained by the Bank for the receipt, safekeeping, and disbursement of moneys received from the Issuer under this Agreement for the payment of the Securities, and money deposited to the credit of such account until paid to the Holders of the Securities shall be continuously collateralized by securities or obligations which qualify and are eligible under both the laws of the State of Texas and the laws of the United States of America to secure and be pledged as collateral for paying agent accounts to the extent such money is not insured by the Federal Deposit Insurance Corporation. Payments made from such paying agent account shall be made by check drawn on such account unless the owner of the Securities shall, at its own expense and risk, request an alternative method of payment.

Subject to the applicable unclaimed property laws of the State of Texas, any money deposited with the Bank for the payment of the principal of, premium (if any), or interest on any Security and remaining unclaimed for three years after final maturity of the Security has become due and payable will be held by the Bank and disposed of only in accordance with Title 6 of the Texas Property Code, as amended. The Bank shall have no liability by virtue of actions taken in compliance with this provision.

The Bank is not obligated to pay interest on any money received by it under this Agreement.

This Agreement relates solely to money deposited for the purposes described herein, and the parties agree that the Bank may serve as depository for other funds of the Issuer, act as trustee under indentures authorizing other bond transactions of the Issuer, or act in any other capacity not in conflict with its duties hereunder.

Section 5.06 Indemnification. To the extent permitted by law, the Issuer agrees to indemnify the Bank for, and hold it harmless against, any loss, liability, or expense incurred without negligence or bad faith on its part, arising out of or in connection with its acceptance or administration of its duties hereunder, including the cost and expense against any claim or liability in connection with the exercise or performance of any of its powers or duties under this Agreement.

Section 5.07 Interpleader. The Issuer and the Bank agree that the Bank may seek adjudication of any adverse claim, demand, or controversy over its person as well as funds on deposit, in either a Federal or State District Court located in the state and county where the administrative office of the Issuer is located, and agree that service of process by certified or registered mail, return receipt requested, to the address referred to in Section 6.03 of this Agreement shall constitute adequate service. The Issuer and the Bank further agree that the Bank has the right to file a Bill of Interpleader in any court of competent jurisdiction in the State of Texas to determine the rights of any Person claiming any interest herein.

Section 5.08 DTC Services. It is hereby represented and warranted that, in the event the Securities are otherwise qualified and accepted for "Depository Trust Company" services or equivalent depository trust services by other organizations, the Bank has the capability and, to the extent within its control, will comply with the "Operational Arrangements", which establishes requirements for securities to be eligible for such type depository trust services, including, but not limited to, requirements for the timeliness of payments and funds availability, transfer turnaround time, and notification of redemptions and calls.

ARTICLE SIX MISCELLANEOUS PROVISIONS

Section 6.01 Amendment. This Agreement may be amended only by an agreement in writing signed by both of the parties hereto.

Section 6.02 Assignment. This Agreement may not be assigned by either party without the prior written consent of the other.

Section 6.03 Notices. Any request, demand, authorization, direction, notice, consent, waiver, or other document provided or permitted hereby to be given or furnished to the Issuer or the Bank shall be mailed or delivered to the Issuer or the Bank, respectively, at the addresses shown on the signature page(s) hereof.

Section 6.04 Effect of Headings. The Article and Section headings herein are for convenience of reference only and shall not affect the construction hereof.

Section 6.05 Successors and Assigns. All covenants and agreements herein by the Issuer shall bind its successors and assigns, whether so expressed or not.

Section 6.06 Severability. In case any provision herein shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Section 6.07 Merger, Conversion, Consolidation, or Succession. Any corporation or association into which the Bank may be merged or converted or with which it may be consolidated, or any corporation or association resulting from any merger, conversion, or consolidation to which the Bank shall be a party, or any corporation or association succeeding to all or substantially all of the corporate trust business of the Bank shall be the successor of the Bank as Paying Agent under this Agreement without the execution or filing of any paper or any further act on the part of either parties hereto.

Section 6.08 Benefits of Agreement. Nothing herein, express or implied, shall give to any Person, other than the parties hereto and their successors hereunder, any benefit or any legal or equitable right, remedy, or claim hereunder.

Section 6.09 Entire Agreement. This Agreement and the Authorizing Document constitute the entire agreement between the parties hereto relative to the Bank acting as Paying Agent/Registrar and if any conflict exists between this Agreement and the Authorizing Document, the Authorizing Document shall govern.

Section 6.10 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which shall constitute one and the same Agreement.

Section 6.11 Termination. This Agreement will terminate (i) on the date of final payment of the principal of and interest on the Securities to the Holders thereof or (ii) may be earlier terminated by either party upon sixty (60) days written notice; provided, however, an early termination of this Agreement by either party shall not be effective until (a) a successor Paying Agent/Registrar has been appointed by the Issuer and such appointment accepted and (b) notice has been given to the Holders of the Securities of the appointment of a successor Paying Agent/Registrar. However, if the Issuer fails to appoint a successor Paying Agent/Registrar within a reasonable time, the Bank may petition a court of competent jurisdiction within the State of Texas to appoint a successor. Furthermore, the Bank and the Issuer mutually agree that the effective date of an early termination of this Agreement shall not occur at any time which would disrupt, delay or otherwise adversely affect the payment of the Securities.

Upon an early termination of this Agreement, the Bank agrees to promptly transfer and deliver the Security Register (or a copy thereof), together with the other pertinent books and records relating to the Securities, to the successor Paying Agent/Registrar designated and appointed by the Issuer.

The provisions of Section 1.02 and of Article Five shall survive and remain in full force and effect following the termination of this Agreement.

Section 6.12 Iran, Sudan or Foreign Terrorist Organizations. The Bank represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website:

<https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>,
<https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or
<https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>.

The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Bank and each of its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The Bank understands “affiliate” to mean any entity that controls, is controlled by, or is under common control with the Bank and exists to make a profit.

Section 6.13 Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Texas.

[Remainder of page left blank intentionally.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

U. S. BANK NATIONAL ASSOCIATION

By: _____

Title: _____

Address: 13737 Noel Road, Suite 800
Dallas, Texas 75240

ATTEST:

By: _____

Title: _____

Attachment: 2019-105 EXH 'A' (2170 : 2019-105 ORD Authorizing Issuance of Certificates of Obligation)

CITY OF TEXARKANA, TEXAS

By: _____
Mayor

Address: 220 Texas Boulevard
Texarkana, Texas 75501

Attest:

City Secretary

Attachment: 2019-105 EXH 'A' (2170 : 2019-105 ORD Authorizing Issuance of Certificates of Obligation)

ANNEX A

Attachment: 2019-105 EXH 'A' (2170 : 2019-105 ORD Authorizing Issuance of Certificates of Obligation)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☒ Promote an Environmentally Sensitive & Livable Community ☒ Provide a Safe Community ☒ Deliver Quality Services ☒ Foster a Healthy Community
Run the Operations	☒ Enhance Community Preparedness & Responsiveness ☒ Maximize Partnership Opportunities ☒ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☒ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☒ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☒ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: High

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☒ Newspaper Notice (Required by Statute)	☐ Public Hearing (Required by Statute)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website Notice
☐ Social Media (Twitter, Facebook, etc.)	☐ Special Mailing
☐ Flyers Posted	☐ Banners Posted
☐ Survey	☐ Automated Phone Call
☐ None Required	☐

Other:

ORDINANCE NO. 2019-105

AN ORDINANCE authorizing the issuance of "CITY OF TEXARKANA, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019"; providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the surplus net revenues derived from the operation of the City's Waterworks and Sanitary Sewer System; providing the terms and conditions of such certificates of obligation and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates of obligation, including the approval and execution of a Paying Agent/Registrar Agreement and the approval and distribution of an Official Statement pertaining thereto; and providing an effective date.

WHEREAS, the City Council of the City of Texarkana, Texas has heretofore determined that certificates of obligation should be issued in the maximum principal amount not to exceed \$7,200,000 for the purpose of paying contractual obligations to be incurred for (i) constructing, improving and equipping public safety facilities, (ii) street and bridge improvements, including landscaping, drainage, curbs, gutters, medians, sidewalks, signage, lighting and traffic signalization incidental thereto, the relocation of utilities affected by such street improvements and the acquisition of land and rights-of-way therefor and (iii) professional services rendered in relation to such projects and the financing thereof;

WHEREAS, a "Notice of Intention to Issue City of Texarkana, Texas, Certificates of Obligation" was (a) duly published in the *Texarkana Gazette*, a newspaper of general circulation in the City of Texarkana, Texas, on September 12, 2019, and September 19, 2019, the date of the first publication of such notice being not less than forty-six (46) days prior to the tentative date stated therein for the passage and adoption of this Ordinance; (b) duly published continuously on the City's website for at least forty-five (45) days before the tentative date stated therein for the passage of this Ordinance; and

WHEREAS, no petition protesting the issuance of the certificates of obligation described in the aforesaid notice, signed by at least 5% of the qualified voters of the City, has been presented to or filed with the City Secretary on or prior to the date of the passage of this Ordinance; and

WHEREAS, the City Council hereby finds and determines that \$_____ in total principal amount of the certificates of obligation described in such notice should be authorized at this time; now, therefore,

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

SECTION 1: Authorization, Designation, Principal Amount, Purpose. Certificates of obligation of the City shall be and are hereby authorized to be issued in the aggregate principal amount of \$_____, to be designated and bear the title "CITY OF TEXARKANA, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES

2019" (hereinafter referred to as the "Certificates"), for the purpose of paying contractual obligations to be incurred for (i) constructing, improving and equipping public safety facilities, (ii) street and bridge improvements, including landscaping, drainage, curbs, gutters, medians, sidewalks, signage, lighting and traffic signalization incidental thereto, the relocation of utilities affected by such street improvements and the acquisition of land and rights-of-way therefor and (iii) professional services rendered in relation to such projects and the financing thereof, pursuant to authority conferred by, and in conformity with, the Constitution and laws of the State of Texas, including Texas Local Government Code, Subchapter C of Chapter 271, as amended.

SECTION 2: Fully Registered Obligations – Authorized Denominations – Stated Maturities – Interest Rates – Date. The Certificates are issuable in fully registered form only; shall be dated November 1, 2019 (the "Certificate Date"); and shall be in denominations of \$5,000 or any integral multiple thereof, and the Certificates shall become due and payable on February 15 in each of the years and in principal amounts (the "Stated Maturity") and bear interest at the per annum rate(s) in accordance with the following schedule:

<u>Year of Stated Maturity</u>	<u>Principal Amount (\$)</u>	<u>Interest Rate (%)</u>
2020		
2021		
2022		
2023		
2024		
2025		
2026		
2027		
2028		
2029		
2030		
2031		
2032		
2033		
2034		

The Certificates shall bear interest on the unpaid principal amount thereof from the date of their delivery to the initial purchasers, anticipated to be November 26, 2019 (the "Delivery Date"), at the per annum rates shown above (calculated on the basis of a 360-day year consisting of twelve 30-day months), and such interest shall be payable on February 15 and August 15 of each year until maturity or prior redemption, commencing February 15, 2020.

