



# CITY COUNCIL AGENDA

## NOTICE OF WORKSHOP

Tuesday, February 7, 2012  
6:00 p.m.  
Council Chamber - City Hall  
Daniel P. Moore Community Center Complex  
1900 Billy G. Webb  
Portland, Texas

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*This workshop may be adjourned before the Regular City Council Meeting begins at 7:00 p.m. and reconvened after the Regular City Council meeting ends.*  
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1. **CALL TO ORDER:** MAYOR KREBS
2. **SOLID WASTE SERVICE FRANCHISE ISSUES:** THE CITY COUNCIL WILL DISCUSS SOLID WASTE SERVICE FRANCHISE ISSUES AND OPTIONS - CITY MANAGER, ASSISTANT TO THE CITY MANAGER AND REPRESENTATIVES OF REPUBLIC SERVICES
3. **SUPPLEMENTARY YARD REGULATIONS:** THE CITY COUNCIL WILL DISCUSS SUPPLEMENTARY YARD REGULATIONS WITHIN THE UNIFIED DEVELOPMENT ORDINANCE - CITY MANAGER AS WELL AS DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT
4. **EXECUTIVE SESSION:** THE CITY COUNCIL WILL CONDUCT AN EXECUTIVE SESSION ACCORDING 551.087 (DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE GOVERNMENTAL BODY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE TERRITORY OF THE GOVERNMENTAL BODY AND WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS) OF THE TEXAS GOVERNMENT CODE

5. **ADJOURNMENT**: MAYOR KREBS

**NOTICE OF ASSISTANCE**

If you plan to attend this public meeting and you have a disability that requires special arrangements to be made, please contact City Secretary Annette Hall 361-777-4513 or [annette.hall@portlandtx.com](mailto:annette.hall@portlandtx.com) in advance of the meeting. Reasonable accommodations will be made to facilitate your participation. City Hall is wheelchair accessible and specially marked parking spaces are located in front of its entrance. Special seating will be provided in the Council Chamber during the meeting.

**BRILLE IS NOT AVAILABLE**

Posted: February 3, 2012 by 5 p.m.  
Portland City Hall

By:



Annette Hall  
City Secretary



# CITY COUNCIL AGENDA

## NOTICE OF REGULAR MEETING

Tuesday, February 7, 2012

7:00 p.m.

City Hall - Council Chamber

Daniel P. Moore Community Center Complex

1900 Billy G. Webb Drive

Portland, Texas

### A. **PROCEDURAL MATTERS, HONORS AND RELATED NON-ACTION ITEMS:**

1. **CALL TO ORDER:** MAYOR KREBS
2. **INVOCATION AND PLEDGE:** MAYOR KREBS OR DESIGNEE
3. **FORMAL ANNOUNCEMENTS, RECOGNITION, PRESENTATIONS AND REPORTS THAT MAY BE DISCUSSED:**
  - PRESENTATION OF WATER ISSUES - REPRESENTATIVES OF SAN PATRICIO MUNICIPAL WATER DISTRICT
  - ELECTION UPDATE - CITY SECRETARY
  - REPORT ON SPECIAL EVENTS - DIRECTOR OF PARKS AND RECREATION AS WELL AS LIBRARY DIRECTOR
4. **CITY COUNCIL AND STAFF COMMENTS CONCERNING ITEMS OF COMMUNITY INTEREST THAT MAY NOT BE DISCUSSED:**

Members of the City Council may present reports regarding "items of community interest" and/or be presented reports from the Staff regarding "items of community interest," provided no action is taken or discussed. "Items of community interest" include the following:

- Expressions of thanks, congratulations, or condolence
- Information regarding holiday schedules

- Honorary recognition of city officials, employees, or other citizens
- Reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or city employee
- Announcements involving imminent threats to the public health and safety of the city

**B. ACTION ITEMS, RESOLUTIONS AND ORDINANCES:**

Members of the audience who wish to (1) comment on issues concerning an agenda item, (2) present questions concerning an agenda item, (3) request assistance concerning an agenda item or (4) propose regulatory changes concerning an agenda item, must comply with the following rules of procedure:

- Persons who wish to speak must fill out and turn in a speaker card before the meeting is convened (The Mayor will notify you when it's your turn to speak and direct you to the podium)
- Persons who wish to speak must identify themselves and their places of residence
- All comments, requests and proposals must be presented to or through the Mayor
- Persons who wish to speak will be given 4 minutes to do so

5. **MINUTES OF PREVIOUS WORKSHOPS AND MEETINGS:** THE CITY COUNCIL WILL CONSIDER THE MINUTES OF ITS JANUARY 17, 2012 WORKSHOP, JANUARY 17, 2012 REGULAR MEETING, JANUARY 24, 2012 CITY COUNCIL - PLANNING AND ZONING COMMISSION JOINT WORKSHOP AND JANUARY 30, 2012 QUARTERLY WORKSHOP/RETREAT - MAYOR KREBS AND CITY SECRETARY
6. **ORDINANCE NO. 2047 - ESTABLISHING FEE SCHEDULE FOR FIRE CODE PLAN REVIEW AND INSPECTIONS:** THE CITY COUNCIL WILL CONSIDER THE SECOND (FINAL) READING OF ORDINANCE NO. 2047 WHICH ESTABLISHES A FEE SCHEDULE FOR FIRE CODE PLAN REVIEW AND INSPECTIONS - DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT
7. **ORDINANCE NO. 2048 - AUTHORIZING THE ISSUANCE OF "CITY OF PORTLAND, TEXAS UTILITY SYSTEM REVENUE BONDS, SERIES 2012":** THE CITY COUNCIL WILL CONSIDER ORDINANCE NO. 2048 CONSIDERATION AND APPROVAL OF AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS AUTHORIZING THE ISSUANCE OF "CITY OF PORTLAND, TEXAS UTILITY SYSTEM REVENUE BONDS, SERIES 2012"; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS, TOGETHER WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS, BY A FIRST AND PRIOR LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE CITY'S COMBINED UTILITY SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SUCH BONDS, INCLUDING THE APPROVAL OF AN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD

AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SUCH BONDS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; COMPLYING WITH THE REGULATIONS PROMULGATED BY THE TEXAS WATER DEVELOPMENT BOARD; AND PROVIDING FOR AN EFFECTIVE DATE - DIRECTOR OF FINANCE AND CONSULTING CITY FINANCIAL ADVISOR

8. **PROPOSAL FOR ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES:** THE CITY COUNCIL WILL CONSIDER A PROPOSAL FOR ENGINEERING (FACILITY ENERGY AUDIT - \$4,900) AND CONSTRUCTION MANAGEMENT SERVICES (PLANS, SPECIFICATIONS, PROJECT OVERSIGHT - \$4,100) FROM LNV ENGINEERS/ARCHITECTS/CONTRACTORS (ALL PROPOSAL RELATED WORK WILL BE FINANCED BY AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT) - DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT AS WELL AS REPRESENTATIVES OF LNV
9. **RESOLUTION NO. 645 - AUTHORIZING AUTOMATED SOLID WASTE COLLECTION AND SINGLE-STREAM RECYCLING:** THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 645 WHICH AUTHORIZES AUTOMATED SOLID WASTE COLLECTION AND SINGLE-STREAM RECYCLING - ASSISTANT TO THE CITY MANAGER AND REPRESENTATIVES OF REPUBLIC SERVICES
10. **ORDINANCE NO 2049 - AMENDING THE EXCLUSIVE SOLID WASTE (COLLECTION AND DISPOSAL) FRANCHISE GRANTED TO REPUBLIC SERVICES:** THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2049 WHICH AMENDS THE EXCLUSIVE SOLID WASTE (COLLECTION AND DISPOSAL) FRANCHISE GRANTED TO REPUBLIC SERVICES - ASSISTANT TO THE CITY MANAGER AND REPRESENTATIVES OF REPUBLIC SERVICES
11. **PHASE 8 STREET IMPROVEMENTS AND MEMORIAL PARKWAY 10" FORCE MAIN CONSTRUCTION PROJECT - CHANGE ORDER NO. 2:** THE CITY COUNCIL WILL CONSIDER CHANGE ORDER NO. 2 (\$23,401.82 PROJECT COST INCREASE) WHICH MODIFIES THE SCOPE OF STREET IMPROVEMENTS - DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT
12. **RESOLUTION NO. 644 - ADOPTING A REVISED STRATEGIC OPERATING PLAN:** THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 644 WHICH ADOPTS A REVISED PORTLAND STRATEGIC OPERATING PLAN AND DIRECTS THE CITY MANAGER TO IMPLEMENT IT - ASSISTANT TO THE CITY MANAGER

**C. CITIZEN COMMENTS, QUESTIONS, REQUESTS AND PROPOSALS NOT APPEARING ON THE AGENDA:**

Members of the audience who wish to (1) comment on issues for which there is no item on this agenda, (2) present questions for which there is no item on this agenda, (3) request assistance for which there is no item on this agenda or (4) propose regulatory changes for which there is no item on this agenda, must comply with the following rules of procedure:

- Persons who wish to speak must fill out and turn in a speaker card before the meeting is convened (The Mayor will notify you when it's your turn to speak and direct you to the podium)
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- Persons who wish to speak will only be given 4 minutes to do so

Neither the City Council nor the Staff is legally permitted to respond to citizen comments, questions, requests or proposals at the time of the meeting. A member of the City Council or the City Manager may place an item on the agenda of a future City Council workshop or meeting to legally do so. If that is done, the audience member seeking a response will be given advance notice.

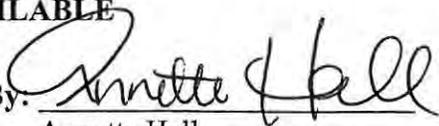
**D. ADJOURNMENT: MAYOR KREBS**

**NOTICE OF ASSISTANCE**

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**BRAILLE IS NOT AVAILABLE**

**Posted:** February 3, 2012 by 5:00 p.m.  
Portland City Hall

By:   
Annette Hall  
City Secretary

**CITY OF PORTLAND  
CITY COUNCIL  
WORKSHOP MINUTES  
JANUARY 17, 2012 – 6:00 P.M.**

On this the 17<sup>th</sup> day of January 2012, the Council of the City of Portland convened in workshop session at 6:00 p.m. in the Council Chambers of City Hall, Daniel P. Moore Community Center Complex and notice of regular workshop giving the time, place and date and subject having been posted as described by Section 551 of the Government Code.

**MEMBERS PRESENT:**

David Krebs	Mayor
John Green	Mayor Pro Tem
Ron Jorgensen	Council Member
Cathy Skurow	Council Member
John Vilo	Council Member
Gary Moore, Sr.	Council Member
David Lewis	Council Member

**STAFF PRESENT:**

Mike Tanner	City Manager
Randy Wright	Assistant City Manager
Sandy Clarkson	Finance Director
Brian DeLatte	Director of Public Works and Development
Kristin Connor	Director of Park and Recreation
Tm Vanlandingham	Fire Chief
Cesario Vela	Utilities Superintendent
RoseAleta Laurell	Library Director
Polly Wright	Director of Utility Billing
Michel Weaver	Assistant to the City Manager
Annette Hall	City Secretary

And with a quorum being present, the following business was transacted:

\*\*\*\*\*  
*This workshop may be adjourned before the Regular City Council Meeting begins at 7:00 p.m. and reconvened after the Regular City Council meeting ends.*  
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**1. CALL TO ORDER: MAYOR KREBS**

Mayor Krebs called the workshop to order at 6:00 p.m.

2. **ENGAGEMENT OF BUREAU VERITAS:** THE CITY COUNCIL WILL DISCUSS ENGAGING BUREAU VERITAS FOR FIRE CODE PLAN REVIEW AND INSPECTIONS - CITY MANAGER, DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT AS WELL AS FIRE CHIEF

City Manager Mike Tanner explained that in August the City engaged Bureau Veritas to provide building code plan reviews and inspections of new commercial and multi-family construction. The City agreed the Fire Department would continue conducting commercial Fire Code inspections as well as Development Services continuing inspections of residential remodeling/additions. Mr. Tanner added that it was recently discovered that we have deficiencies in fire code inspections and we have failed to identify one to two business that are in technical violation of the Building Code. These deficiencies were discovered by Bureau Veritas. Mr. Tanner further explained that we are the only city operating under the 2006 International Building Code (IBC); surrounding cities generally operate under the 2003 International Building Code (IBC). Bureau Veritas is doing a great job with the building code inspections and has the expertise conduct fire inspections. This would allow a streamlined process and also allow the fire department to focus on their primary missions.

Council and Staff discussed the discovery of deficiencies, engaging Bureau Veritas for Fire Code plan review and inspections, and the Fire Departments primary mission.

3. **STREET IMPROVEMENT PROGRAM:** THE CITY COUNCIL WILL DISCUSS THE STREET IMPROVEMENT PROGRAM (PHASE 8) - COUNCIL MEMBER MOORE, CITY MANAGER AS WELL AS DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT

Council and Staff discussed various citizen complaints; the contractor recognizing sealcoat issues that will be corrected at no cost to the City and changing the scope of future street improvements projects.