SECTION 3: Payment of Certificates – Paying Agent/Registrar. The principal of, premium, if any, and interest on the Certificates, due and payable by reason of maturity, redemption or otherwise, shall be payable, without exchange or collection charges to the registered owner thereof, in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts.

The selection and appointment of U.S. Bank National Association, Dallas, Texas, to serve as Paying Agent/Registrar for the Certificates is hereby approved and confirmed. Books and records (the "Security Register") for the registration, payment, and transfer of the Certificates, shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar all as provided herein, in accordance with the terms and provisions of a "Paying Agent/Registrar Agreement", substantially in the form attached hereto as **Exhibit A** and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe; and the Mayor or Mayor Pro Tem and City Secretary are authorized to execute and deliver such Agreement in connection with the delivery of the Certificates. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Certificates are paid, and any successor Paying Agent/Registrar shall be a commercial bank, trust company, financial institution, or other entity duly qualified and legally authorized to act as and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Certificates, the City agrees to promptly cause a written notice thereof to be sent to each registered owner of the Certificates by United States mail, first class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Principal of and premium, if any, on the Certificates shall be payable at the Stated Maturities or upon prior redemption thereof only upon presentation and surrender of the Certificates to the Paying Agent/Registrar at its designated offices initially in St. Paul, Minnesota, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor, (the "Designated Payment/Transfer Office"). Interest on the Certificates shall be paid to the registered owners of the Certificates (the "Holder" or "Holders") whose name appears in the Security Register at the close of business on the Record Date (the fifteenth (15th) day of the month next preceding the interest payment date) and shall be paid by the Paying Agent/Registrar (i) by check sent by United States mail, first class postage prepaid, to the address of the Holder recorded in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized to be closed, and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a non-payment 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 City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (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 Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

SECTION 4: Redemption.

(a) Optional Redemption. The Certificates having Stated Maturities on and after February 15, 2029, shall be subject to redemption prior to maturity, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on February 15, 2028, or on any date thereafter at the redemption price of par plus accrued interest to the date of redemption.

(b) Exercise of Redemption Option. At least forty-five (45) days prior to an optional redemption date for the Certificates (unless a shorter notification period shall be satisfactory to the Paying Agent/Registrar), the City shall notify the Paying Agent/Registrar of the decision to redeem Certificates, the principal amount of each Stated Maturity to be redeemed, and the date of redemption therefor. The decision of the City to exercise the right to redeem Certificates shall be entered in the minutes of the governing body of the City.

(c) Selection of Certificates for Redemption. If less than all Outstanding Certificates of the same Stated Maturity are to be redeemed on a redemption date, the Paying Agent/Registrar shall treat such Certificates as representing the number of Certificates Outstanding which is obtained by dividing the principal amount of such Certificates by \$5,000 and shall select the Certificates to be redeemed within such Stated Maturity by lot.

(d) Notice of Redemption. Not less than thirty (30) days prior to a redemption date for the Certificates, a notice of redemption shall be sent by United States mail, first class postage prepaid, in the name of the City and at the City's expense, to each Holder of a Certificate to be redeemed in whole or in part at the address of the Holder appearing on the Security Register at the close of business on the business day next preceding the date of mailing such notice, and any notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether or not received by the Holder.

All notices of redemption shall (i) specify the date of redemption for the Certificates, (ii) identify the Certificates to be redeemed and, in the case of a portion of the principal amount to be redeemed, the principal amount thereof to be redeemed, (iii) state the redemption price, (iv) state that the Certificates, or the portion of the principal amount thereof to be redeemed, shall become due and payable on the redemption date specified, and the interest thereon, or on the portion of the principal amount thereof to be redeemed, shall cease to accrue from and after the redemption date, and (v) specify that payment of the redemption price for the Certificates, or the principal amount thereof to be redeemed, shall be made at the principal offices of the Paying Agent/Registrar only upon presentation and surrender thereof by the Holder. If a Certificate is subject by its terms to prior redemption and has been called for redemption and notice of redemption thereof has been duly given as hereinabove provided, such Certificate (or the principal amount thereof to be redeemed) shall become due and payable and interest thereon shall cease to accrue from and after the redemption date therefor; provided moneys sufficient for the payment of such Certificate (or of the principal amount thereof to be redeemed) at the then applicable redemption price are held for the purpose of such payment by the Paying Agent/Registrar.

(e) Conditional Notice of Redemption. With respect to any optional redemption of the Certificates, unless moneys sufficient to pay the principal of and premium, if any, and interest on

the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

SECTION 5: Registration-Transfer-Exchange of Certificates-Predecessor Certificates. A Security Register relating to the registration, payment, and transfer or exchange of the Certificates shall at all times be kept and maintained by the City at the principal offices of the Paying Agent/Registrar, and the Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of each Holder of the Certificates issued under and pursuant to the provisions of this Ordinance. Any Certificate may, in accordance with its terms and the terms hereof, be transferred or exchanged for Certificates of other authorized denominations upon the Security Register by the Holder, in person or by his duly authorized agent, upon surrender of such Certificate to the Paying Agent/Registrar at its principal offices for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon the surrender for transfer of any Certificate (other than the Initial Certificate authorized in Section 8 hereof) at the Designated Payment/Transfer Office of the Paying Agent/Registrar, the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Certificates, executed on behalf of, and furnished by, the City, of authorized denominations and having the same Stated Maturity and of a like aggregate principal amount as the Certificate or Certificates surrendered for transfer.

At the option of the Holder, Certificates may be exchanged for other Certificates of authorized denominations and having the same Stated Maturity, bearing the same rate of interest, and of like aggregate principal amount as the Certificates surrendered for exchange upon surrender of the Certificates to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/Registrar. Whenever any Certificates are so surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Certificates, executed on behalf of, and furnished by the City, to the Holder requesting the exchange.

All Certificates issued upon any transfer or exchange of Certificates shall be delivered at the Designated Payment/Transfer Office of the Paying Agent/Registrar, or sent by United States mail, first class postage prepaid, to the Holder and, upon the registration and delivery thereof, the same shall be valid obligations of the City, evidencing the same obligation to pay, and entitled to the same benefits under this Ordinance, as the Certificates surrendered in such transfer or exchange.

All transfers or exchanges of Certificates pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange

of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Certificates canceled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Certificates," evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Certificate or Certificates registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Certificates" shall include any Certificate registered and delivered pursuant to Section 23 hereof in lieu of a mutilated, lost, destroyed, or stolen Certificate, which shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Certificate.

Neither the City nor the Paying Agent/Registrar shall be required to issue or transfer to an assignee of a Holder any Certificate called for redemption, in whole or in part, within 45 days of the date fixed for the redemption of such Certificate; provided, however, such limitation on transferability shall not be applicable to an exchange by the Holder of the unredeemed balance of a Certificated called for redemption in part.

SECTION 6: Book-Entry-Only Transfers and Transactions. Notwithstanding the provisions contained in Sections 3, 4 and 5 hereof relating to the payment, and transfer/exchange of the Certificates, the City hereby approves and authorizes the use of "Book-Entry-Only" securities clearance, settlement and transfer system provided by The Depository Trust Company ("DTC"), a limited purpose trust company organized under the laws of the State of New York, in accordance with the operational arrangements referenced in the Blanket Issuer Letter of Representations, by and between the City and DTC (the "Depository Agreement").

Pursuant to the Depository Agreement and the rules of DTC, the Certificates shall be deposited with DTC who shall hold said Certificates for its participants (the "DTC Participants"). While the Certificates are held by DTC under the Depository Agreement, the Holder of the Certificates on the Security Register for all purposes, including payment and notices, shall be Cede & Co., as nominee of DTC, notwithstanding the ownership of each actual purchaser or owner of each Certificate (the "Beneficial Owners") being recorded in the records of DTC and DTC Participants.

In the event DTC determines to discontinue serving as securities depository for the Certificates or otherwise ceases to provide book-entry clearance and settlement of securities transactions in general or the City decides to discontinue use of the system of book-entry transfers through DTC, the City covenants and agrees with the Holders of the Certificates to cause Certificates to be printed in definitive form to be issued and delivered to DTC Participants and Beneficial Owners, as the case may be. Thereafter, the Certificates in definitive form shall be assigned, transferred and exchanged on the Security Register maintained by the Paying Agent/Registrar and payment of such Certificates shall be made in accordance with the provisions of Sections 3, 4 and 5 hereof.

SECTION 7: Execution – Registration. The Certificates shall be executed on behalf of the City by the Mayor or Mayor Pro Tem under its seal reproduced or impressed thereon and countersigned by the City Secretary. The signatures of said officers on the Certificates may be manual or facsimile. Certificates bearing the manual or facsimile signatures of said individuals

who are or were the proper officers of the City on the Certificate Date shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals or any of them shall cease to hold such offices prior to the delivery of the Certificates to the initial purchasers, and with respect to Certificates delivered in subsequent exchanges and transfers, all as authorized and provided in Texas Government Code, Chapter 1201, as amended.

No Certificate shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Certificate either a certificate of registration substantially in the form provided in Section 9(c), manually executed by the Comptroller of Public Accounts of the State of Texas or his or her duly authorized agent, or a certificate of registration substantially in the form provided in Section 9(d), manually executed by an authorized officer, employee, or representative of the Paying Agent/Registrar, and either such certificate duly signed upon any Certificate shall be conclusive evidence, and the only evidence, that such Certificate has been duly certified, registered, and delivered.

SECTION 8: Initial Certificate. The Certificates herein authorized shall be initially issued as a single fully registered Certificate in the total principal amount as provided in Section 1 hereof with the principal amount to become due and payable as provided in Section 2 hereof and numbered T-1 (hereinafter referred to as the "Initial Certificate") and the Initial Certificate shall be registered in the name of the initial purchasers or the designee thereof. The Initial Certificate shall be the Certificate submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas, and delivered to the initial purchasers. Any time after the delivery of the Initial Certificate, the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Certificate delivered hereunder and exchange therefor definitive Certificates of authorized denominations, Stated Maturity, principal amounts, and bearing applicable interest rates for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the initial purchasers, or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

SECTION 9: Forms. (a) Forms Generally. The Certificates, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Certificate of Registration of the Paying Agent/Registrar, and the form of Assignment to be printed on the Certificates, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends on any insured Certificates and any reproduction of an opinion of counsel) thereon as may, consistently herewith, be established by the City or be determined by the officers executing such Certificates as evidenced by their execution thereof. Any portion of the text of any Certificate may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Certificate.

The Certificates, including the Initial Certificate, shall be printed, lithographed, photocopied, typewritten, or engraved, or produced in any other similar manner, all as determined by the officers executing such Certificates as evidenced by their execution thereof.

(b) Form of Definitive Certificates.REGISTERED
NO. _____REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF TEXARKANA, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION
SERIES 2019

Certificate Date: November 1, 2019 Interest Rate: _____% Stated Maturity: February 15, 20____ CUSIP No.: _____ Delivery Date: November 26, 2019

Registered Owner:

Principal Amount: DOLLARS

The City of Texarkana (hereinafter referred to as the "City"), a body corporate and municipal corporation in the County of Bowie, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, the Principal Amount hereinabove stated (or so much thereof as shall not have been paid upon prior redemption), on the Stated Maturity date specified above and to pay interest on the unpaid principal amount hereof from the interest payment date next preceding the "Registration Date" of this Certificate appearing below (unless this Certificate bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Certificate is prior to the initial interest payment date in which case it shall bear interest from the Delivery Date) at the per annum rate of interest specified above computed on the basis of a 360-day year consisting of twelve 30-day months; such interest being payable on February 15 and August 15 in each year until maturity or prior redemption, commencing February 15, 2020. Principal installments of this Certificate are payable in the year of maturity to the Registered Owner hereof, upon its presentation and surrender at the Designated Payment/Transfer Office of U.S. Bank National Association, Dallas, Texas, the initial "Paying Agent/Registrar" executing the registration certificate appearing hereon, or its successor; provided, however, while this Certificate is registered to Cede & Co., the payment of principal upon a partial redemption of the principal amount hereof may be accomplished without presentation and surrender of this Certificate. Interest shall be payable to the Registered Owner of this Certificate whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the fifteenth day of the month next preceding the interest payment date hereof, and interest shall be paid by the Paying Agent/Registrar by check sent by United States mail, first class postage prepaid, to the address of the Registered Owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by and at the risk and expense of the Registered Owner. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated

Payment/Transfer 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 which is not such a Saturday, Sunday, legal holiday, or day when 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. All payments of principal of, premium, if any, and interest on this Certificate shall be without exchange or collection charges to the owners hereof and in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts.

This Certificate is one of the series specified in its title issued in the aggregate principal amount of \$ _____ (herein referred to as the "Certificates") for the purpose of paying contractual obligations to be incurred for (i) constructing, improving and equipping public safety facilities, (ii) street and bridge improvements, including landscaping, drainage, curbs, gutters, medians, sidewalks, signage, lighting and traffic signalization incidental thereto, the relocation of utilities affected by such street improvements and the acquisition of land and rights-of-way therefor and (iii) professional services rendered in relation to such projects and the financing thereof, under and in strict conformity with the Constitution and laws of the State of Texas, particularly Texas Local Government Code, Subchapter C of Chapter 271, as amended, and pursuant to an ordinance adopted by the City Council of the City (herein referred to as the "Ordinance").

The Certificates having Stated Maturities on and after February 15, 2029 may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on February 15, 2028, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption.

At least thirty days prior to a redemption date, the City shall cause a written notice of such redemption to be sent by United States Mail, first class postage prepaid, to the registered owners of each Certificate to be redeemed at the address shown on the Security Register and subject to the terms and provisions relating thereto contained in the Ordinance. If a Certificate (or any portion of its principal sum) shall have been duly called for redemption and notice of such redemption duly given, then upon the redemption date such Certificate (or the portion of its principal sum to be redeemed) shall become due and payable, and, if moneys for the payment of the redemption price and the interest accrued on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar, interest shall cease to accrue and be payable from and after the redemption date on the principal amount redeemed.

In the event a portion of the principal amount of a Certificate is to be redeemed and the registered owner is someone other than Cede & Co., payment of the redemption price of such principal amount shall be made to the registered owner only upon presentation and surrender of such Certificate to the Designated Payment/Transfer Office of the Paying Agent/Registrar, and a new Certificate or Certificates of like maturity and interest rate in any authorized denominations provided by the Ordinance for the then unredeemed balance of the principal sum thereof will be issued to the registered owner, without charge. If a Certificate is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer such Certificate to an assignee of the registered owner within 45 days of the redemption date therefor; provided,

however, such limitation on transferability shall not be applicable to an exchange by the registered owner of the unredeemed balance of a Certificate redeemed in part.

With respect to any optional redemption of the Certificates, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

This Certificate is payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City and is additionally payable from and secured by a lien on and limited pledge (not to exceed \$1,000) of the surplus Net Revenues of the City's Waterworks and Sanitary Sewer System (the "System"), such lien and pledge, together with a parity pledge securing the payment of the Previously Issued Certificates, being junior and subordinate to the lien on and pledge of the Net Revenues securing the payment of the Prior Lien Obligations (identified and defined in the Ordinance). In the Ordinance, the City reserves and retains the right to issue Prior Lien Obligations while the Certificates are outstanding without limitation as to principal amount but subject to any terms, conditions, or restrictions as may be applicable thereto under law or otherwise and additional certificates equally and ratably secured with the Certificates by a parity lien on and pledge of the surplus Net Revenues of the System.

Reference is hereby made to the Ordinance, a copy of which is on file at the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all of the provisions of which the Registered Owner by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of this Certificate; the properties constituting the System; the Net Revenues pledged to the payment of the principal of and interest on this Certificate; the nature, extent, and manner of enforcement of the pledge; the terms and conditions relating to the transfer or exchange of this Certificate; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Registered Owners; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which the tax levy and the liens, pledges, charges, and covenants made therein may be discharged at or prior to the maturity of this Certificate, and this Certificate is deemed to be no longer Outstanding thereunder; and for the other terms and provisions thereof. Capitalized terms used herein have the meanings assigned in the Ordinance.

This Certificate, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by the Registered Owner hereof, or his duly authorized agent. When a transfer on the Security Register occurs, one or more new fully registered Certificates of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of

the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, may treat the Registered Owner hereof whose name appears on the Security Register (i) on the Record Date as the owner entitled to the payment of the interest hereon, (ii) on the date of surrender of this Certificate as the owner entitled to the payment of the principal hereof at its Stated Maturity, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of a non-payment 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 City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (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 Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

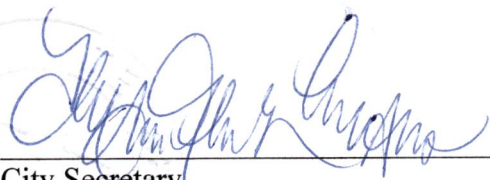
It is hereby certified, recited, represented, and covenanted that the City is a duly organized and legally existing municipal corporation under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Certificates is duly authorized by law; that all acts, conditions, and things required to exist and be done precedent to and in the issuance of the Certificates to render the same lawful and valid obligations of the City have been properly done, have happened, and have been performed in regular and due time, form, and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Certificates do not exceed any constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and interest on the Certificates by the levy of a tax and a limited pledge of and lien on the surplus Net Revenues of the System as aforesated. In case any provision in this Certificate or any application thereof shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions and applications shall not in any way be affected or impaired thereby. The terms and provisions of this Certificate and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Certificate to be duly executed under the official seal of the City as of the Certificate Date.

CITY OF TEXARKANA, TEXAS


 Mayor
 7:09 p.m.

COUNTERSIGNED:


City Secretary

7:09 p.m.

(CITY SEAL)

(c) Form of Registration Certificate of the Comptroller of Public Accounts to appear on Initial Certificate only.

REGISTRATION CERTIFICATE OF
THE COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER	)	
	)	
OF PUBLIC ACCOUNTS	)	REGISTER NO. _____
	)	
THE STATE OF TEXAS	)	

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

WITNESS my signature and seal of office this _____.

Comptroller of Public Accounts
of the State of Texas

(SEAL)

(d) Form of Registration Certificate of Paying Agent/Registrar to appear on Definitive Certificates only.

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Certificate of Obligation has been duly issued and registered under the provisions of the within mentioned Ordinance; the Certificate of Obligation or Certificates of Obligation of the above entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as shown by the records of the Paying Agent/Registrar.

The office of the Paying Agent/Registrar in St. Paul, Minnesota, is the Designated Payment/Transfer Office for this Certificate.

U.S. BANK NATIONAL ASSOCIATION,
Dallas, Texas, Paying Agent/Registrar

By: _____
Authorized Signature

Registered this date:

(e) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print or typewrite name, address, and zip code of transferee:) _____

(Social Security or other identifying number: _____)
the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Certificate on the books kept for registration thereof, with full power of substitution in the premises.

DATED:

Signature guaranteed:

NOTICE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Certificate in every particular.

(f) The Initial Certificate shall be in the form set forth in paragraph (b) of this Section, except that the form of a single fully registered Initial Certificate shall be modified as follows:

The heading and first paragraph shall be amended as follows:

REGISTERED
NO. T-1

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF TEXARKANA, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION

SERIES 2019

Certificate Date: November 1, 2019

Registered Owner: _____

Principal Amount: _____

The City of Texarkana (hereinafter referred to as the "City"), a body corporate and municipal corporation in the County of Bowie, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, the Principal Amount hereinabove stated on February 15 in each of the years and in principal installments in accordance with the following schedule:

YEAR	PRINCIPAL INSTALLMENTS (\$)	INTEREST RATE (%)
_____	_____	_____

(Information to be inserted from schedule in Section 2 hereof).

(or so much thereof as shall not have been prepaid prior to maturity) and to pay interest on the unpaid principal amounts hereof from the Delivery Date at the per annum rate(s) of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 15 and August 15 of each year, commencing February 15, 2020 Principal installments of this Certificate are payable at its Stated Maturity or on a prepayment date to the registered owner hereof by U.S. Bank National Association, Dallas, Texas (the "Paying Agent/Registrar"), upon presentation and surrender, at its designated offices in St. Paul, Minnesota (the "Designated Payment/Transfer Office"). Interest is payable to the registered owner of this Certificate whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the fifteenth (15th) day of the month next preceding each interest payment date hereof and interest shall be paid by the Paying Agent/Registrar by check sent United States mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer 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 which is not such a Saturday, Sunday, legal holiday, or day when 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. All payments of principal of, premium, if any, and interest on this Certificate shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

SECTION 10: Definitions. For purposes of this Ordinance and for clarity with respect to the issuance of the Certificates herein authorized, and the levy of taxes and appropriation of Net

Revenues therefor, the following words or terms, whenever the same appear herein without qualifying language, are defined to mean as follows:

(a) The term “Additional Certificates” shall mean combination tax and revenue certificates of obligation hereafter issued under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended, or any similar law hereafter enacted, and payable from ad valorem taxes and additionally payable from and secured by a lien on and pledge of the surplus Net Revenues on a parity with and of equal dignity with the lien and pledge securing the payment of the Certificates.

(b) The term “Certificates” shall mean the “City of Texarkana, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2019” authorized by this Ordinance.

(c) The term “Certificate Fund” shall mean the special Fund created and established under the provisions of Section 11 of this Ordinance.