4. **OFFICIAL WEB SITE FEATURES:** THE CITY COUNCIL WILL DISCUSS OFFICIAL WEB SITE FEATURES - COUNCIL MEMBER MOORE, CITY MANAGER AND ASSISTANT CITY MANAGER

Assistant City Manager Randy Wright reported that after speaking to Civic Plus concerning the Carbon Calculator they explained that it is a built-in feature in their website program.

Council and Staff discussed the various website features and focusing on the majority of the public concerns as stated in the Strategic Operating Plan.

5. **ADJOURNMENT:** MAYOR KREBS

Mayor Krebs adjourned the workshop at 6:55 p.m.

**NOTICE OF ASSISTANCE:**

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**BRAILLE IS NOT AVAILABLE**

Approved:

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David Krebs  
Mayor

Attest:

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Annette Hall  
City Secretary

**CITY OF PORTLAND  
CITY COUNCIL  
REGULAR MEETING  
JANUARY 17, 2012 – 7:00 P.M.**

On this the 17<sup>th</sup> day of January 2012, the Council of the City of Portland convened in a regular meeting session at 7:00 p.m. in the Council Chambers of City Hall, Daniel P. Moore Community Center Complex and notice of regular meeting giving the time, place and date and subject having been posted as described by Section 551 of the Government Code.

**MEMBERS PRESENT:**

David Krebs	Mayor
John Green	Mayor Pro Tem
Ron Jorgensen	Council Member
Cathy Skurow	Council Member
John Vilo	Council Member
Gary Moore, Sr.	Council Member
David E. Lewis	Council Member

**STAFF PRESENT:**

Mike Tanner	City Manager
Randy Wright	Assistant City Manager
Sandy Clarkson	Finance Director
Brian DeLatte	Director of Public Works and Development
Kristin Connor	Director of Park and Recreation
Tim Vanlandingham	Fire Chief
Cesario Vela	Utilities Superintendent
RoseAleta Laurell	Library Director
Polly Wright	Director of Utility Billing
Michel Weaver	Assistant to the City Manager
Annette Hall	City Secretary

And with a quorum being present, the following business was transacted:

**A. PROCEDURAL MATTERS, HONORS AND RELATED NON-ACTION ITEMS:**

1. **CALL TO ORDER:** MAYOR

Mayor Krebs called the meeting to order at 7:00 pm.

2. **INVOCATION AND PLEDGE:** MAYOR OR DESIGNEE

Council Member Vilo gave the invocation and Mayor Krebs led the Pledge of Allegiance.

3. **FORMAL ANNOUNCEMENTS, RECOGNITION, PRESENTATIONS AND REPORTS THAT MAY BE DISCUSSED:**

There were none.

4. **CITY COUNCIL AND STAFF COMMENTS CONCERNING ITEMS OF COMMUNITY INTEREST THAT MAY NOT BE DISCUSSED:**

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- Expressions of thanks, congratulations, or condolence
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- Reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or city employee
- Announcements involving imminent threats to the public health and safety of the city

Council Member Green announced that Born Learning Project located at Simpson Park will have an unveiling on January 28, 2012 and invited the public to attend.

Mayor Krebs announced that the Chamber of Commerce is hosting the upcoming Taste of Portland on Saturday, January 28, 2012 at Northshore Country Club.

**B. ACTION ITEMS, RESOLUTIONS AND ORDINANCES:**

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- All comments, requests and proposals must be presented to or through the Mayor
- Persons who wish to speak will be given 4 minutes to do so

**There were none.**

5. **MINUTES OF PREVIOUS WORKSHOPS AND MEETINGS:** THE CITY COUNCIL WILL CONSIDER THE MINUTES OF ITS DECEMBER 20, 2011 REGULAR MEETING - MAYOR KREBS AND CITY SECRETARY

Council Member Vilo made the motion to approve the minutes of the January 3, 2012 regular meeting with corrections. Council Member Skurow seconded the motion.

The motion passed 7-0.

6. **RESOLUTION NO. 642 - CALLING GENERAL ELECTION:** THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 642 WHICH CALLS A MAY 12, 2012 GENERAL ELECTION (MAYOR AND 2 COUNCIL MEMBERS FOR 2 YEAR TERMS OF OFFICE) - MAYOR AND CITY SECRETARY

City Secretary Annette Hall explained that Resolution No. 642 calls a May 12, 2012 General Election for the purpose of electing a Mayor and two (2) Council Members to two (2) year terms. She further explained that Resolution No. 642 also does the following

- Establishes an Election Officer (City Secretary), presiding and an alternate judge
- A single voting site (Portland Community Center)
- Establishes voting hours and a recommendation of extended voting hours of 7:00 a.m. to 7:00 p.m. on Monday, April 30, 2012 and Monday, May 7, 2012

In order to meet all requirements, the resolution must be approved if election is to be legally conducted.

Council Member Vilo made the motion to accept Resolution No. 642 which calls a May 12, 2012 General Election (Mayor and 2 Council Members for 2 year terms of office). Council Member Moore seconded the motion.

The motion passed 7-0.

7. **RESOLUTION NO. 643 - INITIATING PROCESS TO ESTABLISH BROADWAY/NORTHSHORE BOULEVARD OUTFALL SYSTEM CAPITAL DRAINAGE IMPROVEMENTS IMPACT FEES:** THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 643 WHICH AUTHORIZES THE CITY MANAGER OR HIS DESIGNEE TO TAKE NECESSARY ACTIONS TO ESTABLISH IMPACT FEES FOR THE BROADWAY/NORTHSHORE BOULEVARD OUTFALL SYSTEM CAPITAL DRAINAGE IMPROVEMENTS - DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT AS WELL AS CONSULTING CITY ENGINEER

Director of Public Works and Development Brian DeLatte explained that last year the Council authorized engaging Coym, Rehmet and Gutierrez (CRG) to conduct an impact fee study to recover the costs of the Broadway Ditch. CRG had subsequently been engaged by Council to provide plans and specifications for the Northshore Area Drainage Improvements. Combined these two components create the Broadway/Northshore Boulevard Outfall System as described in the 2006 Naismith Engineering Master Plan. After completion of the land use assumption and capital improvement, the land use assumption and impact fee must be publicly reviewed.

The following schedule is proposed in order to comply with state statutes:

January 17, 2012	Adopt a resolution setting a hearing date to consider land use assumptions and capital improvements. Appoint the Planning and Zoning Commission as the advisory committee.
January 26, 2012	Publish Notice of Hearing minimum 30 days in advance
March 6, 2012	Public Hearing on land use assumptions and Capital Improvements Plan at regularly schedule City Council Meeting
March 20, 2012	City Council to approve or disapprove the land use assumptions and capital improvements plan
March 29, 2012	Publish Notice of Hearing for Impact Fees
April 10, 2012	Advisory Committee meets to discuss Impact Fees at regularly scheduled Planning and Zoning Commission meeting
April 23, 2012	Advisory Committee to file written comments on the proposed Impact Fees
May 1, 2012	Public Hearing to approve or disapprove Impact Fee adoption of Resolution 644 is required to begin the process in the legally required manner.

He further explained that Resolution No. 643 authorizes the following three actions:

- (1) Authorizes the City Manager or his designee to take the necessary actions to establish the impact fee.
- (2) Authorizes the scheduling of a public hearing to discuss the capital improvements plan and impact fee.
- (3) Appoints the Planning and Zoning Commission as the Advisory Committee to assist the City Council in adopting the land use assumptions and capital improvements plan. The Committee will also monitor, evaluate, and report on the implementation of the plan.

Council and Staff discussed the proposed resolution and the proposed scheduled Public Hearing.

Mayor Pro Tem Green made the motion to accept Resolution No. 643 initiating process to establish Broadway/Northshore Boulevard Outfall System Capital

Drainage Improvements Impact Fees. Council Member Skurow seconded the motion.

The motion passed 7-0.

8. **ENGAGEMENT OF BUREAU VERITAS: THE CITY COUNCIL WILL CONSIDER ENGAGING BUREAU VERITAS FOR FIRE CODE PLAN REVIEW AND INSPECTIONS - DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT AS WELL AS FIRE CHIEF**

Director of Public Works and Development Brian DeLatta explained that in August 2011 the City engaged Bureau Veritas (BV) to provide building code plan reviews and inspections for new commercial and multi-family construction. They provide quality technical reviews and inspections and the feedback from builders has been positive. Fire code reviews have remained the responsibility of the Fire Department. Engaging BV to provide fire code reviews and inspections would streamline the development process and allow the Fire Department to focus on their primary functions and services.

Council Member Skurow made the motion engaging Bureau Veritas for Fire Code Plan Review and Inspections. Council Member Lewis seconded the motion.

The motion passed 6-1 with Council Member Vilo voting against.

9. **ORDINANCE NO. 2047 - ESTABLISHING FEE SCHEDULE FOR FIRE CODE PLAN REVIEW AND INSPECTIONS: THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2047 WHICH ESTABLISHES A FEE SCHEDULE FOR FIRE CODE PLAN REVIEW AND INSPECTIONS - DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT**

Director of Public Works and Development Brian DeLatta explained that upon engaging Bureau Veritas (BV) to provide fire code plan review and inspections services, Ordinance No. 2047 must be approved in order to recover direct costs associated with providing these critical services. Staff recommends adopting proposed Ordinance No. 2047.

Council Member Jorgensen made the motion to approve the first reading of Ordinance No. 2047 establishing a fee schedule for Fire Code plan review for review and inspections. Council Member Lewis seconded the motion.

The motion passed 5-2 with Council Members Vilo and Green voting against.

Mayor Krebs read the following caption.

**ORDINANCE NO. 2047**

**AN ORDINANCE ESTABLISHING A FEE  
SCHEDULE FOR FIRE CODE PLAN REVIEW  
AND INSPECTIONS; PROVIDING FOR THE  
REPEAL OF ORDINANCES IN CONFLICT  
HEREWITH; PROVIDING A SEVERABILITY  
CLAUSE; ESTABLISHING A PENALTY FOR  
VIOLATIONS; PROVIDING AN EFFECTIVE  
DATE AND REQUIRING PUBLICATION**

**10. BOARD AND COMMISSION APPOINTMENTS: THE CITY COUNCIL WILL  
CONSIDER BOARD AND COMMISSION (ZONING BOARD OF ADJUSTMENT -  
PLANNING AND ZONING COMMISSION) APPOINTMENTS - MAYOR KREBS  
AND CITY SECRETARY**

Council Member Skurow made the motion to making the following appointments:

**Planning and Zoning Commission - Coco Wendland (term expires 2013)  
Zoning Board of Adjustments - Cliff Ezell (term expires 2013)**

Council Member Vilo seconded the motion.

The motion passed 7-0.

**C. CITIZEN COMMENTS, QUESTIONS, REQUESTS AND PROPOSALS  
NOT APPEARING ON THE AGENDA:**

**Members of the audience who wish to (1) comment on issues for which there is no item on this agenda, (2) present questions for which there is no item on this agenda, (3) request assistance for which there is no item on this agenda or (4) propose regulatory changes for which there is no item on this agenda, must comply with the following rules of procedure:**

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**D. ADJOURNMENT: MAYOR**

Mayor Krebs adjourned the meeting at 7:26 p.m.

**E. NOTICE OF ASSISTANCE:**

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**BRAILLE IS NOT AVAILABLE**

Approved:

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David Krebs  
Mayor

Attest:

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City Secretary

**CITY OF PORTLAND  
CITY COUNCIL  
JOINT WORKSHOP  
CITY COUNCIL  
AND  
PLANNING AND ZONING COMMISSION  
MINUTES  
JANUARY 24, 2012 – 6:00 P.M.**

On this the 24<sup>th</sup> day of January 2012, the Council of the City of Portland and the Planning and Zoning Commission convened in a joint workshop session at 6:00 p.m. in the Council Chambers of City Hall, Daniel P. Moore Community Center Complex and notice of a joint workshop giving the time, place and date and subject having been posted as described by Section 551 of the Government Code.

**CITY COUNCIL MEMBERS PRESENT:**

David Krebs	Mayor
John Green	Mayor Pro Tem
Ron Jorgensen	Council Member
Cathy Skurow	Council Member
John Vilo	Council Member
David E. Lewis	Council Member

**CITY COUNCIL ABSENT:**

Gary Moore, Sr.	Council Member
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**PLANNING AND ZONING COMMISSION MEMBERS PRESENT:**

Coco Wendland	Board Member
Craig Forsythe	Board Member
Pete Stricker	Board Member
Marcus Naiser	Board Member
John Rooney	Board Member

**PLANNING AND ZONING COMMISSION MEMBERS ABSENT:**

David Worst	Chairman
Theresa Nix	Board Member

**STAFF PRESENT:**

Mike Tanner	City Manager
Randy Wright	Director of Public Safety
Brian DeLatte	Director of Public Works and Development
Michel Weaver	Assistant to the City Manager
Annette Hall	City Secretary

And with a quorum being present, the following business was transacted:

1. **CALL TO ORDER:** MAYOR

Mayor Krebs called the Joint Workshop to order at 6:00 p.m.

2. **COMPREHENSIVE PLAN AND UNIFIED DEVELOPMENT ORDINANCE UPDATE:** THE CITY COUNCIL AND PLANNING AND ZONING COMMISSION WILL DISCUSS THE COMPREHENSIVE PLAN AND UNIFIED DEVELOPMENT ORDINANCE UPDATE – MAYOR AND CONSULTING CITY PLANNER

Consulting City Planner Dan Sefko with Freese and Nichols reviewed the following Updates and Revisions to the Comprehensive Plan that include the recommended changes to the goals and objectives and Future Land Use Map discussed at the previous workshop:

- Format
- Baseline
- 2012 Existing Land Use
- Vision
- Thoroughfares
- Parks and Open Space
- Housing
- Public Facilities
- Future Land Use
  - Population projects
- Future Land Use
  - Major future land use changes
    - Expanded industrial area
    - New mixed use area
    - Office/commercial split north of Buddy Ganem
    - Corner of Hwy 181 and Buddy Ganem
- 2012 Future Land Use Map
- Community Image
- Implementation

Mr. Sefko directed any corrections or changes be submitted to the Assistant to the City Manager Michel Weaver within the next 30 days. Future meetings will be conducted in April, August and in October or as needed.

**3. ADJOURNMENT: MAYOR**

Mayor Krebs adjourned the Joint Workshop at 7:09 p.m.

**NOTICE OF ASSISTANCE:**

If you plan to attend this public meeting and you have a disability that requires special arrangements to be made, please contact City Secretary Annette Hall (361-777-4513 or [annette.hall@portlandtx.com](mailto:annette.hall@portlandtx.com)) in advance of the meeting. Reasonable accommodations will be made to facilitate your participation. The City Hall is wheelchair accessible and specially marked parking spaces are located in front of its entrance. Special seating will be provided in the Council Chamber during the meeting.

**BRAILLE IS NOT AVAILABLE**

Approved:

---

David Krebs  
Mayor

Attest:

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Jordan Matney  
Assistant to the City Manager

**CITY OF PORTLAND  
CITY COUNCIL  
QUARTERLY WORKSHOP/RETREAT MINUTES  
JANUARY 30, 2012 – 5:30 P.M.**

On this the 30<sup>th</sup> day of January 2012, the Council of the City of Portland convened in workshop/retreat session at 5:30 p.m. in the Green Lake Room, Daniel P. Moore Community Center Complex and notice of regular workshop giving the time, place and date and subject having been posted as described by Section 551 of the Government Code.

**MEMBERS PRESENT:**

David Krebs	Mayor
John Green	Mayor Pro Tem
Ron Jorgensen	Council Member
Cathy Skurow	Council Member
Gary Moore, Sr.	Council Member
David Lewis	Council Member

**MEMBERS ABSENT:**

John Vilo	Council Member
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**STAFF PRESENT:**

Mike Tanner	City Manager
Randy Wright	Assistant City Manager
Sandy Clarkson	Finance Director
Brian DeLatte	Director of Public Works and Development
Kristin Connor	Director of Park and Recreation
Tm Vanlandingham	Fire Chief
RoseAleta Laurell	Library Director
Polly Wright	Director of Utility Billing
Michel Weaver	Assistant to the City Manager
Annette Hall	City Secretary

And with a quorum being present, the following business was transacted:

**1. CALL TO ORDER: MAYOR KREBS**

Mayor Krebs called the Quarterly Workshop/Retreat to order at 5:30 p.m.

3. **FINANCIAL MATTERS:** THE CITY COUNCIL WILL DISCUSS A MULTITUDE OF FINANCIAL MATTERS (INCLUDING BUT NOT LIMITED TO CURRENT FINANCIAL POSITION, ESTIMATED BALANCES BY FUND, FINANCIAL UNCERTAINTIES AND NEED FOR FISCAL DISCIPLINE) FOLLOWING STAFF PRESENTATIONS - DIRECTOR OF FINANCE AND CITY MANAGER

*Finance Director Sandy Clarkson presented and reviewed with the City Council the following financial matters:*

- *Sales Tax Revenues - Month by Month 2008 through 2012*
- *Mixed Drink Sales Tax - Quarterly Payments FY 2008 through 2012*
- *Hotel/Motel Tax Collections - FY 2012 with comparisons to FY 2011*
- *Water and Sewer Revenues – Year to Date comparisons*
- *Funding Community Center Roof Repair FY 2011-2012*
- *Finance Related Activities – Upcoming Fiscal Quarter January - March*
- *Properties removed from Windstorm Coverage*

4. **SERVICE AND PERFORMANCE MATTERS:** THE CITY COUNCIL WILL DISCUSS A MULTITUDE OF SERVICE AND PERFORMANCE MATTERS FOLLOWING STAFF PRESENTATIONS (INCLUDING BUT NOT LIMITED TO QUARTERLY CUSTOMER SERVICE REPORT, PROJECT STATUS REPORT AND DEVELOPMENT UPDATE) - ASSISTANT TO THE CITY MANAGER, DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT AS WELL AS CITY MANAGER

*Assistant to the City Manager Michel Weaver presented and reviewed a preview of the new Dashboard menu and the results of Quarterly Customer Survey with the City Council.*

*Director of Public Works and Development Services Brian DeLatte presented and reviewed with the City Council the following Public Works and Development Services Report:*

- *New Single Family Residential Permits*
- *Changes within the Development Services website*
- *Building Department Audit*
- *Commercial Development – Current Projects & Completed Projects*
- *Northshore Impact Fee Analysis Drainage Improvements*
- *Phase 8 Street Improvements*
- *Wastewater Treatment Plant Expansion*
- *Olde Town Lift Station & Force Main - Due to the directional drilling, joint restraints were added on each pipe section. This \$5,000 (approximate) addition will be offset by the elimination by a \$5,000 of 45 degree bends.*
- *Community Center Roof Replacement*
- *Facilities Assessment Program*
- *City Hall ADA Issues*
- *Buddy Ganem Project*
- *Upcoming Projects*

5. **STRATEGIC OPERATING PLAN:** THE CITY COUNCIL WILL DISCUSS THE STRATEGIC OPERATING PLAN (OPERATING VISION, PHILOSOPHY OF GOVERNMENT AND OPERATING PRINCIPLES), POSSIBLE REVISIONS, ITS INCORPORATION IN THE POLICY-MAKING PROCESS AS WELL AS NEED FOR ORGANIZATIONAL DISCIPLINE - CITY MANAGER

*City Manager Mike Tanner presented the following revised 2011-2012 Strategic Operating Plan with the City Council:*

## **2011-2012 CITY OF PORTLAND STRATEGIC OPERATING PLAN**

### **OPERATING VISION**

A city recognized for its exceptional family life, safety, civility, extremely clean appearance, well maintained infrastructure, expanded municipal service menu and moderate cost of living through the promotion of economic development that is beneficial to the long term well-being of the community.

### **PHILOSOPHY OF GOVERNMENT**

The City of Portland shall provide services and levels of service demanded by the majority of its citizens with the smallest government possible for the least possible cost. The City Council, Staff and employees pledge to:

1. Comply with local, state and federal law
2. Meet or exceed ethical and professional standards
3. Meet their fiduciary responsibilities
4. **Focus on "Core" services**
5. Be concerned, courteous and responsive ***measured*** when dealing with the public
6. Fully and effectively inform the public in the most timely fashion
7. Project a positive image, continuously promote the City and compete for distinction or recognition whenever possible
8. Place the interests of the City and the needs of the citizens before their own
9. **Ensure that special interests, resident or non-resident, are not promoted to the detriment of the City or its citizens**
10. Cooperate, collaborate and coordinate to the extent possible locally, area-wide,

regionally and state-wide

11. Promote professional development and innovation that improves the provision of City services
12. Mitigate issues in which rights conflict when doing so serves a public purpose

### OPERATING PRINCIPLES

1. Revenue projections must be minimized and cost estimates maximized to ensure budget integrity
2. The size and cost of day to day government must be maintained to the extent possible until the revenue base diversifies and expands through development
3. True cost-benefit analysis should be conducted before decisions are made to annex land, acquire more property, construct new facilities, raise service levels or deliver additional services
4. Services that have questionable strategic value and benefit a limited number of citizens should either be eliminated or the costs associated with their delivery should be borne by the citizens who benefit
5. Expenditures associated with the maintenance, repair and rehabilitation of the infrastructure must increase
6. A minimum 3 month reserve must be maintained in every budgetary operating fund
7. The General Fund Reserve and Water/Wastewater Enterprise Fund Reserve may be used to finance planning initiatives or capital projects (improvements and/or recurring capital maintenance projects) except those described as park and recreation when minimum balances have been exceeded
8. Utility rates should be designed to finance truly segregated (water and sanitary sewer service) day to day costs, debt service, unforeseen capital repairs and if possible, recurring capital maintenance
9. Facilities that have questionable value, benefit a limited number of citizens and generate more costs than revenue should be eliminated
10. Opportunities to secure public grants-in-aid, private contributions and sell surplus property should be fully exploited
11. The waiver of recreation facility user fees should be minimized to the extent possible and prohibited in the case of fundraisers
12. Existing policies, rules and regulations should be continuously reviewed to ensure present day relevance, fairness and appropriateness
13. Opportunities to identify, cultivate and secure desirable economic development prospects should be fully exploited, be they within the city limits, within the

extraterritorial jurisdiction or just beyond

14. The delivery of business and development services should be streamlined as well as expedited
15. Sensible “Green” policies, programs and projects should be promoted
16. Goods and services should be locally purchased as long as doing so does not compromise quality, quantity or cost
17. Significant services delivered through private sector contracts or interlocal governmental agreements should be internally proposed or bid, competitively proposed or bid and annually reviewed to ensure outsourcing is the most appropriate means of delivery
18. Technological advances that increase effectiveness, promote efficiency, improve customer service or reduce costs should be fully exploited

*Council and the City Manager discussed placing the revised Strategic Operating Plan with the proposed changes on the agenda for consideration at the next regular City Council meeting.*

6. **ISSUES AND INITIATIVES:** THE CITY COUNCIL WILL DISCUSS A MULTITUDE OF ISSUES AND INITIATIVES (INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT, WATER CONSERVATION, SIDEWALKS, CHRISTMAS DECORATIONS AND TEXAS DEPARTMENT OF TRANSPORTATION SYSTEM BUSINESS SIGNAGE) - CITY MANAGER, FIRE CHIEF, DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT AS WELL AS DIRECTOR OF PARKS AND RECREATION

*Council and Staff discussed the following issues and initiatives:*

- *Code Enforcement issues regarding substandard properties, various funding options to address dilapidated structures, property maintenance standards and the possibility of considering higher property maintenance standards.*
- *Temporary Carport Canopies requirement were discussed. Carport canopies are required to meet windstorm requirements.*
- *Water Conservation concerns, the need to implement voluntary water conservation, providing helpful conservation tips to the public and encouraging xeriscaping.*
- *Sidewalk deficiencies through the city, the current budget for preventative sidewalk maintenance repairs and the possibility of Coym, Rehmet & Gutierrez conducting a sidewalk study that would include ADA concerns.*
- *The possibility of purchasing Christmas Decorations and continuing further discussion during the upcoming budget process.*
- *The solicitation of TxDOT System Business Signage, a survey scheduled by Lonestar Logos & Signs the management and implementation firm of the program and the various funding options suggested by the firm.*

- *The Chamber of Commerce utilizing the Community Center Ballroom for a Craft Show and the possibility of them subleasing the Ballroom during Windfest 2012.*

7. **ADJOURNMENT:** MAYOR KREBS

*Mayor Krebs adjourned the workshop at 8:12 p.m.*

**NOTICE OF ASSISTANCE:**

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**BRAILLE IS NOT AVAILABLE**

Approved:

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David Krebs  
Mayor

Attest:

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Annette Hall  
City Secretary



## **REGULAR MEETING AGENDA BILL**

**AGENDA ITEM:** **ORDINANCE NO. 2047 - ESTABLISHING FEE SCHEDULE FOR FIRE CODE PLAN REVIEW AND INSPECTIONS:** THE CITY COUNCIL WILL CONSIDER THE SECOND (FINAL) READING OF ORDINANCE NO. 2047 WHICH ESTABLISHES A FE SCHEDULE FOR FIRE CODE PLAN REVIEW AND INSPECTIONS

**SUBMITTED BY:** Brian DeLatte, Director of Public Works and Development

**SUBMISSION DATE:** January 10, 2012

**ATTACHMENTS:** Ordinance No. 2047

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**SUMMARY STATEMENT:** Upon engaging Bureau Veritas to provide fire code plan review and inspection services to the City, staff recommends adopting proposed Ordinance No. 2047 which implements the fee schedule required by the firm. The fees are based directly on the total valuation costs of the new construction. Adopting this ordinance will allow the City to recover direct costs associated with providing these critical services.

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**RECOMMENDATION:** Adopt a motion approving the second (final) reading of Ordinance No. 2047.