(d) The term “Collection Date” shall mean, when reference is being made to the levy and collection of annual ad valorem taxes, the date the annual ad valorem taxes levied each year by the City become delinquent.

(e) The term “Fiscal Year” shall mean the annual financial accounting period used with respect to the System now ending on September 30th of each year; provided, however, the City Council may change, by ordinance duly passed, such annual financial accounting period to end on another date if such change is found and determined to be necessary for accounting purposes and to be consistent with the ordinances authorizing the Prior Lien Obligations.

(f) The term “Maintenance and Operating Expenses” shall mean all current expenses of operating and maintaining the System, including all salaries, labor, materials, repairs and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised, are necessary to maintain the operations and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair obligations payable from Net Revenues shall be deducted in determining “Net Revenues”. Depreciation charges shall not be considered Maintenance and Operating Expenses. Maintenance and Operating Expenses shall include payments under contracts for the purchase of water supply, treatment of sewage or other materials, goods, services, or facilities for the System to the extent authorized by law and the provisions of such contract.

(g) The term “Net Revenues” shall mean, with respect to any period, all income, revenues, and receipts received from the operation and ownership of the System less Maintenance and Operation expenses of the System during such period.

(h) The term “Outstanding” when used in this Ordinance with respect to Certificates means, as of the date of determination, all Certificates theretofore issued and delivered under this Ordinance, except:

(1) those Certificates theretofore canceled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

(2) those Certificates for which payment has been duly provided by the City in accordance with the provisions of Section 25 hereof by the irrevocable deposit with the Paying Agent/Registrar, or an authorized escrow agent, of money or Government Securities, or both, in the amount necessary to fully pay the principal of, premium, if any, and interest thereon to maturity; and

(3) those Certificates that have been mutilated, destroyed, lost, or stolen and for which (i) replacement Certificates have been registered and delivered in lieu thereof or (ii) have been paid, all as provided in Section 23 hereof.

(i) The term “Prior Lien Obligations” shall mean all bonds or other obligations now outstanding and hereafter issued that are payable from and secured by a lien on and pledge of all or any part of the Net Revenues of the System, including but not limited to, the unpaid bonds of the following issues or series designated “City of Texarkana, Texas, Waterworks and Sanitary Sewer System Revenue [Refunding] Bonds,” further identified by Series, Date, and Original Principal Amount as follows:

<u>SERIES</u>	<u>DATE</u>	<u>ORIGINAL PRINCIPAL AMOUNT</u>
2004	January 15, 2004	\$2,500,000
2013	June 15, 2013	\$2,200,000

and (i) all bonds hereafter issued to refund any part of the aforesaid bonds or other obligations listed in this definition if the same are made payable from and secured by a lien on and pledge of the Net Revenues of the System and (ii) any obligations hereafter issued on a parity (insofar as the revenues of the System are concerned) with such Prior Lien Obligations or refunding bonds issued to refund such obligations if the same are made payable from and secured by a lien on and pledge of the Net Revenues of the System which lien is prior and superior in claim, rank, and dignity to the lien and pledge of the Net Revenues securing the payment of the Certificates.

(j) The term “System” shall mean the City’s combined Water and Sanitary Sewer System, including all present and future additions, extensions, replacements, and improvements thereto.

SECTION 11: Certificate Fund. The City covenants that for the purpose of paying the interest on and providing a sinking fund for the payment and retirement of the Certificates, there shall be and is hereby created a special fund to be designated “Special 2019 Combination Tax and Revenue Certificate of Obligation Fund” (the “Certificate Fund”) which Certificate Fund shall be kept and maintained at the City’s depository bank, and moneys deposited in the Certificate Fund shall be used for no other purpose. Authorized officials of the City are hereby authorized and directed to make withdrawals from the Certificate Fund sufficient to pay the principal of and interest on the Certificates as the same become due and payable, and, shall cause to be transferred to the Paying Agent/Registrar from moneys on deposit in the Certificate Fund an amount sufficient to pay the amount of principal and/or interest falling due on the Certificates, such transfer of funds to the Paying Agent/Registrar to be made in such manner as will cause immediately available funds

to be deposited with the Paying Agent/Registrar on or before the last business day next preceding each interest and principal payment date for the Certificates.

Pending the transfer of funds to the Paying Agent/Registrar, money in the Certificate Fund may, at the option of the City, be invested in obligations identified in, and in accordance with the provisions of the City's Investment Policy as the same may be amended from time to time and the "Public Funds Investment Act" (Texas Government Code, Chapter 2256, as amended) relating to the investment of "bond proceeds"; provided that all such investments shall be made in such a manner that the money required to be expended from the Certificate Fund will be available at the proper time or times. All interest and income derived from deposits and investments in said Certificate Fund shall be credited to, and any losses debited to, the said Certificate Fund. All such investments shall be sold promptly when necessary to prevent any default in connection with the Certificates.

SECTION 12: Tax Levy. To provide for the payment of the "Debt Service Requirements" on the Certificates being (i) the interest on said Certificates and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% (whichever amount shall be the greater), there shall be and there is hereby levied, within the limitations prescribed by law, for the current year and each succeeding year thereafter while said Certificates or any interest thereon shall remain Outstanding, a sufficient tax on each one hundred dollars' valuation of taxable property in said City, adequate to pay such Debt Service Requirements, full allowance being made for delinquencies and costs of collection; said tax shall be assessed and collected each year and applied to the payment of the Debt Service Requirements, and the same shall not be diverted to any other purpose. The taxes so levied and collected shall be paid into the Certificate Fund. The City Council hereby declares its purpose and intent to provide and levy a tax legally and fully sufficient to pay the said Debt Service Requirements, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding indebtedness.

The amount of taxes to be provided annually for the payment of the principal of and interest on the Certificates shall be determined and accomplished in the following manner:

(a) Prior to the date the City Council establishes the annual tax rate and passes an ordinance levying ad valorem taxes each year, the Council shall determine:

(1) The amount on deposit in the Certificate Fund after (a) deducting therefrom the total amount of Debt Service Requirements to become due on Certificates prior to the Collection Date for the ad valorem taxes to be levied and (b) adding thereto the amount of the Net Revenues and other lawfully available funds appropriated and allocated to pay such Debt Service Requirements prior to the Collection Date for the ad valorem taxes to be levied.

(2) The amount of surplus Net Revenues and any other lawfully available revenues which are appropriated and to be set aside for the payment of the Debt Service Requirements on the Certificates between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding calendar year.

(3) The amount of Debt Service Requirements to become due and payable on the Certificates between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding calendar year.

(b) The amount of taxes to be levied annually each year to pay the Debt Service Requirements on the Certificates shall be the amount established in paragraph (3) above less the sum total of the amounts established in paragraphs (1) and (2), after taking into consideration delinquencies and costs of collecting such annual taxes.

PROVIDED, however, in regard to the payments to become due on the Certificates on February 15, 2020 and August 15, 2020, sufficient current funds, including earnings to be realized from the investment of the proceeds of sale of the Certificates pending their expenditure for authorized purposes, will be available and are hereby appropriated to make such payments; and the Mayor, Mayor Pro Tem, City Manager or Chief Financial Officer of the City are hereby authorized and directed to transfer and deposit in the Certificate Fund such current funds (including earnings realized from the investment of the proceeds of sale of the Certificates) which will be sufficient to pay the payments on the Certificates on February 15, 2020 and August 15, 2020.

SECTION 13: Limited Pledge of Net Revenues. The City hereby covenants and agrees that subject to the prior lien on and pledge of the Net Revenues to the payment and security of the Prior Lien Obligations, the surplus Net Revenues of the System (within the limitation of a total amount of \$1,000) are hereby irrevocably pledged to the payment of the principal of and interest on the Certificates, and the limited pledge of surplus Net Revenues herein made for the payment of the Certificates shall constitute a lien on the surplus Net Revenues in accordance with terms and provisions hereof and shall be on a parity in all respects with the lien on the Net Revenues securing the payment of the Certificates. Furthermore, such lien on and pledge of the Net Revenues securing the payment of the Certificates shall constitute a lien on the Net Revenues of the System until such time as the City shall pay all of such \$1,000, after which time the pledge shall cease, all in accordance with the terms and provisions hereof and be valid and binding without any physical delivery thereof or further act by the City.

Chapter 1208, Texas Government Code, as amended, applies to the issuance of the Certificates and the pledge of the revenues granted by the City under this Section of this Ordinance, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Certificates are Outstanding and unpaid such that the pledge of the revenues granted by the City under this Section of this Ordinance is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, as amended, then in order to preserve to the Holders of the Certificates the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code, as amended, and enable a filing to perfect the security interest in said pledge to occur.

SECTION 14: System Fund. The City hereby covenants and agrees that all revenues derived from the operation and ownership of the System shall be kept separate and apart from all other funds, accounts, and moneys of the City, and shall be deposited as collected into the "Water and Sewer System Fund" (heretofore created in conjunction with the issuance of the outstanding Prior Lien Obligations and hereinafter called the "System Fund"). All moneys deposited in the

System Fund shall be pledged and appropriated to the extent required for the following purposes and in the order of priority shown, to wit:

First: To the payment of the reasonable and proper Maintenance and Operation Expenses of the System as defined herein or required by statute to be a first charge on and claim against the revenues of the System.

Second: To the payment of all amounts required to be deposited in any special funds created and established for the payment, security, and benefit of any Prior Lien Obligations in accordance with the terms and provisions of any ordinance authorizing the issuance of any Prior Lien Obligations.

Third: To the payment, equally and ratably, of the amounts required to be deposited in the special funds and accounts created and established for the payment of the "City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2008", dated February 1, 2008, the "City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2009", dated December 1, 2009, the "City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Taxable Series 2010", dated May 15, 2010, the "City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2012", dated August 1, 2012, the "City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2017," dated March 15, 2017, the Certificates and Additional Certificates.

Any Net Revenues remaining in the System Fund after satisfying the foregoing payments, or making adequate and sufficient provision for the payment thereof, may be appropriated and used for any other City purpose now or hereafter permitted by law.

SECTION 15: Deposits to Certificate Fund. The City hereby covenants and agrees to cause to be deposited in the Certificate Fund the amount required to fully pay the interest and principal then due and payable on the Certificates, such deposits to pay maturing principal and accrued interest on the Certificates to be made on or before February 15 and August 15, beginning February 15, 2020.

The deposits to be made to the Certificate Fund, as hereinabove provided, shall be made until such time as such Fund contains an amount equal to pay the principal of and interest and premium, if any, on the Certificates to maturity. Accrued interest, if any, and premium, if any (to the extent it is not used to finance the projects described in Section 1), received from the purchaser(s) of the Certificates shall be deposited to the Certificate Fund and ad valorem taxes levied, collected, and deposited in the Certificate Fund for and on behalf of the Certificates may be taken into consideration and utilized to reduce the amount of the deposits otherwise required to be deposited in the Certificate Fund from the Net Revenues of the System. In addition, any surplus proceeds from the sale of the Certificates not expended for authorized purposes shall be deposited in the Certificate Fund, and such amounts so deposited shall reduce the sums otherwise required to be deposited in said Fund from ad valorem taxes and the Net Revenues.