**ORDINANCE NO. 2047**

**AN ORDINANCE ESTABLISHING FEE SCHEDULE FOR FIRE CODE PLAN REVIEW AND INSPECTIONS (NEW COMMERCIAL AND MULTI-FAMILY CONSTRUCTION); PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY FOR VIOLATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR PUBLICATION**

**WHEREAS** it costs the City of Portland a significant amount of time, effort and money to provide its comprehensive menu of services; and,

**WHEREAS** the City Council has determined that many of the services that it provides benefit a limited number of persons and the cost of providing those services should be borne by the persons who receive them; and,

**WHEREAS** the City Council has determined that providing fire code plan review and inspections on new commercial and multi-family construction projects is necessary to protect the health, safety, and welfare of the public; and,

**WHEREAS** the City Council has determined that it is appropriate to establish fees for the fire code reviews and inspection on new commercial and multi-family construction.

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

**SECTION 1:** Subsection 9, Section A, Appendix C (Development Fee Schedule) of the Code of Ordinances is hereby created to read as follows:

*9. Fire Code Plan Review and Inspection Fees:* Fire code plan review and inspection fees apply to commercial and multi-family construction. Such plan review fees are in addition to the Building Code Fees and the Commercial and Multi-Family Construction Plan Review. Fees are as follows:

<b>Total Project Valuation</b>	<b>Fire Code Plan Review Fees</b>	<b>Fire Code Inspection Services</b>
Up to \$250,000	\$500	\$750
\$250,001 to \$500,000	\$850	\$1,050
\$500,001 to \$1,000,000	\$1,100	\$1,350
\$1,000,001 to \$3,000,000	\$1,600	\$1,900

\$3,000,001 to \$6,000,000	\$2,400	\$2,850
\$6,000,001 and up	\$2,400 plus \$0.25 each additional \$1,000	\$2,850 plus \$0.25 each additional \$1,000

**SECTION 2. REPEALER:** All previously adopted rules, regulations, policies and ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 3. SEVERABILITY:** If any provision, section, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

**SECTION 4. VIOLATION AND PENALTY:** Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars (\$500). Each and every day that a violation of this Ordinance occurs shall constitute a separate offense.

**SECTION 5. PUBLICATION:** This Ordinance shall be published after second reading hereof by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after the publication provided herein.

**SECTION 6. EFFECTIVE DATE:** This Ordinance shall take effect upon its final reading and the publication of its caption in the official newspaper of record.

**PASSED and APPROVED** this \_\_\_ day of \_\_\_\_ 2012.

**EXECUTED**

\_\_\_\_\_  
**David Krebs**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Annette Hall**  
**City Secretary**



**BUSINESS OF THE CITY COUNCIL  
FOR THE  
CITY OF PORTLAND, TEXAS**

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**SUBJECT:** The City Council will undertake:

**CONSIDERATION AND APPROVAL OF AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS AUTHORIZING THE ISSUANCE OF "CITY OF PORTLAND, TEXAS UTILITY SYSTEM REVENUE BONDS, SERIES 2012"; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS, TOGETHER WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS, BY A FIRST AND PRIOR LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE CITY'S COMBINED UTILITY SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SUCH BONDS, INCLUDING THE APPROVAL OF AN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SUCH BONDS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; COMPLYING WITH THE REGULATIONS PROMULGATED BY THE TEXAS WATER DEVELOPMENT BOARD; AND PROVIDING FOR AN EFFECTIVE DATE**

**SUBMITTED BY:** Sandy Clarkson 

**DATE SUBMITTED:** 2/1/2012      **FOR THE AGENDA OF:** 02/07/2012

**ATTACHMENTS:** Ordinance 2048

**APPROVED:** \_\_\_\_\_

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**SUMMARY STATEMENT:** The City and the Texas Water Development Board are finally ready to move into Phase 2 of the long-discussed Doyle Addition/Nueces Bay Subdivision Sanitary Sewer project. In this phase, the actual construction will begin in earnest. The total cost of Phase 2 is \$2,493,000, which is broken down as: \$2,300,000 grant funds through the Economically Distressed Area Program (EDAP) and \$193,000 of City of Portland 2012 Revenue Bonds.

The purpose of the attached ordinance is to authorize the sale of the 2012 Revenue Bonds to the Water Development Board. TWDB is purchasing these bonds, at a very favorable rate to the City of Portland, through their D-Fund loan program. These bond proceeds will fund improvements to the City's utility that will benefit the entire system. The debt service on these bonds (approximately \$14,000 per year, amortized over the next 20

years) will largely be funded from the revenue received from customers who will be added after the project is complete.

The City's financial advisor, Steve Elliott with Southwest Securities, will be present at the meeting to answer any questions. The ordinance attached to this agenda bill is the current draft. This will not be finalized until after the TWBD has told us what the interest rate will be. That will not be until Wednesday, February 8.

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**RECOMMENDED ACTION:** The staff recommends adoption of Ordinance 2048 authorizing issuance of City of Portland, Texas Utility System Revenue Bonds, Series 2012.

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**ORDINANCE NO. 2048**

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS AUTHORIZING THE ISSUANCE OF "CITY OF PORTLAND, TEXAS UTILITY SYSTEM REVENUE BONDS, SERIES 2012"; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS, TOGETHER WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS, BY A FIRST AND PRIOR LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE CITY'S COMBINED UTILITY SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SUCH BONDS, INCLUDING THE APPROVAL OF AN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SUCH BONDS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; COMPLYING WITH THE REGULATIONS PROMULGATED BY THE TEXAS WATER DEVELOPMENT BOARD; AND PROVIDING FOR AN EFFECTIVE DATE

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**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS AUTHORIZING THE ISSUANCE OF “CITY OF PORTLAND, TEXAS UTILITY SYSTEM REVENUE BONDS, SERIES 2012”; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS, TOGETHER WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS, BY A FIRST AND PRIOR LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE CITY'S COMBINED UTILITY SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SUCH BONDS, INCLUDING THE APPROVAL OF AN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SUCH BONDS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; COMPLYING WITH THE REGULATIONS PROMULGATED BY THE TEXAS WATER DEVELOPMENT BOARD; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City Council (the *City Council*) of the City of Portland, Texas (the *City*) has determined that revenue bonds (the *Bonds*) payable from and equally and ratably secured, together with the currently outstanding revenue bonds (hereinafter defined as the *Prior Lien Obligations*), solely by a first and prior lien on and pledge of the Net Revenues (hereinafter defined) of the City's combined utility system (the *System*) should be issued for the purposes hereinafter described; and

WHEREAS, the City is empowered by the provisions of Chapter 1502, as amended, Texas Government Code and the City's Home Rule Charter to issue the Bonds; and

WHEREAS, the City intends to utilize the proceeds of the Bonds for the purpose of acquiring, purchasing, constructing, improving, extending, renovating, enlarging, equipping, or repairing the System and to pay the costs of issuing the Bonds; and

WHEREAS, the City Council hereby finds and determines that the Bonds can and should be issued as Additional Prior Lien Obligations (hereinafter defined) on a parity with the Prior Lien Obligations in that (1) the Director of Finance of the City (or other official of the City, including the City Manager, having primary responsibility for the fiscal affairs of the City) has executed a certificate stating that (i) except for a refunding to cure a default, or the deposit of a portion of the proceeds of any Additional Prior Lien Obligations to satisfy the City's obligations under this Ordinance, the City is not then in default as to any covenant, obligation, or agreement contained in any ordinance or other proceedings relating to any obligations of the City payable from and secured by a first and prior lien on and pledge of the Pledged Revenues of the System and (ii) all payments into all special funds or accounts created and established for the payment and security of all outstanding obligations payable from and secured by a first and prior lien on and pledge of the Pledged Revenues of the System have been duly made and that the amounts on

deposit in such special funds or accounts are the amounts then required to be deposited therein; (2) the City has secured a certificate or opinion from the Director of Finance of the City (or other official of the City, including the City Manager, having primary responsibility for the fiscal affairs of the City) to the effect that, according to the books and records of the City, the Net Revenues of the System, for the preceding Fiscal Year or for any 12 consecutive months out of the 18 months immediately preceding the month the ordinance authorizing the Additional Prior Lien Obligations is adopted, are at least equal to one and one-fourth (1-1/4) times the Average Annual Debt Service Requirements for the payment of principal of and interest on all outstanding Bonds after giving effect to the Additional Prior Lien Obligations then proposed; (3) the Ordinance provides for deposits to be made to the Bond Fund in amounts sufficient to pay the principal of and interest on such Additional Prior Lien Obligations as same mature; and (4) the Ordinance provides that the amount to be accumulated and maintained in the Reserve Fund shall be in an amount equal to not less than the Average Annual Debt Service Requirements for the payment of the first lien revenue bonds then outstanding after giving effect to the issuance of the proposed Additional Prior Lien Obligations, and provides that any additional amount to be maintained in the Reserve Fund shall be accumulated within sixty (60) months from the date the Additional Prior Lien Obligations are delivered;

WHEREAS, the Bonds herein authorized for issuance are to be delivered to the Texas Water Development Board (the *Board* or the *Purchasers*) in evidence of a loan commitment received in the aggregate amount of the Bonds;

WHEREAS, the City Council hereby finds and determines that this action and the adoption of this Ordinance is in the best interest of the citizens of the City; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS THAT:

SECTION 1: Authorization - Designation - Principal Amount - Purpose. Revenue bonds of the City shall be and are hereby authorized to be issued in the aggregate principal amount of ONE HUNDRED NINETY THREE THOUSAND AND NO/100 DOLLARS (\$193,000), to be designated and bear the title of CITY OF PORTLAND, TEXAS UTILITY SYSTEM REVENUE BONDS, SERIES 2012 (the *Bonds*), pursuant to an ordinance adopted by the City Council (the *Ordinance*) for the purpose of (i) acquiring, purchasing, constructing, improving, extending, renovating, enlarging, equipping, or repairing the City's combined utility system and (ii) paying the costs of issuing the Bonds. The Bonds shall be payable from and equally and ratably secured, together with the currently outstanding Prior Lien Obligations, solely by a first and prior lien on and pledge of the Net Revenues (hereinafter defined) of the System. The Bonds are authorized to be issued pursuant to the authority conferred by and in conformity with the laws of the State of Texas, particularly Chapter 1502, as amended, Texas Government Code, the City's Home Rule Charter, and the Ordinance.

SECTION 2: Fully Registered Obligations - Authorized Denominations - Stated Maturities - Interest Rates - Bond Date. The Bonds are issuable in fully registered form only; shall be dated February 1, 2012 (the *Bond Date*) and shall be in denominations of \$1,000 or any integral multiple thereof; and shall become due and payable on September 1 in each of the years and in principal amounts (the *Stated Maturities*) and bear interest on the unpaid principal

amounts as provided in Section 3, to the earlier of redemption or Stated Maturity, while Outstanding, or from the most recent Interest Payment Date (hereinafter defined) to which interest has been paid or duly provided for, at the per annum rates, while Outstanding, in accordance with the following schedule:

<u>Year of Stated Maturity</u>	<u>Principal Amounts (\$)</u>	<u>Interest Rates (%)</u>
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SECTION 3: Payment of Bonds - Interest Payments - Paying Agent/Registrar. The principal of, premium, if any, and interest on the Bonds, due and payable by reason of Stated Maturity, redemption, or otherwise, shall be payable 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, and such payment of principal of and interest on the Bonds shall be without exchange or collection charges to the Holder (as hereinafter defined) of the Bonds.

The Bonds shall bear interest on the unpaid principal amount thereof at the per annum rates shown above in Section 2, computed on the basis of a 360-day year of twelve 30-day months, and interest thereon shall be payable semiannually on March 1 and September 1 of each year (the *Interest Payment Date*), commencing September 1, 2012, while the Bonds are Outstanding. Interest on each Bond issued and delivered to a Holder shall accrue from the latest Interest Payment Date that interest on such Bond (or its Predecessor Bond) has been paid that precedes the registration date appearing on such Bond in the "Registration Certificate of Paying Agent/Registrar" (Section 8D hereof), unless the registration date appearing thereon is an Interest Payment Date for which interest is being paid, in which case interest on such Bond shall accrue from the registration date appearing thereon and provided further that with respect to the

initial payment of interest on a Bond, such interest shall accrue from the date of initial delivery of the Bonds (or its Predecessor Bond) to the Purchasers (hereinafter defined).

The selection and appointment of BOKF, NA dba Bank of Texas, Austin, Texas, to serve as the initial Paying Agent/Registrar for the Bonds is hereby approved and confirmed, and the City agrees and covenants to cause to be kept and maintained at the corporate trust office of the Paying Agent/Registrar books and records (the *Security Register*) for the registration, payment, and transfer of the Bonds, all as provided herein, in accordance with the terms and provisions of a Paying Agent/Registrar Agreement, attached, in substantially final form, as Exhibit A hereto, and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. The City covenants to maintain and provide a Paying Agent/Registrar at all times while the Bonds are Outstanding, and any successor Paying Agent/Registrar shall be a national or state banking institution or an association or a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers. Such Paying Agent/Registrar shall be subject to supervision or examination by federal or state authority and authorized by law to serve as a Paying Agent/Registrar.

The City reserves the right to appoint a successor Paying Agent/Registrar upon providing the previous Paying Agent/Registrar with a certified copy of a resolution or ordinance terminating such agency. Additionally, the City agrees to promptly cause a written notice of this substitution to be sent to each Holder of the Bonds by United States Mail, first-class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Both principal of, premium, if any, and interest on the Bonds, due and payable by reason of Stated Maturity, redemption or otherwise, shall be payable only to the registered owner of the Bonds appearing on the Security Register (the Holder *or* Holders) maintained on behalf of the City by the Paying Agent/Registrar as hereinafter provided (i) on the Record Date (hereinafter defined) for purposes of payment of interest thereon, and (ii) on the date of surrender of the Bonds for purposes of receiving payment of principal thereof upon redemption of the Bonds or at the Bonds' Stated Maturity. The City and the Paying Agent/Registrar, and any agent of either, shall treat the Holder as the owner of a Bond for purposes of receiving payment and all other purposes whatsoever, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary.

Principal of, and premium, if any, on the Bonds shall be payable only upon presentation and surrender of the Bonds to the Paying Agent/Registrar at its corporate trust office. Interest on the Bonds shall be paid to the Holder whose name appears in the Security Register at the close of business on the fifteenth day of the month next preceding an Interest Payment Date for the Bonds (the *Record Date*) and shall be paid (i) by check sent by United States Mail, first-class postage prepaid, by the Paying Agent/Registrar, to the address of the Holder appearing in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested in writing by the Holder at the Holder's risk and expense. While the Bonds are held by the Purchasers (as defined in Section 31 hereof), payment of principal of, premium, if any, and interest on the Bonds shall be made by federal funds wire transfer, at no cost to the Purchasers, to an account at a financial institution located in the United States designated by the Purchasers.

If the date for the payment of the principal of, premium, if any, or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where 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 day. The payment on such date shall have the same force and effect as if made on the original date any such payment on the Bonds 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 (the *Special Payment Date* - 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 Bonds having Stated Maturities on and after September 1, 2023 shall be subject to redemption prior to Stated Maturity, at the option of the City, in inverse order of Stated Maturity, on September 1, 2022, or on any date thereafter, as a whole or in part, in principal amounts of \$1,000 or any integral multiple thereof (and if within a Stated Maturity selected at random and by lot by the Paying Agent/Registrar), 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 a date set for the redemption of Bonds (unless a shorter notification period shall be satisfactory to the Paying Agent/Registrar), the City shall notify the Paying Agent/Registrar of its decision to exercise the right to redeem Bonds, the principal amount of each Stated Maturity to be redeemed, and the date set for the redemption thereof. The decision of the City to exercise the right to redeem Bonds shall be entered in the minutes of the governing body of the City.

(c) Selection of Bonds for Redemption. If less than all Outstanding Bonds of the same Stated Maturity are to be redeemed on a redemption date, the Paying Agent/Registrar shall select at random and by lot the Bonds to be redeemed, provided that if less than the entire principal amount of a Bond is to be redeemed, the Paying Agent/Registrar shall treat such Bond then subject to redemption as representing the number of Bonds outstanding which is obtained by dividing the principal amount of such Bond by \$1,000.

(d) Notice of Redemption. Not less than thirty (30) days prior to a redemption date for the Bonds, 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, by the Paying Agent/Registrar to each Holder of a Bond 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 received by the Holder.

All notices of redemption shall (i) specify the date of redemption for the Bonds, (ii) identify the Bonds 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 Bonds, 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 Bonds, or the principal amount thereof to be redeemed, shall be made at the corporate trust office of the Paying Agent/Registrar only upon presentation and surrender thereof by the Holder. If a Bond is subject by its terms to redemption and has been called for redemption and notice of redemption thereof has been duly given or waived as herein provided, such Bond (or the principal amount thereof to be redeemed) so called for redemption shall become due and payable, and if money sufficient for the payment of such Bonds (or of the principal amount thereof to be redeemed) at the then applicable redemption price is held for the purpose of such payment by the Paying Agent/Registrar, then on the redemption date designated in such notice, interest on said Bonds (or the principal amount thereof to be redeemed) called for redemption shall cease to accrue, and such Bonds shall not be deemed to be Outstanding in accordance with the provisions of this Ordinance.

(e) Transfer/Exchange. Neither the City nor the Paying Agent/Registrar shall be required to transfer or exchange any Bond during a period beginning forty-five (45) days prior to the date fixed for redemption of the Bonds or to transfer or exchange any Bond selected for redemption, provided; however, such limitation of transfer shall not be applicable to an exchange by the Holder of the unredeemed balance of a Bond which is subject to redemption in part.

SECTION 5: Execution - Registration. The Bonds shall be executed on behalf of the City by its Mayor, its seal reproduced or impressed thereon, and attested by its City Secretary. The signature of either officer on the Bonds may be manual or facsimile. Bonds bearing the manual or facsimile signatures of individuals who were, at the time of the Bond Date, the proper officers of the City shall bind the City, notwithstanding that such individuals or either of them shall cease to hold such offices prior to the delivery of the Bonds to the Purchasers, all as authorized and provided in Chapter 1201, as amended, Texas Government Code.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond either a certificate of registration substantially in the form provided in Section 8C, executed by the Comptroller of Public Accounts of the State of Texas or his duly authorized agent by manual signature, or a certificate of registration substantially in the form provided in Section 8D, executed by the Paying Agent/Registrar by manual signature, and either such certificate upon any Bond shall be conclusive evidence, and the only evidence, that such Bond has been duly certified or registered and delivered.

SECTION 6: Registration - Transfer - Exchange of Bonds - Predecessor Bonds. The Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of every owner of the Bonds, or, if appropriate, the nominee thereof. Any Bond may, in accordance with its terms and the terms hereof, be transferred or exchanged for Bonds of other authorized denominations upon the Security Register by the Holder, in person or by his duly authorized agent, upon surrender of such Bond to the Paying Agent/Registrar 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 surrender for transfer of any Bond at the corporate trust office of the Paying Agent/Registrar, the City shall execute and the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Bonds of authorized denomination and having the same Stated Maturity and of a like interest rate and aggregate principal amount as the Bond or Bonds surrendered for transfer.

At the option of the Holder, Bonds may be exchanged for other Bonds of the same series and of authorized denominations and having the same Stated Maturity, bearing the same rate of interest and of like aggregate principal amount as the Bonds surrendered for exchange upon surrender of the Bonds to be exchanged at the corporate trust office of the Paying Agent/Registrar. Whenever any Bonds are so surrendered for exchange, the City shall execute, and the Paying Agent/Registrar shall register and deliver, the Bonds, to the Holder requesting the exchange.

All Bonds issued upon any transfer or exchange of Bonds shall be delivered at the corporate trust office of the Paying Agent/Registrar, or be sent by registered mail to the Holder at his request, risk, and expense, and upon the delivery thereof, the same shall be the valid and binding obligations of the City, evidencing the same obligation to pay, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon such transfer or exchange.

All transfers or exchanges of Bonds 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 fee, tax or other governmental charges required to be paid with respect to such transfer or exchange.

Bonds canceled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be Predecessor Bonds, evidencing all or a portion, as the case may be, of the same debt evidenced by the new Bond or Bonds registered and delivered in the exchange or transfer therefor. Additionally, the term Predecessor Bonds shall include any Bond registered and delivered pursuant to Section 30 in lieu of a mutilated, lost, destroyed, or stolen Bond which shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Bond.

SECTION 7: Initial Bonds(s). The Bonds herein authorized shall be issued initially either as a single fully-registered Bond in the total principal amount of \$193,000 with principal installments to become due and payable as provided in Section 2 and numbered T-1, or as one (1) fully-registered Bond for each year of Stated Maturity in the applicable principal amount and denomination and to be numbered consecutively from T-1 and upward (the *Initial Bond(s)*) and, in either case, the Initial Bond(s) shall be registered in the name of the initial purchaser or the designee thereof. The Initial Bond(s) shall be the Bonds 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 purchaser. Any time after the delivery of the Initial Bond(s), the Paying Agent/Registrar shall cancel the Initial Bond(s) delivered hereunder and exchange therefor definitive Bonds of authorized

denominations, Stated Maturities, 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 purchaser, or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

SECTION 8: FORMS.

(a) Forms Generally. The Bonds, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Registration Certificate of Paying Agent/Registrar, and the form of Assignment to be printed on each of the Bonds 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 insurance legends in the event the Bonds, or any Stated Maturities thereof, are insured and identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an Opinion of counsel) thereon as may, consistent herewith, be established by the City or determined by the officers executing the Bonds as evidenced by their execution thereof. Any portion of the text of any Bond may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Bond.

The definitive Bonds shall be printed, lithographed, or engraved, produced by any combination of these methods, or produced in any other similar manner, all as determined by the officers executing the Bonds as evidenced by their execution thereof, but the Initial Bond(s) submitted to the Attorney General of Texas may be typewritten or photocopied or otherwise reproduced.

*[The remainder of this page intentionally left blank.]*

(b) Form of Definitive Bond.

REGISTERED  
NO.

REGISTERED  
PRINCIPAL AMOUNT

\$ \_\_\_\_\_

United States of America  
State of Texas  
Counties of Nueces and San Patricio  
CITY OF PORTLAND, TEXAS  
UTILITY SYSTEM REVENUE BONDS,  
SERIES 2012

Bond Date:  
February 1, 2012

Interest Rate:

Stated Maturity:

CUSIP No.

REGISTERED OWNER: \_\_\_\_\_

PRINCIPAL AMOUNT: \_\_\_\_\_ DOLLARS

The City of Portland, Texas (the *City*), a body corporate and municipal corporation in the Counties of Nueces and San Patricio, State of Texas, for value received, hereby promises to pay to the order of the Registered Owner specified above, or the registered assigns thereof, on the Stated Maturity date specified above, the Principal Amount specified above (or so much thereof as shall not have been paid upon prior redemption), and to pay interest on the unpaid principal amount hereof from the interest payment date next preceding the "Registration Date" of this Bond appearing below (unless this Bond bears a "Registration Date" as of an interest payment date, in which case interest shall accrue from such date, or unless the Registration Date of this Bond is the initial delivery date of this Bond (or its Predecessor Bond) to the Purchasers, in which case interest shall accrue from such date of delivery to the Purchasers) at the per annum rate of interest specified above (computed on the basis of a 360-day year of twelve 30-day months), or from the most recent Interest Payment Date to which interest has been paid or duly provided for, at the per annum rate specified above; such interest being payable on March 1 and September 1 of each year (the *Interest Payment Date*) commencing September 1, 2012.

Principal and premium, if any, of the Bond shall be payable to the Registered Owner hereof (the *Holder*) upon presentation and surrender, at the corporate trust office of the Paying Agent/Registrar executing the registration certificate appearing hereon or a successor thereof. Interest shall be payable to the Holder of this Bond (or one or more Predecessor Bonds, as defined in the Ordinance hereinafter referenced) 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 each interest payment date. All payments of principal of and interest on this Bond shall be 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. Interest shall be paid by the Paying Agent/Registrar by check sent on the appropriate date of payment by United States Mail, first-class postage prepaid, to the Holder hereof at the address appearing in the Security Register or by such other method, acceptable to the Paying

Agent/Registrar, requested by the Holder hereof at the Holder's risk and expense. While the Bonds are held by the Purchasers payment of principal of, premium, if any, and interest on the Bonds shall be made by federal funds wire transfer, at no cost to the Purchasers, to an account at a financial institution located in the United States designated by the Purchasers.

This Bond is one of the series specified in its title issued in the aggregate principal amount of \$193,000 (the *Bonds*) pursuant to an ordinance adopted by the governing body of the City (the *Ordinance*), for the purpose of (i) acquiring, purchasing, constructing, improving, extending, renovating, enlarging, equipping, or repairing the City's combined utility system and (ii) paying the costs of issuing the Bonds. The Bonds are authorized to be issued pursuant to the authority conferred by and in conformity with the laws of the State of Texas, particularly Chapter 1502, as amended, Texas Government Code, the City's Home Rule Charter, and the Ordinance.

The Bonds stated to mature on and after September 1, 2023 may be redeemed prior to their Stated Maturities, at the option of the City, in inverse order of Stated Maturity, on September 1, 2022, or on any date thereafter, in whole or in part in principal amounts of \$1,000 or any integral multiple thereof (and if within a Stated Maturity selected at random and by lot by the Paying Agent/Registrar) at the redemption price of par, together with accrued interest to the date of redemption, and upon thirty (30) days prior written notice being given by United States Mail, first-class postage prepaid, to Holders of the Bonds to be redeemed, and subject to the terms and provisions relating thereto contained in the Ordinance. If this Bond is subject to redemption prior to Stated Maturity and is in a denomination in excess of \$1,000, portions of the principal sum hereof in installments of \$1,000 or any integral multiple thereof may be redeemed, and, if less than all of the principal sum hereof is to be redeemed, there shall be issued, without charge therefor, to the Holder hereof, upon the surrender of this Bond to the Paying Agent/Registrar at its corporate trust office, a new Bond or Bonds of like Stated Maturity and interest rate in any authorized denominations provided in the Ordinance for the then unredeemed balance of the principal sum hereof.