SECTION 16: Security of Funds. All moneys on deposit in the Funds for which this Ordinance makes provision (except any portion thereof as may be at any time properly invested)

shall be secured in the manner and to the fullest extent required by the laws of Texas for the security of public funds, and moneys on deposit in such Funds shall be used only for the purposes permitted by this Ordinance.

SECTION 17: Remedies in Event of Default. In addition to all the rights and remedies provided by the laws of the State of Texas, the City covenants and agrees particularly that in the event the City (a) defaults in the payments to be made to the Certificate Fund, or (b) defaults in the observance or performance of any other of the covenants, conditions, or obligations set forth in this Ordinance, any Holder shall be entitled to a writ of mandamus issued by a court of proper jurisdiction compelling and requiring the governing body of the City and other officers of the City to observe and perform any covenant, condition, or obligation prescribed in this Ordinance.

No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power, or shall be construed to be a waiver of any such default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient. The specific remedies herein provided shall be cumulative of all other existing remedies and the specification of such remedies shall not be deemed to be exclusive.

SECTION 18: Special Covenants. The City hereby covenants as follows:

(i) That it has the lawful power to pledge the Net Revenues supporting this issue of Certificates and has lawfully exercised said powers under the Constitution and laws of the State of Texas, including said power existing under Subchapter C of Chapter 271 of the Texas Local Government Code, as amended, and Texas Government Code, Chapter 1502, as amended.

(ii) That other than for the payment of the outstanding Prior Lien Obligations, the “City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2008”, dated February 1, 2008, the “City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2009”, dated December 1, 2009, the “City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Taxable Series 2010”, dated May 15, 2010, the “City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2012”, dated August 1, 2012, “City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2017, dated March 15, 2017 and the Certificates, the Net Revenues are not in any manner pledged to the payment of any debt or obligation of the City or of the System.

(iii) That, as long as any Certificates or any interest thereon remain Outstanding and the limited pledge of the surplus Net Revenues has not been fully satisfied, the City will not sell, lease, or encumber the System or any substantial part thereof, provided that this covenant shall not be construed to prohibit the sale of such machinery or other properties or equipment which has become obsolete or otherwise unsuited to the efficient operation of the System.

(iv) The City recognizes that the purchasers and owners of the Certificates will have accepted them on, and paid therefor a price which reflects, the understanding that interest thereon is excludable from federal income taxation under laws in force at the time

the Certificates shall have been delivered. In this connection the City covenants to take no action or fail to take any action, which action or failure to act may render the interest on any of such Certificates subject to federal income taxation, particularly pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), nor shall the City take any action or fail to take any action, which action or failure to act, would have the effect of causing the income derived by the City from the System to become subject to federal income taxation in the hands of the City, whether or not provision shall have been made for the payment of such Certificates.

SECTION 19: Issuance of Prior Lien Obligations and Additional Certificates. The City hereby expressly reserves the right to hereafter issue Prior Lien Obligations, without limitation as to principal amount but subject to any terms, conditions, or restrictions applicable thereto under law or otherwise, and, also reserves the right to issue Additional Certificates payable from and secured by a lien on and pledge of the Net Revenues of equal rank and dignity, and on a parity in all respects, with the lien thereon and pledge thereof securing the payment of the Previously Issued Certificates and the Certificates.

It is the intention of this governing body and accordingly hereby recognized and stipulated that the provisions, agreements, and covenants contained herein bearing upon the management and operations of the System, and the administering and application of revenues derived from the operation thereof, shall to the extent possible be harmonized with like provisions, agreements, and covenants contained in any ordinance authorizing the issuance any Prior Lien Obligations, and to the extent of any irreconcilable conflict between the provisions contained herein and in any ordinance authorizing the issuance of any Prior Lien Obligations, the provisions, agreements, and covenants contained therein shall prevail to the extent of such conflict and be applicable to this Ordinance but in all respects subject to the priority of rights and benefits, if any, conferred thereby to the holders of any Prior Lien Obligations.

SECTION 20: Sale of the Certificates – Official Statement Approval. Pursuant to a public sale for the Certificates, the bid submitted by _____ (herein referred to as the "Purchasers") is declared to be the best bid received producing the lowest true interest cost rate to the City, and the sale of the Certificates to said Purchaser at the price of par plus a cash premium of \$ _____ is hereby determined to be in the best interests of the City and is approved and confirmed. Delivery of the Certificates to the Purchasers shall occur as soon as possible upon payment being made therefor in accordance with the terms of sale. The Initial Certificate shall be registered as provided in the winning bid.

Furthermore, the use of the Preliminary Official Statement by the Purchasers in connection with the public offering and sale of the Certificates is hereby ratified, confirmed and approved in all respects. The final Official Statement, which reflects the terms of sale (together with such changes approved by the Mayor, Mayor Pro Tem, City Manager or Chief Financial Officer, individually or collectively), shall be and is hereby in all respects approved, and the Purchasers are hereby authorized to use and distribute said final Official Statement, dated October 28, 2019 in the reoffering, sale and delivery of the Certificates to the public. The Mayor, Mayor Pro Tem, and City Secretary are further authorized and directed to manually execute and deliver for and on behalf of the City copies of said Official Statement in final form as may be required by the Purchasers, and such final Official Statement in the form and content manually executed by said

officials shall be deemed to be approved by the City Council and constitute the Official Statement authorized for distribution and use by the Purchasers.

SECTION 21: Proceeds of Sale. The proceeds of sale of the Certificates, less amounts to pay costs of issuance shall be deposited in a construction fund maintained at a City depository bank. Pending expenditure for authorized projects and purposes, such proceeds of sale may be invested in authorized investments and any investment earnings realized may be expended for such authorized projects and purposes or deposited in the Certificate Fund as shall be determined by the City Council. Any investment earnings remaining after completion of all authorized projects or purposes shall be deposited to the credit of the Certificate Fund. Any surplus proceeds of sale may be deposited to the Certificate Fund or used for other authorized purposes specified in Section 1 hereof.

SECTION 22: Cancellation. All Certificates surrendered for payment, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly canceled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already canceled, shall be promptly canceled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Certificates previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Certificates so delivered shall be promptly canceled by the Paying Agent/Registrar. All canceled Certificates held by the Paying Agent/Registrar shall be returned to the City.

SECTION 23: Mutilated, Destroyed, Lost, and Stolen Certificates. If (a) any mutilated Certificate is surrendered to the Paying Agent/Registrar, or the City and the Paying Agent/Registrar receive evidence to their satisfaction of the destruction, loss, or theft of any Certificate, and (b) there is delivered to the City and the Paying Agent/Registrar such security or indemnity as may be required to save each of them harmless, then, in the absence of notice to the City or the Paying Agent/Registrar that such Certificate has been acquired by a bona fide purchaser, the City shall execute and, upon its request, the Paying Agent/Registrar shall register and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost, or stolen Certificate, a new Certificate of the same Stated Maturity and of like tenor and principal amount, bearing a number not contemporaneously outstanding.

In case any such mutilated, destroyed, lost, or stolen Certificate has become or is about to become due and payable, the City in its discretion may, instead of issuing a new Certificate, pay such Certificate.

Upon the issuance of any new Certificate under this Section, the City may require payment by the Holder of a sum sufficient to cover any tax or other governmental charge imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent/Registrar) connected therewith.

Every new Certificate issued pursuant to this Section in lieu of any mutilated, destroyed, lost, or stolen Certificate shall constitute a replacement of the prior obligation of the City, whether or not the mutilated, destroyed, lost, or stolen Certificate shall be at any time enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Certificates.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost, or stolen Certificates.

SECTION 24: Covenants to Maintain Tax Exempt Status of Interest on the Certificates.

(a) Definitions. When used in this Section, the following terms shall have the following meanings:

“Closing Date” means the date on which the Certificates are first authenticated and delivered to the initial purchaser against payment therefor.

“Code” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“Computation Date” has the meaning set forth in Section 1.148 1(b) of the Regulations.

“Gross Proceeds” means any proceeds as defined in Section 1.148 1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148 1(c) of the Regulations, of the Certificates.

“Investment” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Nonpurpose Investment” means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Certificates are invested and which is not acquired to carry out the governmental purposes of the Certificates.

“Rebate Amount” has the meaning set forth in Section 1.148 1(b) of the Regulations.

“Regulations” means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Certificates. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“Yield” of

(1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations; and

(2) the Certificates has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition,

construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Certificate to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Certificate, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Certificates:

(1) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Certificates, and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Certificates or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds, other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Certificates to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be "loaned" to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take or pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Certificates directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Certificates.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Certificates to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038 G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(1) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six (6) years after the day on which the last outstanding Certificate is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Certificates with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(2) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Certificates until six years after the final Computation Date.

(3) As additional consideration for the purchase of the Certificates by the Purchaser and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall pay to the United States out of its general fund, or appropriate fund, or, if permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the Certificate Fund, the amount that when added to the future value of previous rebate payments made for the Certificates equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(4) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the

error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148 3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Certificates, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Certificates not been relevant to either party.

(j) Elections. The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Manager and Chief Financial Officer, either or any combination of them, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Certificates, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document.

(k) Qualified Tax-Exempt Obligations. In accordance with the provisions of paragraph (3) of subsection (b) of Section 265 of the Code, the City hereby designates the Certificates to be "qualified tax-exempt obligations" in that the Certificates are not "private activity bonds" as defined in the Code and the reasonably anticipated amount of "qualified tax exempt obligations" to be issued by the City (including all subordinate entities of the City) for the calendar year 2019 will not exceed \$10,000,000.

SECTION 25: Satisfaction of Obligations of City. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Certificates, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied under this Ordinance and the lien on and pledge of the Net Revenues (to the extent such limited pledge of Net Revenues shall not have been discharged or terminated by prior payment of principal of or interest on the Certificates) and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.

Certificates, or any principal amount(s) thereof, shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (a) money sufficient to pay in full such Certificates or the principal amount(s) thereof at maturity, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (b) Government Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities have been certified by an independent accounting firm to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Certificates, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof. The City covenants that no deposit of moneys or Government Securities will be made under this Section and no use made of any such deposit which would cause the Certificates to be treated as "arbitrage bonds" within the meaning of Section 148 of the Code or regulations adopted pursuant thereto.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Certificates, or any principal amount(s) thereof, or interest thereon with respect to which such moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Certificates and remaining unclaimed for a period of three (3) years after the Stated Maturity of the Certificates for which such moneys were deposited and are held in trust to pay, shall upon the request of the City be remitted to the City against a written receipt therefor. Notwithstanding the above and foregoing, any remittance of funds from the Paying Agent/Registrar to the City shall be subject to any applicable unclaimed property laws of the State of Texas.