If this Bond (or any portion of the principal sum hereof) shall have been duly called for redemption and notice of such redemption duly given, then upon such redemption date this Bond (or the portion of the principal sum hereof to be redeemed) shall become due and payable, and, if money for the payment of the redemption price and the interest accrued on the principal amount to be redeemed to the date of redemption is held for the purpose of such payment by the Paying Agent/Registrar, interest shall cease to accrue and be payable hereon from and after the redemption date on the principal amount hereof to be redeemed. If this Bond is called for redemption, in whole or in part, the City or the Paying Agent/Registrar shall not be required to issue, transfer, or exchange this Bond within forty-five (45) days of the date fixed for redemption; provided, however, such limitation of transfer shall not be applicable to an exchange by the Holder of the unredeemed balance hereof in the event of its redemption in part.

The Bonds of this series are special obligations of the City payable from and equally and ratably secured, together with the currently outstanding Prior Lien Obligations, solely by a first and prior lien on and pledge of the pledged revenues (the *Pledged Revenues*) derived from the operation of the City's combined utility system (the *System*). The City previously authorized the issuance of the currently outstanding Limited Pledge Obligations (identified and defined in the Ordinance) which are payable, in part, from and secured by a lien on and pledge of a limited

amount of the Net Revenues of the System in the manner and as described in the ordinances authorizing the issuance of the currently outstanding Limited Pledge Obligations. In the Ordinance, the City reserves and retains the right to issue Additional Prior Lien Obligations, Junior Lien Obligations and Additional Limited Pledge Obligations, without limitation as to principal amount but subject to any terms, conditions, or restrictions set forth in the Ordinance or as may be applicable thereto under law or otherwise. The Bonds do not constitute a legal or equitable pledge, charge, lien, or encumbrance upon any property of the City or System, except with respect to the Pledged Revenues.

The Holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation.

Reference is hereby made to the Ordinance, copies of which are on file in the corporate trust office of the Paying Agent/Registrar, and to all of the provisions of which the Holder by his acceptance hereof hereby assents, for definitions of terms; the description and nature of the Pledged Revenues of the System pledged for the payment of the Bonds; the terms and conditions under which the City may issue Additional Prior Lien Obligations, Junior Lien Obligations and Additional Limited Pledge Obligations; the terms and conditions relating to the transfer or exchange of the Bonds; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Holders; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Bond may be redeemed or discharged at or prior to the Stated Maturity thereof, and deemed to be no longer Outstanding thereunder; and for the other terms and provisions specified in the Ordinance. Capitalized terms used herein have the same meanings assigned in the Ordinance.

This Bond, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register upon presentation and surrender at the corporate trust office of the Paying Agent/Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by the Holder hereof, or his duly authorized agent, and thereupon one or more new fully registered Bonds of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, shall treat the Holder hereof whose name appears on the Security Register (i) on the Record Date as the owner hereof for purposes of receiving payment of interest hereon, (ii) on the date of surrender of this Bond as the owner hereof for purposes of receiving payment of principal hereof at its Stated Maturity, or its redemption, in whole or in part, and (iii) on any other date as the owner hereof for all other purposes, and neither the City nor the Paying Agent/Registrar, or any such 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 (the *Special Payment Date* - 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.

It is hereby certified, covenanted, and represented that all acts, conditions, and things required to be performed, exist, and be done precedent to the issuance of this Bond in order to render the same a legal, valid, and binding special obligation of the City have been performed, exist, and have been done, in regular and due time, form, and manner, as required by law, and that issuance of the Bonds does 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 Bonds by a pledge of and lien on the Pledged Revenues of the System. In case any provision in this Bond or any application thereof shall be deemed 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 Bond and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

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

CITY OF PORTLAND, TEXAS

By \_\_\_\_\_  
Mayor

ATTESTED:

\_\_\_\_\_  
City Secretary

(CITY SEAL)

*[The remainder of this page intentionally left blank.]*

(c) \*Form of Registration Certificate of Comptroller of Public Accounts to Appear on Initial Bond(s) Only.

REGISTRATION CERTIFICATE OF  
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER OF §  
PUBLIC ACCOUNTS §  
THE STATE OF TEXAS § REGISTER NO. \_\_\_\_\_  
§

I HEREBY CERTIFY that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and 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)

\*NOTE TO PRINTER: Not to appear on printed Bond.

(d) Form of Certificate of Paying Agent/Registrar to Appear on Definitive Bonds Only.

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Bond has been duly issued under the provisions of the within-mentioned Ordinance; the Bond or Bonds 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.

Registered this date: BOKF, NA dba BANK OF TEXAS, Austin,  
Texas, as Paying Agent/Registrar

\_\_\_\_\_  
By: \_\_\_\_\_  
Authorized Signature

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

DATED: \_\_\_\_\_

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

Signature guaranteed:

\_\_\_\_\_  
(f) The Initial Bond(s) shall be in the form set forth in paragraph B of this Section, except that the form of a single fully registered Initial Bond shall be modified as follows:

(i) immediately under the name of the Bond(s) the headings "Interest Rate" and "Stated Maturity" shall both be completed "as shown below";

(ii) the first two paragraphs shall read as follows:

Registered Owner: \_\_\_\_\_

Principal Amount: \_\_\_\_\_

The City of Portland, Texas (the *City*), a body corporate and municipal corporation in the Counties of Nueces and San Patricio, State of Texas, for value received, hereby promises to pay to the order of the Registered Owner named above, or the registered assigns thereof, the Principal Amount specified above on the first day of September in each of the years and in principal amounts and bearing interest at per annum rates in accordance with the following schedule:

<u>Years of Stated Maturity</u>	<u>Principal Amounts (\$)</u>	<u>Interest Rates (%)</u>
---------------------------------	-------------------------------	---------------------------

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

(or so much thereof as shall not have been paid upon prior redemption) and to pay interest on the unpaid Principal Amounts hereof from the interest payment date next preceding the "Registration Date" of this Bond appearing below (unless this Bond bears a "Registration Date" as of an interest payment date, in which case interest shall accrue from such date, or unless the Registration Date of this Bond is the initial delivery date of this Bond (or its Predecessor Bond) to the Purchasers, in which case interest shall accrue from such date of delivery to the Purchasers), at the per annum rates of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on March 1 and September 1 of each year, commencing September 1, 2012

Principal of this Bond shall be payable to the Registered Owner hereof (the *Holder*), upon its presentation and surrender, at the corporate trust office of BOKF, NA dba Bank of Texas, Austin, Texas (the *Paying Agent/Registrar*). Interest shall be payable to the Holder of this Bond 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 each interest payment date. All payments of principal of and interest on this Bond shall be 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. Interest shall be paid by the Paying Agent/Registrar by check sent on or prior to the appropriate date of payment by United States Mail, first-class postage prepaid, to the Holder hereof at the address appearing 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 Holder hereof. While the Bonds are held by the Purchasers, payment of principal of, premium, if any, and interest on the Bonds shall be made by federal funds wire transfer, at no cost to the Purchasers, to an account at a financial institution located in the United States designated by the Purchasers.

*[The remainder of this page intentionally left blank.]*

(g) Insurance Legend. If bond insurance is obtained by the Purchasers or the City for the Bonds, the definitive Bonds and the Initial Bond(s) shall bear an appropriate legend as provided by the insurer.

SECTION 9: Definitions. For all purposes of this Ordinance (as defined below), except as otherwise expressly provided or unless the context otherwise requires: the terms defined in this Section have the meanings assigned to them in this Section, and certain terms used in Section 32 and 49 of this Ordinance have the meanings assigned to them in such Section, and all such terms include the plural as well as the singular; all references in this Ordinance to designated "Sections" and other subdivisions are to the designated Sections and other subdivisions of this Ordinance as originally adopted; and the words "herein", "hereof", and "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any particular Section or other subdivision.

(a) The term *Additional Limited Pledge Obligations* shall mean (i) any bonds, notes, warrants, certificates of obligation, or other evidences of indebtedness hereafter issued by the City payable wholly or in part from a pledge of and lien on Net Revenues of the System which pledge of revenues is limited pursuant to Section 1502.052, as amended, Texas Government Code, all as further provided in Section 18 of this Ordinance, and (ii) any obligations hereafter issued to refund any of the foregoing as determined by the City Council in accordance with any applicable law.

(b) The term *Additional Prior Lien Obligations* shall mean (i) any bonds, notes, warrants, certificates of obligation, or other evidences of indebtedness which the City reserves the right to issue or enter into, as the case may be, in the future under the terms and conditions provided in Section 18 of this Ordinance and which are equally and ratably secured solely by a prior and first lien on and pledge of the Pledged Revenues of the System and (ii) any obligations hereafter issued to refund any of the foregoing if issued in a manner so as to be payable from and secured by a prior and first lien on and pledge of the Pledged Revenues as determined by the City Council in accordance with applicable law

(c) The term *Authorized Official* shall mean the Mayor, the City Manager, the Director of Finance, and/or the City Secretary.

(d) The term *Average Annual Debt Service Requirements* shall mean that average amount which, at the time of computation, will be required to pay the Debt Service Requirements on the Bonds when due (either at Stated Maturity or mandatory redemption) and derived by dividing the total of such Debt Service Requirements by the number of Fiscal Years then remaining before Stated Maturity of such Bonds. For purposes of this definition, a fractional period of a Fiscal Year shall be treated as an entire Fiscal Year. Capitalized interest payments provided from bond proceeds shall be excluded in making the aforementioned computation.

(e) The term *Bond Fund* shall mean the special Fund or account created and established by the provisions of Section 13 of this Ordinance.

(f) The term *Bonds* shall mean the “City of Portland, Texas Utility System Revenue Bonds, Series 2012”, dated February 1, 2012, authorized by this Ordinance.

(g) The term *Bonds Similarly Secured* shall mean the currently outstanding Prior Lien Obligations, the Bonds, and any Additional Prior Lien Obligations hereafter issued by the City or bonds issued to refund any of the foregoing if issued in a manner that provides that the refunding bonds are payable from and equally and ratably secured by a first and prior lien on and pledge of the Pledged Revenues of the System.

(h) The term *City* shall mean the City of Portland located in the Counties of Nueces and San Patricio, Texas.

(i) The term *Closing Date* shall mean the date of physical delivery of the Initial Bonds for the payment in full by the Purchasers.

(j) The term *Debt Service Requirements* shall mean as of any particular date of computation, with respect to any obligations and with respect to any period, the aggregate of the amounts to be paid or set aside by the City as of such date or in such period for the payment of the principal of, premium, if any, and interest (to the extent not capitalized) on such obligations; assuming, in the case of obligations without a fixed numerical rate, that such obligations bear interest calculated by assuming (i) that the interest rate for every 12-month period on such bonds is equal to the rate of interest reported in the most recently published edition of The Bond Buyer (or its successor) at the time of calculation as the "Revenue Bond Index" or, if such Revenue Bond Index is no longer being maintained by The Bond Buyer (or its successor) at the time of calculation, such interest rate shall be assumed to be 80% of the rate of interest then being paid on United States Treasury obligations of like maturity and (ii) that the principal of such bonds is amortized such that annual debt service is substantially level over the remaining stated life of such bonds, and further assuming in the case of obligations required to be redeemed or prepaid as to principal prior to Stated Maturity, the principal amounts thereof will be redeemed prior to Stated Maturity in accordance with the mandatory redemption provisions applicable thereto.

(k) The term *Depository* shall mean an official depository bank of the City.

(l) The term *Fiscal Year* shall mean the twelve month accounting period used by the City in connection with the operation of the System, currently ending on September 30th of each year, which may be any twelve consecutive month period established by the City, but in no event may the Fiscal Year be changed more than one time in any three calendar year period.

(m) The term *Government Securities* shall mean (i) direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by, the United States of America; (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the governing body of the issuer adopts or approves the proceedings authorizing the issuance of refunding bonds, 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 that, on the date the governing body of the

issuer adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent; or (iv) any additional securities and obligations hereafter authorized by the laws of the State of Texas as eligible for use to accomplish the discharge of obligations such as the Bonds.

(n) The term *Gross Revenues* shall mean all income, receipts, and revenues of every nature derived or received from the operation and ownership of the System excluding refundable meter deposits, restricted gifts, and grants in aid of construction, but including earnings and income derived from the investment or deposit of money (except the Construction Fund established pursuant to Section 36 hereof) in any special fund or account created, established, and maintained for the payment, security, or benefit of the Bonds Similarly Secured.

(o) The term *Holder* or *Holder*s shall mean the registered owner, whose name appears in the Security Register, for any Bond.

(p) The term *Interest Payment Date* shall mean the date semiannual interest is payable on the Bonds, being March 1 and September 1 of each year, commencing September 1, 2012, while any of the Bonds remain Outstanding.