The term "Government Securities", as used herein, means (i) direct noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations unconditionally guaranteed or insured by the agency or instrumentality and on the date of their acquisition or purchase by the City are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent and (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Certificates under the then applicable laws of the State of Texas.

SECTION 26: Ordinance a Contract – Amendments. This Ordinance shall constitute a contract with the Holders from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Certificate remains Outstanding except as permitted in this Section. The City, may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the written consent of Holders owning a majority in aggregate principal amount of the Certificates then Outstanding affected thereby, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Holders of Outstanding Certificates, no such amendment, addition, or rescission shall (a) extend the time or times of payment of the principal of, premium, if any, and interest on the Certificates, reduce the principal amount thereof, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Certificates, (b) give any preference to any Certificate over any other Certificate, or (c) reduce the aggregate principal amount of Certificates required to be held by Holders for consent to any such amendment, addition, or rescission.

SECTION 27: Control and Custody of Certificates. The Mayor or Mayor Pro Tem of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending investigation by the Attorney General of the State of Texas, including the printing and supply of definitive Certificates, and shall take and have charge and control of the Initial Certificate

pending the approval thereof by the Attorney General, the registration thereof by the Comptroller of Public Accounts, and the delivery thereof to the Purchaser.

Furthermore, the Mayor, Mayor Pro Tem, the City Secretary, the City Manager and the Chief Financial Officer of the City, any one or more of said officials, are hereby authorized and directed to furnish and execute such documents relating to the City and its financial affairs as may be necessary for the issuance of the Certificates, the approval of the Attorney General, and their registration by the Comptroller of Public Accounts and, together with the City's financial advisor, bond counsel, and the Paying Agent/Registrar, make the necessary arrangements for the delivery of the Initial Certificate to the Purchaser and the initial exchange thereof for definitive Certificates.

SECTION 28: Bond Counsel's Opinion. The Purchaser's obligation to accept delivery of the Certificates is subject to being furnished a final opinion of Norton Rose Fulbright US LLP, Dallas, Texas, Bond Counsel to the City, approving such Certificates as to their validity, said opinion to be dated and delivered as of the date of delivery and payment for such Certificates. An executed counterpart of said opinion shall accompany the global certificates deposited with The Depository Trust Company or a reproduction thereof shall be printed on the definitive Certificates in the event the book-entry-only system shall be discontinued.

SECTION 29: CUSIP Numbers. CUSIP numbers may be printed or typed on the definitive Certificates. It is expressly provided, however, that the presence or absence of CUSIP numbers on the definitive Certificates shall be of no significance or effect as regards the legality thereof and neither the City nor the attorneys approving said Certificates as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Certificates.

SECTION 30: Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar, and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof, this Ordinance and all its provisions being intended to be and being for the sole and exclusive benefit of the City, the Paying Agent/Registrar, and the Holders.

SECTION 31: Inconsistent Provisions. All ordinances, orders, or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

SECTION 32: 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 33: Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

SECTION 34: 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 or 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 35: Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551 of the Texas Government Code, as amended.

SECTION 36: Continuing Disclosure Undertaking.

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

“Financial Obligation” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) 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 Board.

“Rule” means SEC Rule 15c2 12, as amended from time to time.

“SEC” means the United States Securities and Exchange Commission.

(b) **Annual Reports.** The City shall provide annually to the MSRB: (1) within six months after the end of each fiscal year, beginning in or after 2019, financial information and operating data with respect to the City of the general type included under Tables numbered 1 through 6 and 8 through 15 of the Official Statement and (2) within twelve months after the end of each fiscal year ending in or after 2019, and if not provided as part of such financial information and operating data, audited financial statements of the City. Any financial statements so provided shall be prepared in accordance with the accounting principles described in Appendix B of the Official Statement hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided.

If the City 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 City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document available to the public on the MSRB’s internet web site or filed with the SEC.

(c) **Notice of Certain Events.** The City shall provide notice of any of the following events with respect to the Certificates to the MSRB in a timely manner and not more than ten (10) business days after occurrence of the event:

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 Certificates, or other material events affecting the tax status of the Certificates;
7. Modifications to rights of holders of the Certificates, if material;
8. Certificate calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Certificates, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of 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; and
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material.
15. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, 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 City, any of which reflect financial difficulties.

For these purposes, (a) any event described in item 12 of the immediately preceding paragraph is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers 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 City and (b) the City intends the words used in the immediately preceding items 15 and 16 of the immediately preceding paragraph in this Section to have the meanings ascribed to them in SEC Release No. 34-83885, dated August 20, 2018.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Section 36(b) of this Ordinance by the time required by such Section.

(d) Filings with the MSRB. All financial information, operating data, financial statements, notices, and other documents provided to the MSRB in accordance with this Section shall be provided in an electronic format prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

(e) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Certificates within the meaning of the Rule, except that the City in any event will give the notice required by Section 36(c) of any Certificate calls and defeasance that cause the City to be no longer such an “obligated person.”

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Certificates, 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 City 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 City’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 City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, 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.

No default by the City in observing or performing its obligations under this Section shall constitute 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 City under federal and state securities laws.

Notwithstanding anything to the contrary in this Ordinance, the provisions of this Section may be amended by the City from time to time to adapt to changed circumstances resulting from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates

in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders 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 Certificates consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Certificates. The provisions of this Section may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent underwriters of the initial public offering of the Certificates from lawfully purchasing or selling Certificates in such offering. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with Section 36(b) an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

SECTION 37: Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer and City Secretary are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance of the Certificates. In addition, prior to the initial delivery of the Bonds, the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer or Bond Counsel to the City are each hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the documents authorized and approved by this Ordinance: (i) in order to cure any ambiguity, formal defect, or omission in the Ordinance or such other document; or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Certificates by the Attorney General and if such officer or counsel determines that such changes are consistent with the intent and purpose of the Ordinance, which determination shall be final. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 38: Incorporation of Findings and Determinations. The findings and determinations of the City Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

SECTION 39: Effective Date. This Ordinance shall take effect and be in full force immediately from and after its adoption on the date hereof in accordance with the provisions of Texas Government Code, Section 1201.028, as amended.

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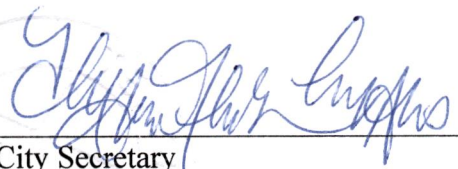
PASSED AND APPROVED, this the 28th day of October, 2019.

CITY OF TEXARKANA, TEXAS



Mayor

ATTEST:



City Secretary

7:09 p.m.

(City Seal)

EXHIBIT A
PAYING AGENT/REGISTRAR AGREEMENT

Attachment: 2019-105 ORD Approving Sale of Co's Series 2019 signed (2170 : 2019-105 ORD Authorizing Issuance of Certificates of

PAYING AGENT/REGISTRAR AGREEMENT

THIS AGREEMENT is entered into as of October 28, 2019 (this "Agreement"), by and between U. S. Bank National Association, a banking association duly organized and existing under the laws of the United States of America, or its successors (the "Bank") and the City of Texarkana, Texas (the "Issuer"),

RECITALS

WHEREAS, the Issuer has duly authorized and provided for the issuance of its "City of Texarkana, Texas Combination Tax and Revenue Certificates of Obligation, Series 2019" (the "Securities"), dated November 1, 2019, such Securities scheduled to be delivered to the initial purchasers thereof on or about November 26, 2019; and

WHEREAS, the Issuer has selected the Bank to serve as Paying Agent/Registrar in connection with the payment of the principal of, premium, if any, and interest on said Securities and with respect to the registration, transfer and exchange thereof by the registered owners thereof; and

WHEREAS, the Bank has agreed to serve in such capacities for and on behalf of the Issuer and has full power and authority to perform and serve as Paying Agent/Registrar for the Securities;

NOW, THEREFORE, it is mutually agreed as follows:

ARTICLE ONE APPOINTMENT OF BANK AS PAYING AGENT AND REGISTRAR

Section 1.01 Appointment. The Issuer hereby appoints the Bank to serve as Paying Agent with respect to the Securities, and, as Paying Agent for the Securities, the Bank shall be responsible for paying on behalf of the Issuer the principal, premium (if any), and interest on the Securities as the same become due and payable to the registered owners thereof; all in accordance with this Agreement and the "Authorizing Document" (hereinafter defined). The Issuer hereby appoints the Bank as Registrar with respect to the Securities and, as Registrar for the Securities, the Bank shall keep and maintain for and on behalf of the Issuer books and records as to the ownership of said Securities and with respect to the transfer and exchange thereof as provided herein and in the Authorizing Document.

The Bank hereby accepts its appointment, and agrees to serve as the Paying Agent and Registrar for the Securities.

Section 1.02 Compensation. As compensation for the Bank's services as Paying Agent/Registrar, the Issuer hereby agrees to pay the Bank the fees and amounts set forth in **Annex A** attached hereto; provided however, notwithstanding anything herein or in Annex A to the contrary, the aggregate value of this agreement shall not exceed the dollar limitation set forth in Section 2270.002(a)(2) of the Texas Government Code, as amended.

In addition, the Issuer agrees to reimburse the Bank upon its request for all reasonable expenses, disbursements and advances incurred or made by the Bank in accordance with any of the provisions hereof (including the reasonable compensation and the expenses and disbursements of its agents and counsel).

ARTICLE TWO DEFINITIONS

Section 2.01 Definitions. For all purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires:

“Acceleration Date” on any Security means the date, if any, on and after which the principal or any or all installments of interest, or both, are due and payable on any Security which has become accelerated pursuant to the terms of the Security.

“Authorizing Document” means the resolution, order, or ordinance of the governing body of the Issuer pursuant to which the Securities are issued, as the same may be amended or modified, including any pricing certificate related thereto, certified by the secretary or any other officer of the Issuer and delivered to the Bank.

“Bank Office” means the designated office of the Bank at the address shown in Section 3.01 hereof. The Bank will notify the Issuer in writing of any change in location of the Bank Office.

“Holder” and “Security Holder” each means the Person in whose name a Security is registered in the Security Register.

“Person” means any individual, corporation, partnership, joint venture, association, joint stock company, trust, unincorporated organization or government or any agency or political subdivision of a government.

“Predecessor Securities” of any particular Security means every previous Security evidencing all or a portion of the same obligation as that evidenced by such particular Security (and, for the purposes of this definition, any mutilated, lost, destroyed, or stolen Security for which a replacement Security has been registered and delivered in lieu thereof pursuant to Section 4.06 hereof and the Authorizing Document).

“Redemption Date”, when used with respect to any Security to be redeemed, means the date fixed for such redemption pursuant to the terms of the Authorizing Document.

“Responsible Officer”, when used with respect to the Bank, means the Chairman or Vice-Chairman of the Board of Directors, the Chairman or Vice-Chairman of the Executive Committee of the Board of Directors, the President, any Vice President, the Secretary, any Assistant Secretary, the Treasurer, any Assistant Treasurer, the Cashier, any Assistant Cashier, any Trust Officer or Assistant Trust Officer, or any other officer of the Bank customarily performing functions similar to those performed by any of the above designated officers and also means, with respect to a particular corporate trust matter, any other officer to whom such matter is referred because of his knowledge of and familiarity with the particular subject.

"Security Register" means a register maintained by the Bank on behalf of the Issuer providing for the registration and transfers of Securities.

"Stated Maturity" means the date specified in the Authorizing Document the principal of a Security is scheduled to be due and payable.

Section 2.02 Other Definitions. The terms "Bank," "Issuer," and "Securities (Security)" have the meanings assigned to them in the recital paragraphs of this Agreement.

The term "Paying Agent/Registrar" refers to the Bank in the performance of the duties and functions of this Agreement.

ARTICLE THREE PAYING AGENT

Section 3.01 Duties of Paying Agent. As Paying Agent, the Bank shall pay, provided adequate collected funds have been provided to it for such purpose by or on behalf of the Issuer, on behalf of the Issuer the principal of each Security at its Stated Maturity, Redemption Date or Acceleration Date, to the Holder upon surrender of the Security to the Bank at the following address:

U.S. Bank National Association
Attention: Bond Operations
111 Fillmore Avenue East
St. Paul, Minnesota 55107-1402

As Paying Agent, the Bank shall, provided adequate collected funds have been provided to it for such purpose by or on behalf of the Issuer, pay on behalf of the Issuer the interest on each Security when due, by computing the amount of interest to be paid each Holder and making payment thereof to the Holders of the Securities (or their Predecessor Securities) on the Record Date (as defined in the Authorizing Document). All payments of principal and/or interest on the Securities to the registered owners shall be accomplished (1) by the issuance of checks, payable to the registered owners, drawn on the paying agent account provided in Section 5.05 hereof, sent by United States mail, first class postage prepaid, to the address appearing on the Security Register or (2) by such other method, acceptable to the Bank, requested in writing by the Holder at the Holder's risk and expense.

Section 3.02 Payment Dates. The Issuer hereby instructs the Bank to pay the principal of and interest on the Securities on the dates specified in the Authorizing Document.

ARTICLE FOUR REGISTRAR

Section 4.01 Security Register - Transfers and Exchanges. The Bank agrees to keep and maintain for and on behalf of the Issuer at the Bank Office books and records (herein sometimes referred to as the "Security Register") for recording the names and addresses of the Holders of the Securities, the transfer, exchange and replacement of the Securities and the payment of the principal of and interest on the Securities to the Holders and containing such other information as may be reasonably required by the Issuer and subject to such reasonable regulations as the Issuer and the Bank may prescribe. The Bank represents and warrants that it will at all times have immediate access to the Security Register by electronic or other means and

will be capable at all times of producing a hard copy of the Security Register for use by the Issuer. All transfers, exchanges and replacements of Securities shall be noted in the Security Register.

Every Security surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, the signature on which has been guaranteed by an officer of a federal or state bank or a member of the Financial Industry Regulatory Authority, such written instrument to be in a form satisfactory to the Bank and duly executed by the Holder thereof or his agent duly authorized in writing.

The Bank may request any supporting documentation it feels necessary to effect a re-registration, transfer or exchange of the Securities.

To the extent possible and under reasonable circumstances, the Bank agrees that, in relation to an exchange or transfer of Securities, the exchange or transfer by the Holders thereof will be completed and new Securities delivered to the Holder or the assignee of the Holder in not more than three (3) business days after the receipt of the Securities to be cancelled in an exchange or transfer and the written instrument of transfer or request for exchange duly executed by the Holder, or his duly authorized agent, in form and manner satisfactory to the Paying Agent/Registrar.

Section 4.02 Securities. The Issuer shall provide additional Securities when needed to facilitate transfers or exchanges thereof. The Bank covenants that such additional Securities, if and when provided, will be kept in safekeeping pending their use and reasonable care will be exercised by the Bank in maintaining such Securities in safekeeping, which shall be not less than the care maintained by the Bank for debt securities of other governments or corporations for which it serves as registrar, or that is maintained for its own securities.

Section 4.03 Form of Security Register. The Bank, as Registrar, will maintain the Security Register relating to the registration, payment, transfer and exchange of the Securities in accordance with the Bank's general practices and procedures in effect from time to time. The Bank shall not be obligated to maintain such Security Register in any form other than those which the Bank has currently available and currently utilizes at the time.

The Security Register may be maintained in written form or in any other form capable of being converted into written form within a reasonable time.

Section 4.04 List of Security Holders. The Bank will provide the Issuer at any time requested by the Issuer, upon payment of the required fee, a copy of the information contained in the Security Register. The Issuer may also inspect the information contained in the Security Register at any time the Bank is customarily open for business, provided that reasonable time is allowed the Bank to provide an up-to-date listing or to convert the information into written form.

The Bank will not release or disclose the contents of the Security Register to any person other than to, or at the written request of, an authorized officer or employee of the Issuer, except upon receipt of a court order or as otherwise required by law. Upon receipt of a court order and prior to the release or disclosure of the contents of the Security Register, the Bank will notify the Issuer so that the Issuer may contest the court order or such release or disclosure of the contents of the Security Register.

Section 4.05 Return of Cancelled Securities. The Bank will, at such reasonable intervals as it determines, surrender to the Issuer, all Securities in lieu of which or in exchange for which other Securities have been issued, or which have been paid.

Section 4.06 Mutilated, Destroyed, Lost or Stolen Securities. The Issuer hereby instructs the Bank, subject to the provisions of the Authorizing Document, to deliver and issue Securities in exchange for or in lieu of mutilated, destroyed, lost, or stolen Securities as long as the same does not result in an overissuance.

In case any Security shall be mutilated, destroyed, lost or stolen, the Bank may execute and deliver a replacement Security of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Security, or in lieu of and in substitution for such mutilated, destroyed, lost or stolen Security, only upon the approval of the Issuer and after (i) the filing by the Holder thereof with the Bank of evidence satisfactory to the Bank of the destruction, loss or theft of such Security, and of the authenticity of the ownership thereof and (ii) the furnishing to the Bank of indemnification in an amount satisfactory to hold the Issuer and the Bank harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Security shall be borne by the Holder of the Security mutilated, destroyed, lost or stolen.

Section 4.07 Transaction Information to Issuer. The Bank will, within a reasonable time after receipt of written request from the Issuer, furnish the Issuer information as to the Securities it has paid pursuant to Section 3.01, Securities it has delivered upon the transfer or exchange of any Securities pursuant to Section 4.01, and Securities it has delivered in exchange for or in lieu of mutilated, destroyed, lost, or stolen Securities pursuant to Section 4.06.

ARTICLE FIVE THE BANK

Section 5.01 Duties of Bank. The Bank undertakes to perform the duties set forth herein and agrees to use reasonable care in the performance thereof.

Section 5.02 Reliance on Documents, Etc.

(a) The Bank may conclusively rely, as to the truth of the statements and correctness of the opinions expressed therein, on certificates or opinions furnished to the Bank.

(b) The Bank shall not be liable for any error of judgment made in good faith by a Responsible Officer, unless it shall be proved that the Bank was negligent in ascertaining the pertinent facts.

(c) No provisions of this Agreement shall require the Bank to expend or risk its own funds or otherwise incur any financial liability for performance of any of its duties hereunder, or in the exercise of any of its rights or powers, if it shall have reasonable grounds for believing that repayment of such funds or adequate indemnity satisfactory to it against such risks or liability is not assured to it.

(d) The Bank may rely and shall be protected in acting or refraining from acting upon any resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, bond, note, security or other paper or document believed by it to be genuine and to have been signed or presented by the proper party or parties. Without limiting the generality

of the foregoing statement, the Bank need not examine the ownership of any Securities, but is protected in acting upon receipt of Securities containing an endorsement or instruction of transfer or power of transfer which appears on its face to be signed by the Holder or an agent of the Holder. The Bank shall not be bound to make any investigation into the facts or matters stated in a resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, bond, note, security or other paper or document supplied by the Issuer.

(e) The Bank may consult with counsel, and the written advice of such counsel or any opinion of counsel shall be full and complete authorization and protection with respect to any action taken, suffered, or omitted by it hereunder in good faith and in reliance thereon.

(f) The Bank may exercise any of the powers hereunder and perform any duties hereunder either directly or by or through agents or attorneys of the Bank.

(g) The Bank is also authorized to transfer funds relating to the closing and initial delivery of the Securities in the manner disclosed in the closing memorandum or letter as prepared by the Issuer, Issuer's financial advisor or other agent. The Bank may act on a facsimile or e-mail transmission of the closing memorandum or letter acknowledged by the Issuer, the Issuer's financial advisor or other agent as the final closing memorandum or letter. The Bank shall not be liable for any losses, costs or expenses arising directly or indirectly from the Bank's reliance upon and compliance with such instructions.

Section 5.03 Recitals of Issuer. The recitals contained herein with respect to the Issuer and in the Securities shall be taken as the statements of the Issuer, and the Bank assumes no responsibility for their correctness.

The Bank shall in no event be liable to the Issuer, any Holder or Holders of any Security, or any other Person for any amount due on any Security from its own funds.

Section 5.04 May Hold Securities. The Bank, in its individual or any other capacity, may become the owner or pledgee of Securities and may otherwise deal with the Issuer with the same rights it would have if it were not the Paying Agent/Registrar, or any other agent.

Section 5.05 Moneys Held by Bank - Paying Agent Account/Collateralization. A paying agent account shall at all times be kept and maintained by the Bank for the receipt, safekeeping, and disbursement of moneys received from the Issuer under this Agreement for the payment of the Securities, and money deposited to the credit of such account until paid to the Holders of the Securities shall be continuously collateralized by securities or obligations which qualify and are eligible under both the laws of the State of Texas and the laws of the United States of America to secure and be pledged as collateral for paying agent accounts to the extent such money is not insured by the Federal Deposit Insurance Corporation. Payments made from such paying agent account shall be made by check drawn on such account unless the owner of the Securities shall, at its own expense and risk, request an alternative method of payment.

Subject to the applicable unclaimed property laws of the State of Texas, any money deposited with the Bank for the payment of the principal of, premium (if any), or interest on any Security and remaining unclaimed for three years after final maturity of the Security has become due and payable will be held by the Bank and disposed of only in accordance with Title 6 of the Texas Property Code, as amended. The Bank shall have no liability by virtue of actions taken in compliance with this provision.

The Bank is not obligated to pay interest on any money received by it under this Agreement.