(q) The term *Junior Lien Obligations* shall mean (i) any bonds, notes, warrants, certificates of obligation or other obligations hereafter issued by the City payable wholly or in part from and equally and ratably secured by a junior and inferior lien and pledge of the Net Revenues of the System, that is junior and inferior to the lien on and pledge thereof securing the payment of the Bonds Similarly Secured and any Additional Prior Lien Obligations hereafter issued by the City, all as further provided in Section 18 of this Ordinance, and (ii) any obligations issued to refund the foregoing that are payable from and secured by a junior lien on and pledge of the Net Revenues of the System as determined by the City Council in accordance with any applicable law.

(r) The term *Limited Pledge Obligations* shall mean the (i) currently outstanding obligations designated as

(1) "City of Portland, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 1997", dated June 1, 1997 in the original principal amount of \$630,000;

(2) "City of Portland, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligations, Series 2003", dated January 1, 2003 in the original principal amount of \$670,000;

(3) "City of Portland, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligations, Series 2006", dated May 1, 2006 in the original principal amount of \$3,170,000; and

(ii) obligations hereafter issued to refund any of the foregoing that are payable from and equally and ratably secured by a subordinate and inferior lien on and pledge of a limited amount of the

Net Revenues of the System as determined by the City Council in accordance with any applicable law.

(s) The term *Maintenance and Operating Expenses* shall mean all current expenses of operating and maintaining the System as authorized by the provisions of Chapter 1502, as amended, Texas Government Code, including, but not limited to, 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, amortization, or other expenditures which, under standard accounting practice, should be charged to capital expenditures shall not constitute or be regarded as Maintenance and Operating Expenses of the System. Payments required to be made by the City for water supply or water facilities, sewer services or sewer facilities, or fuel supply which payments under law constitute operation and maintenance expenses of any part of the System, shall constitute and be regarded as Maintenance and Operating Expenses of the System under this Ordinance.

(t) The term *Net Revenues* shall mean Gross Revenues of the System, with respect to any period, after deducting the System's Maintenance and Operating Expenses during such period.

(u) The term *Ordinance* shall mean this ordinance adopted by the City Council on February 7, 2012.

(v) The term *Outstanding* shall mean when used in this Ordinance with respect to Bonds means, as of the date of determination, all Bonds theretofore issued and delivered under this Ordinance, except:

(1) those Bonds cancelled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

(2) those Bonds for which payment has been duly provided by the City in accordance with the provisions of Section 34 of this Ordinance 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 or redemption, as the case may be, provided that, if such Bonds are to be redeemed, notice of redemption thereof shall have been duly given pursuant to this Ordinance or irrevocably provided to be given to the satisfaction of the Paying Agent/Registrar, or waived; and

(3) those Bonds that have been mutilated, destroyed, lost, or stolen and replacement Bonds have been registered and delivered in lieu thereof as provided in Section 30 hereof.

(w) The term *Pledged Revenues* shall mean (1) the Net Revenues, plus (2) any additional revenues, income, receipts, or other resources, including, without limitation, any

grants, donations, or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, for the benefit of the System which hereafter are pledged by the City to the payment of the Bonds or any Additional Prior Lien Obligations hereafter issued by the City, and excluding those revenues excluded from Gross Revenues.

(x) The term *Prior Lien Obligations* shall mean (i) the currently outstanding and unpaid obligations of the City that are payable from and equally and ratably secured by a prior and first lien on and pledge of the Net Revenues of the System and designated as follows:

(1) "City of Portland, Texas Utility System Revenue Bonds, Series 2004", dated April 6, 2004, in the original principal amount of \$2,580,000;

(2) "City of Portland, Texas Utility System Revenue Bonds, Series 2009", dated August 1, 2009, in the original principal amount of \$322,000;

(3) "City of Portland, Texas Utility System Revenue Bonds, Series 2009-A", dated December 1, 2009, in the original principal amount of \$6,500,000;

(4) "City of Portland, Texas Utility System Revenue Refunding Bonds, Series 2010", dated November 15, 2010, in the original principal amount of \$2,370,000; and

(ii) obligations hereafter issued to refund any of the foregoing that are payable from and secured by a prior and first lien on and pledge of the Net Revenues of the System as determined by the City Council in accordance with any applicable law.

(y) The term *Purchasers* shall mean the initial purchaser or purchasers of the Bonds named in Section 31 of this Ordinance.

(z) The term *Required Reserve Amount* shall mean the amount required to be deposited and maintained in the Reserve Fund under the provisions of Section 14 of this Ordinance.

(aa) The term *Required Reserve Fund Deposits* shall mean the monthly deposit required to be deposited and maintained in the Reserve Fund under the provisions of Section 14 of this Ordinance.

(bb) The term *Series 2000 Prior Lien Obligations* shall mean the "City of Portland, Texas Utility System Revenue Bonds, Series 2000", dated September 1, 2000, in the original principal amount of \$1,775,000 that were purchased by the Texas Water Development Board that are no longer outstanding.

(cc) The term *Stated Maturity* shall mean the annual principal payments of the Bonds payable on September 1 of each year, as set forth in Section 2 of this Ordinance.

(dd) The term *Surety Bond* shall mean the debt service reserve insurance policy issued by MBIA Insurance Corporation with respect to the Series 2004 Bonds guaranteeing certain

payments into the Reserve Fund as provided in Section 14 hereof with respect to the Bonds as provided in the Surety Bond and subject to the limitations set forth in the Surety Bond and the Surety Bond shall constitute a permissible Surety Policy.

(ee) The term *Surety Policy* shall mean a surety bond, insurance policy, letter of credit, or other agreement or instrument whereby the issuer is obligated to provide funds up to and including the maximum amount and under the conditions specified in such agreement or instrument.

(ff) The term *System* shall mean all properties, facilities and plants currently owned, operated, and maintained by the City for the supply, treatment, and transmission of treated potable water, for the collection and treatment of wastewater, together with all future extensions, improvements, replacements and additions thereto, whether situated within or without the limits of the City; provided, however, that notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not mean to include facilities of any kind which are declared not to be a part of the System and which are acquired or constructed by or on behalf of the City with the proceeds from the issuance of Special Facilities Bonds, which are hereby defined as being special revenue obligations of the City which are not payable from Net Revenues but which are payable from and equally and ratably secured by other liens on and pledges of any revenues, sources or payments, not pledged to the payment of the Bonds Similarly Secured including, but not limited to, special contract revenues or payments received from any other legal entity in connection with such facilities.

SECTION 10: Pledge of Pledged Revenues. (a) The City hereby covenants and agrees that the Pledged Revenues of the System are hereby irrevocably pledged to the payment and security of the Bonds Similarly Secured including the establishment and maintenance of the special funds or accounts created and established for the payment and security thereof, all as hereinafter provided; and it is hereby ordained that the Bonds Similarly Secured, and the interest thereon, shall constitute a first and prior lien on and pledge of the Pledged Revenues of the System and be valid and binding without any physical delivery thereof or further act by the City, and the lien created hereby on the Pledged Revenues of the System for the payment and security of the Bonds Similarly Secured shall be prior in right and claim as to the lien on and pledge of the Net Revenues securing payment of the currently outstanding Limited Pledge Obligations or any Additional Junior Lien Obligations and Additional Limited Pledge Obligations hereafter issued by the City.

(b) Chapter 1208, as amended, Texas Government Code, applies to the issuance of the Bonds and the pledge of Net Revenues granted by the City under subsection (a) of this Section, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at anytime while the Bonds are outstanding and unpaid such that the pledge of the Net Revenues granted by the City is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in this pledge, the City Council agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, as amended, Texas Business & Commerce Code and enable a filing to perfect the security interest in this pledge to occur.

SECTION 11: Rates and Charges. For the benefit of the Holders of the Bonds Similarly Secured and in addition to all provisions and covenants in the laws of the State of Texas and in this Ordinance, the City hereby expressly stipulates and agrees, while any of the Bonds Similarly Secured are Outstanding, to establish and maintain rates and charges for facilities and services afforded by the System that are reasonably expected, on the basis of available information and experience and with due allowance for contingencies, to produce Gross Revenues in each Fiscal Year sufficient:

(a) To pay all Maintenance and Operating Expenses, or any expenses required by statute to be a first claim on and charge against the Gross Revenues of the System;

(b) To produce Pledged Revenues, together with any other lawfully available funds, sufficient to pay (1) 1.25 times the Average Annual Debt Service Requirements on the Bonds Similarly Secured by the City and (2) the amounts required to be deposited in any reserve or contingency fund or account created for the payment and security of the Bonds Similarly Secured, and any other obligations or evidences of indebtedness issued or incurred that are payable from and secured solely by a prior and first lien on an pledge of the Net Revenues of the System;

(c) To produce Net Revenues, together with any other lawfully available funds, sufficient to pay the principal of and interest on any Junior Lien Obligations hereafter issued by the City as the same become due and payable and to deposit the amounts required to be deposited in any special fund or account created and established for the payment and security of any Junior Lien Obligations hereafter issued by the City, and any other obligations or evidences of indebtedness issued or incurred that are payable from and secured solely by a junior lien on and pledge of the Net Revenues of the System;

(d) To produce Net Revenues, together with any other lawfully available funds, sufficient to pay the principal of and interest on the currently outstanding Limited Pledge Obligations or any Additional Limited Pledge Obligations hereafter issued by the City as the same become due and payable and to deposit the amounts required to be deposited in any special fund or account created and established for the payment and security of the currently outstanding Limited Pledge Obligations and any Additional Limited Pledge Obligations, and any other obligations or evidences of indebtedness issued or incurred that are payable from equally and ratably secured in part, by a lien on and pledge of a limited amount of the Net Revenues of the System;

(e) To pay, together with any other lawfully available funds, any other legally incurred indebtedness payable from the Net Revenues of the System and/or secured by a lien on the System.

SECTION 12: System Fund. The City hereby covenants, agrees, and reaffirms that the Gross Revenues of the System shall be deposited, as collected and received, into a separate Fund or account to be created, established, and maintained with the Depository known as the "City of Portland, Texas Utility System Fund" (the System Fund) and that the Gross Revenues of the System shall be kept separate and apart from all other funds of the City. All Gross Revenues

deposited into the System Fund shall be pledged and appropriated to the extent required for the following uses and in the order of priority shown:

FIRST: to the payment of all necessary and reasonable Maintenance and Operating Expenses as defined herein or required by statute, including, but not limited to, Chapter 1502, as amended, Texas Government Code, to be a first charge on and claim against the Gross Revenues of the System

SECOND: to the payment of the amounts required to be deposited into the special funds and accounts created and established for the payment, security and benefit of the Bonds Similarly Secured.

THIRD: to the payment of the amounts that must be deposited in any special funds and accounts created and established for the payment, security and benefit of any Junior Lien Obligations hereafter issued by the City.

FOURTH: to the payment of the amounts that must be deposited in any special funds and accounts created and established for the payment, security, and benefit of the currently outstanding Limited Pledge Obligations and any Additional Limited Pledge Obligations hereafter issued by the City.

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 13: Bond Fund; Excess Bond Proceeds. For purposes of providing funds to pay the principal of and interest on the Bonds Similarly Secured as the same become due and payable, the City agrees to maintain, at the Depository, a separate and special Fund or account to be created and known as the "City of Portland, Texas Utility System Revenue Bonds, Series 2012 Interest and Sinking Fund" (the "Bond Fund"). The City covenants that there shall be deposited into the Bond Fund prior to each principal and interest payment date from the available Pledged Revenues an amount equal to one hundred per cent (100%) of the amount required to fully pay the interest on and the principal of the Bonds Similarly Secured then falling due and payable, such deposits to pay maturing principal and accrued interest on the Bonds Similarly Secured to be made in substantially equal monthly installments on or before the tenth day of each month, beginning on or before the tenth day of the month next following the delivery of the Bonds to the Purchasers. If the Pledged Revenues in any month are insufficient to make the required payments into the Bond Fund, then the amount of any deficiency in such payment shall be added to the amount otherwise required to be paid into the Bond Fund in the next month.

The required monthly deposits to the Bond Fund for the payment of principal of and interest on the Bonds Similarly Secured shall continue to be made as hereinabove provided until such time as (i) the total amount on deposit in the Bond Fund and Reserve Fund is equal to the amount required to fully pay and discharge all outstanding Bonds Similarly Secured (principal and interest) or, (ii) the Bonds are no longer Outstanding.

Accrued interest and premium, if any, received from the Purchasers shall be taken into consideration and reduce the amount of the monthly deposits hereinabove required to be

deposited into the Bond Fund from the Pledged Revenues of the System. Additionally, any proceeds of the Bonds, and investment income thereon, not expended for authorized purposes shall be deposited into the Bond Fund and shall be taken into consideration and reduce the amount of monthly deposits required to be deposited into the Bond Fund from the Pledged Revenues of the System.