This Agreement relates solely to money deposited for the purposes described herein, and the parties agree that the Bank may serve as depository for other funds of the Issuer, act as trustee under indentures authorizing other bond transactions of the Issuer, or act in any other capacity not in conflict with its duties hereunder.

Section 5.06 Indemnification. To the extent permitted by law, the Issuer agrees to indemnify the Bank for, and hold it harmless against, any loss, liability, or expense incurred without negligence or bad faith on its part, arising out of or in connection with its acceptance or administration of its duties hereunder, including the cost and expense against any claim or liability in connection with the exercise or performance of any of its powers or duties under this Agreement.

Section 5.07 Interpleader. The Issuer and the Bank agree that the Bank may seek adjudication of any adverse claim, demand, or controversy over its person as well as funds on deposit, in either a Federal or State District Court located in the state and county where the administrative office of the Issuer is located, and agree that service of process by certified or registered mail, return receipt requested, to the address referred to in Section 6.03 of this Agreement shall constitute adequate service. The Issuer and the Bank further agree that the Bank has the right to file a Bill of Interpleader in any court of competent jurisdiction in the State of Texas to determine the rights of any Person claiming any interest herein.

Section 5.08 DTC Services. It is hereby represented and warranted that, in the event the Securities are otherwise qualified and accepted for "Depository Trust Company" services or equivalent depository trust services by other organizations, the Bank has the capability and, to the extent within its control, will comply with the "Operational Arrangements", which establishes requirements for securities to be eligible for such type depository trust services, including, but not limited to, requirements for the timeliness of payments and funds availability, transfer turnaround time, and notification of redemptions and calls.

ARTICLE SIX MISCELLANEOUS PROVISIONS

Section 6.01 Amendment. This Agreement may be amended only by an agreement in writing signed by both of the parties hereto.

Section 6.02 Assignment. This Agreement may not be assigned by either party without the prior written consent of the other.

Section 6.03 Notices. Any request, demand, authorization, direction, notice, consent, waiver, or other document provided or permitted hereby to be given or furnished to the Issuer or the Bank shall be mailed or delivered to the Issuer or the Bank, respectively, at the addresses shown on the signature page(s) hereof.

Section 6.04 Effect of Headings. The Article and Section headings herein are for convenience of reference only and shall not affect the construction hereof.

Section 6.05 Successors and Assigns. All covenants and agreements herein by the Issuer shall bind its successors and assigns, whether so expressed or not.

Section 6.06 Severability. In case any provision herein shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Section 6.07 Merger, Conversion, Consolidation, or Succession. Any corporation or association into which the Bank may be merged or converted or with which it may be consolidated, or any corporation or association resulting from any merger, conversion, or consolidation to which the Bank shall be a party, or any corporation or association succeeding to all or substantially all of the corporate trust business of the Bank shall be the successor of the Bank as Paying Agent under this Agreement without the execution or filing of any paper or any further act on the part of either parties hereto.

Section 6.08 Benefits of Agreement. Nothing herein, express or implied, shall give to any Person, other than the parties hereto and their successors hereunder, any benefit or any legal or equitable right, remedy, or claim hereunder.

Section 6.09 Entire Agreement. This Agreement and the Authorizing Document constitute the entire agreement between the parties hereto relative to the Bank acting as Paying Agent/Registrar and if any conflict exists between this Agreement and the Authorizing Document, the Authorizing Document shall govern.

Section 6.10 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which shall constitute one and the same Agreement.

Section 6.11 Termination. This Agreement will terminate (i) on the date of final payment of the principal of and interest on the Securities to the Holders thereof or (ii) may be earlier terminated by either party upon sixty (60) days written notice; provided, however, an early termination of this Agreement by either party shall not be effective until (a) a successor Paying Agent/Registrar has been appointed by the Issuer and such appointment accepted and (b) notice has been given to the Holders of the Securities of the appointment of a successor Paying Agent/Registrar. However, if the Issuer fails to appoint a successor Paying Agent/Registrar within a reasonable time, the Bank may petition a court of competent jurisdiction within the State of Texas to appoint a successor. Furthermore, the Bank and the Issuer mutually agree that the effective date of an early termination of this Agreement shall not occur at any time which would disrupt, delay or otherwise adversely affect the payment of the Securities.

Upon an early termination of this Agreement, the Bank agrees to promptly transfer and deliver the Security Register (or a copy thereof), together with the other pertinent books and records relating to the Securities, to the successor Paying Agent/Registrar designated and appointed by the Issuer.

The provisions of Section 1.02 and of Article Five shall survive and remain in full force and effect following the termination of this Agreement.

Section 6.12 Iran, Sudan or Foreign Terrorist Organizations. The Bank represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website:

<https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>,
<https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or
<https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>.

The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Bank and each of its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The Bank understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the Bank and exists to make a profit.

Section 6.13 Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Texas.

[Remainder of page left blank intentionally.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

U. S. BANK NATIONAL ASSOCIATION

By: _____

Title: _____

ATTEST:

Address: 13737 Noel Road, Suite 800
Dallas, Texas 75240

By: _____

Title: _____

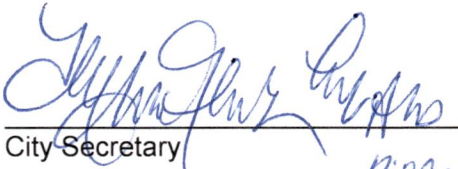
Attachment: 2019-105 ORD Approving Sale of Co's Series 2019 signed (2170 : 2019-105 ORD Authorizing Issuance of Certificates of

2019-105 EXH 'A'

CITY OF TEXARKANA, TEXAS

By: 
MayorAddress: 220 Texas Boulevard
Texarkana, Texas 75501

Attest:


City Secretary
7:09 p.m.

Attachment: 2019-105 ORD Approving Sale of Co's Series 2019 signed (2170 : 2019-105 ORD Authorizing Issuance of Certificates of

ANNEX A

Attachment: 2019-105 ORD Approving Sale of Co's Series 2019 signed (2170 : 2019-105 ORD Authorizing Issuance of Certificates of

OFFICIAL BID FORM

Honorable Mayor and City Council
City of Texarkana, Texas

October 28, 2019

Honorable Mayor and Members of the City Council:

Reference is made to your Preliminary Official Statement and Official Notice of Sale and Bidding Instructions, dated October 18, 2019 of \$6,780,000 CITY OF TEXARKANA, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019 (the "Certificates"), both of which constitute a part hereof.

For your legally issued Certificates, as described in said Official Notice of Sale and Preliminary Official Statement, we will pay you par, plus a net cash premium of \$314,414.29, for Certificates maturing and bearing interest as follows:

15-Feb Maturity	Principal Amount	Interest Rate	15-Feb Maturity	Principal Amount	Interest Rate
2020	\$ 410,000	3.500%	2028	\$ 465,000	2.500%
2021	365,000	3.500%	2029	480,000	2.500%
2022	380,000	3.500%	2030	490,000	2.500%
2023	395,000	3.500%	2031	500,000	2.500%
2024	405,000	3.500%	2032	515,000	2.500%
2025	420,000	3.500%	2033	530,000	2.500%
2026	435,000	3.500%	2034	540,000	2.500%
2027	450,000	3.500%			

TRUE INTEREST COST

2.0823034%

The Initial Certificate shall be registered in the name of FHN Financial Capital Markets which will, upon payment for the Certificates, be cancelled by the Paying Agent/Registrar. The Certificates will then be registered in the name of Cede & Co. (DTC's partnership nominee), under the Book-Entry-Only System.

A bank cashier's check or certified check of Frost Bank in the amount of \$132,700 which represents our Good Faith Deposit (is attached hereto) or (has been made available to you prior to the opening of this bid), and is submitted in accordance with the terms as set forth in the Official Statement and Official Notice of Sale and Bidding Instructions.

We agree to accept delivery of the Certificates utilizing the Book-Entry-Only System through DTC and make payment for the Initial Certificate in immediately available funds, not later than 10:00 AM, CDT, on November 26, 2019, or thereafter on the date the Certificates are tendered for delivery, pursuant to the terms set forth in the Official Notice of Sale and Bidding Instructions. It will be the obligation of the purchaser of the Certificates to complete the DTC Eligibility Questionnaire.

We agree to accept delivery of the Certificates utilizing the Book-Entry-Only System through DTC and make payment for the Initial Certificate in immediately available funds, not later than 10:30 AM, Central Time, on November 26, 2019, or thereafter on the date the Certificates are tendered for delivery, pursuant to the terms set forth in the Official Notice of Sale and Bidding Instructions. It will be the obligation of the purchaser of the Certificates to complete the DTC Eligibility Questionnaire.

To the extent the Bid Form is a contract for goods or services within the meaning of Section 2270.002 of the Texas Government Code, the Purchaser hereby verifies that the Purchaser (including any wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of the Purchaser) does not boycott Israel and, except to the extent required by applicable federal law, will not boycott Israel through the term of the Bid Form. For purposes of this verification, "boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

As of the date hereof, the Purchaser represents that, to the extent this Bid Form constitutes a "governmental contract" within the meaning of Section 2252.151 of the Texas Government Code, as amended, solely for purposes of compliance with Chapter 2252 of the Texas Government Code, and except to the extent otherwise required or permitted by or under applicable federal law, neither the Purchaser nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the Purchaser is a company listed by the Texas Comptroller of Public Accounts under Sections 807.051, 2270.0201, or 2252.153 of the Texas Government Code as noted on a list identified in the following link:
<https://comptroller.texas.gov/purchasing/publications/divestment.php>.

The undersigned agrees to complete, execute, and deliver to the City, at least six business days prior to delivery of the Certificates, a certificate relating to the "issue price" of the Certificates in the form and to the effect accompanying the Official Notice of Sale and Bidding Instructions, with such changes thereto as may be acceptable to or required by Norton Rose Fulbright US LLP, Dallas, Texas, Bond Counsel to the City.

For purposes of contracting for the sale of the Certificates, the entity signing the bid form as Purchaser shall be solely responsible for the payment of the purchase price of the Certificates. The Purchaser may serve as a syndicate manager and contract under a separate agreement with other syndicate members. However, the City is not a party to that agreement and information provided regarding syndicate managers would be for informational purposes only.

If applicable, we agree to provide a completed, Form 1295, if required, to the City promptly upon notification that our bid is the winning bid, and to provide in writing the initial reoffering prices and other terms, if any, to Bond Counsel by the close of the next business day after the award.

Respectfully submitted.

FHN Financial Capital Markets
 Name of Purchaser
Mason McWilliams
 Authorized Representative
901-435-8006
 Phone Number
[Signature]
 Signature

ACCEPTANCE CLAUSE

The above and foregoing bid is hereby in all things accepted by the City of Texarkana, Texas, subject to and in accordance with the Official Notice of Sale and Bidding Instructions, this the 28th day of October, 2019.

[Signature]
 Mayor
 City of Texarkana, Texas