SECTION 14: Reserve Fund. Based upon the delivery of the Surety Policy pursuant to the issuance of the Series 2004 Bonds, to accumulate and maintain a reserve for the payment of the Bonds Similarly Secured (the "Required Reserve Amount") equal to the Average Annual Debt Service Requirements (calculated on a Fiscal Year basis and determined as of the date of issuance of the Bonds or the most recently issued series of Additional Prior Lien Obligations then Outstanding) for the Bonds, the City agrees to create, establish, and maintain a separate and special fund or account known as the "City of Portland, Utility System Revenue Bond Reserve Fund" (the "Reserve Fund"), which fund or account shall be maintained at the Depository. All funds deposited into the Reserve Fund (excluding earnings and income derived or received from deposits or investments which will be transferred to the System Fund established in Section 12 of this Ordinance during such period as there is on deposit in the Reserve Fund the Required Reserve Amount) shall be used solely for the payment of the principal of and interest on the Bonds Similarly Secured, when and to the extent other funds available for such purposes are insufficient, and, in addition, may be used to retire the last stated maturity or interest on the Bonds Similarly Secured.

The amount currently on deposit in the Reserve Fund is \$ \_\_\_\_\_. By reason of the issuance of the Bonds, the total amount required to be accumulated and maintained in the Reserve Fund is hereby determined to be \$ \_\_\_\_\_, which shall be accumulated, if necessary, in the following manner. Beginning on or before the tenth day of the month next following the delivery of the Bonds to the Purchasers and on or before the tenth day of each following month until the Required Reserve Amount has been accumulated in the Reserve Fund, the City covenants and agrees to deposit to the Reserve Fund from the Net Revenues of the System, or any other lawfully available funds, an amount not less than \$ \_\_\_\_\_ being the Required Reserve Fund Deposits.

As and when Additional Prior Lien Obligations are delivered or incurred, the Required Reserve Amount shall be increased, if required, to an amount calculated in the manner provided in the first paragraph of this Section. Any additional amount required to be maintained in the Reserve Fund shall be so accumulated by the deposit of the necessary amount of the proceeds of the issue or other lawfully available funds in the Reserve Fund immediately after the delivery of the then proposed Additional Prior Lien Obligations, or, at the option of the City, by the deposit of monthly installments, made on or before the tenth day of each month following the month of delivery of the then proposed Additional Prior Lien Obligations, of not less than 1/60th of the additional amount to be maintained in the Reserve Fund by reason of the issuance of the Additional Prior Lien Obligations then being issued (or 1/60th of the balance of the additional amount not deposited immediately in cash), thereby ensuring the accumulation of the appropriate Required Reserve Amount.

When and so long as the cash and investments in the Reserve Fund equal the Required Reserve Amount, no deposits need be made to the credit of the Reserve Fund; but, if and when

the Reserve Fund at any time contains less than the Required Reserve Amount (other than as the result of the issuance of Additional Prior Lien Obligations as provided in the preceding paragraph), the City covenants and agrees to cure the deficiency in the Required Reserve Amount by resuming the Required Reserve Fund Deposits to said Fund or account from the Net Revenues of the System, or any other lawfully available funds, such monthly deposits to be in amounts equal to not less than 1/60th of the Required Reserve Amount covenanted by the City to be maintained in the Reserve Fund with any such deficiency payments being made on or before the tenth day of each month until the Required Reserve Amount has been fully restored. The City further covenants and agrees that, the Net Revenues shall be applied and appropriated and used to establish and maintain the Required Reserve Amount and to cure any deficiency in such amounts as required by the terms of this Ordinance and any other ordinance pertaining to the issuance of any Additional Prior Lien Obligations.

During such time as the Reserve Fund contains the Required Reserve Amount, the City may, at its option, withdraw all surplus funds in the Reserve Fund in excess of the Required Reserve Amount and deposit such surplus in the System Fund.

The City, at its option and consistent with the provisions of this Section, may fund the Reserve Fund at the Required Reserve Amount by purchasing an insurance policy that will unconditionally obligate the insurance company or other entity to pay all, or any part thereof, of the Required Reserve Amount in the event funds on deposit in the Bond Fund are not sufficient to pay the debt service requirements on the Bonds Similarly Secured. All ordinances adopted after the date hereof authorizing the issuance of Additional Prior Lien Obligations shall contain a provision to this effect. The City reserves the right to use Gross Revenues of the System to fund the payment of (1) periodic premiums on the Surety Policy as a part of the payment of Maintenance and Operating Expenses, and (2) any repayment obligation incurred by the City (including interest) to the issuer of the Surety Policy, the payment of which will result in the reinstatement of such Surety Policy, prior to making payments required to be made to the Reserve Fund pursuant to the provisions of this Section to restore the balance in such fund to the Required Reserve Amount for the Bonds Similarly Secured.

In the event an insurance policy issued to satisfy all or part of the City's obligation with respect to the Reserve Fund causes the amount then on deposit in the Reserve Fund to exceed the Required Reserve Amount, the City may transfer such excess amount to any fund or account established for the payment of or security for the Bonds Similarly Secured (including any escrow established for the final payment of any such obligations pursuant to Chapter 1207, as amended, Texas Government Code) or use such excess amount for any lawful purpose now or hereafter provided by law; provided, however, to the extent that such excess amount represents Bond proceeds, then such amount must be transferred to the Bond Fund.

SECTION 15: Deficiencies; Excess Net Revenues. (a) If on any occasion there shall not be sufficient Pledged Revenues of the System (after making all payments pertaining to the currently outstanding Bonds Similarly Secured) to make the required deposits into the Bond Fund and the Reserve Fund, then such deficiency shall be cured as soon as possible from the next available unallocated Pledged Revenues of the System, or from any other sources available for such purpose, and such payments shall be in addition to the amounts required to be paid into these Funds or accounts during such month or months.

(b) Subject to making the required deposits to the Bond Fund and the Reserve Fund when and as required by this Ordinance, or any ordinance authorizing the Bonds Similarly Secured, or the payments required by the provisions of the ordinances authorizing the issuance of the currently outstanding Limited Pledge Obligations, the excess Net Revenues of the System may be used by the City for any lawful purpose, including but not limited to, the redemption of any Bonds Similarly Secured..

SECTION 16: Payment of Bonds. While any of the Bonds Similarly Secured are outstanding, an Authorized Official shall cause to be transferred to the Paying Agent/Registrar therefor, from funds on deposit in the Bond Fund, and, if necessary, in the Reserve Fund, amounts sufficient to fully pay and discharge promptly each installment of interest on and principal of the Bonds Similarly Secured as such installment accrues or matures; such transfer of funds must be made in such manner as will cause immediately available funds to be deposited with the Paying Agent/Registrar for the Bonds Similarly Secured at the close of the business day next preceding the date a debt service payment is due on the Bonds Similarly Secured.

SECTION 17: Investments. Funds held in any Fund or account created, established, or maintained pursuant to this Ordinance, at the option of the City, may be invested as permitted by the provisions of the Public Funds Investment Act, as amended, Chapter 2256, Texas Government Code, or any other law, and secured (to the extent not insured by the Federal Deposit Insurance Corporation) by obligations of the type hereinafter described, including investments held in book-entry form, in securities including, but not limited to, direct obligations of the United States of America, obligations guaranteed or insured by the United States of America, which, in the opinion of the Attorney General of the United States, are backed by its full faith and credit or represent its general obligations, or invested in indirect obligations of the United States of America, including, but not limited to, evidences of indebtedness issued, insured, or guaranteed by such governmental agencies as the Federal Land Banks, Federal Intermediate Credit Banks, Banks for Cooperatives, Federal Home Loan Banks, Government National Mortgage Association, Farmers Home Administration, Federal Home Loan Mortgage Association, or Federal Housing Association; provided that all such deposits and investments shall be made in such a manner that the money required to be expended from any Fund or account will be available at the proper time or times. Such investments (except State and Local Government Series investments held in book entry form, which shall at all times be valued at cost) shall be valued in terms of current market value within 45 days of the close of each Fiscal Year and, with respect to investments held for the account of the Reserve Fund, within 30 days of the date of passage of each ordinance authorizing the issuance of any Additional Prior Lien Obligations. All interest and income derived from deposits and investments in the Bond Fund immediately shall be credited to, and any losses debited to, the Bond Fund. All interest and interest income derived from deposits in and investments of the Reserve Fund shall, subject to the limitations provided in Section 14, be credited to and deposited in the System Fund. All such investments shall be sold promptly when necessary to prevent any default in connection with the Bonds.

SECTION 18: Issuance of Additional Prior Lien Obligations, Junior Lien Obligations, and Additional Limited Pledge Obligations. The City hereby expressly reserves the right to hereafter issue bonds, notes, warrants, certificates of obligation, or similar obligations, payable, wholly or in part, as appropriate, from and secured by a pledge of and lien on the Net Revenues

of the System with the following priorities, without limitation as to principal amount, but subject to any terms, conditions, or restrictions applicable thereto under existing ordinances, laws, or otherwise:

(a) Additional Prior Lien Obligations payable from and equally and ratably secured by a first and prior lien on and pledge of the Pledged Revenues of the System, upon satisfying each of the following conditions precedent:

(1) the Director of Finance of the City (or other official of the City, including the City Manager, having primary responsibility for the fiscal affairs of the City) shall have executed a certificate stating that (i) except for a refunding to cure a default, or the deposit of a portion of the proceeds of any Additional Prior Lien Obligations to satisfy the City's obligations under this Ordinance, the City is not then in default as to any covenant, obligation, or agreement contained in any ordinance or other proceedings relating to any obligations of the City payable from and secured by a first and prior lien on and pledge of the Pledged Revenues of the System and (ii) all payments into all special funds or accounts created and established for the payment and security of all outstanding obligations payable from and secured by a first and prior lien on and pledge of the Pledged Revenues of the System have been duly made and that the amounts on deposit in such special funds or accounts are the amounts then required to be deposited therein;

(2) the City has secured a certificate or opinion from (i) a Certified Public Accountant for Additional Prior Lien Obligations sold to the Purchaser of the Series 2000 Obligations, or (ii) the Director of Finance of the City (or other official of the City, including the City Manager, having primary responsibility for the fiscal affairs of the City) for Additional Prior Lien Obligations not sold to the Purchaser of the Series 2000 Prior Lien Obligations, upon receipt of consent from the Purchaser of the Series 2000 Prior Lien Obligations or its authorized representative, to the effect that, according to the books and records of the City, the Net Revenues of the System, for the preceding Fiscal Year or for any 12 consecutive months out of the 18 months immediately preceding the month the ordinance authorizing the Additional Prior Lien Obligations is adopted, are at least equal to one and one-fourth (1-1/4) times the Average Annual Debt Service Requirements for the payment of principal of and interest on all outstanding Bonds after giving effect to the Additional Prior Lien Obligations then proposed. In making a determination of the Net Revenues, the Certified Public Accountant or Director of Finance, as appropriate, may take into consideration a change in the rates and charges for services and facilities afforded by the System that became effective at least sixty (60) days prior to the last day of the period for which Net Revenues are to be determined and, for purposes of satisfying the above Net Revenues test, make a pro forma determination of the Net Revenues for the period of time covered by his certification or opinion based on such change in rates and charges being in effect for the entire period covered by the Certified Public Accountant's or Director of Finance's certificate, as appropriate;

(3) the ordinance authorizing the issuance of the Additional Prior Lien Obligations provides for deposits to be made to the Bond Fund in amounts sufficient to pay the principal of and interest on such Additional Prior Lien Obligations as same mature; and

(4) the ordinance authorizing the issuance of the Additional Prior lien Obligations provides that the amount to be accumulated and maintained in the Reserve Fund shall be in an amount equal to not less than the Average Annual Debt Service Requirements for the payment of the first lien revenue bonds then outstanding after giving effect to the issuance of the proposed Additional Prior Lien Obligations, and provides that any additional amount to be maintained in the Reserve Fund shall be accumulated within sixty (60) months from the date the Additional Prior Lien Obligations are delivered;

All calculations of principal and interest requirements made pursuant to this Section are made as of and from the date of the Additional Prior Lien Obligations then proposed to be issued.

(b) Junior Lien Obligations secured by a junior and inferior lien on and pledge of the Net Revenues upon satisfying each of the conditions precedent contained in the ordinances authorizing the issuance of the Bonds Similarly Secured, as appropriate.

(c) Additional Limited Pledge Obligations secured by a lien on and pledge of a limited amount of the Net Revenues of the System, upon satisfying each of the conditions precedent contained in the ordinances authorizing the issuance of the currently outstanding Limited Pledge Obligations or this Ordinance, as appropriate.

SECTION 19: Obligations of Inferior Lien and Pledge. The City hereby reserves the right to issue, at any time, obligations including, but not limited to, Junior Lien Obligations and/or Additional Limited Pledge Obligations payable from and equally and ratably secured, in whole or in part, by a lien on and pledge of the Net Revenues of the System, subordinate and inferior in rank and dignity to the lien on and pledge of such Pledged Revenues securing the payment of the Bond Similarly Secured, as may be authorized by the laws of the State of Texas upon satisfying any conditions precedent contained in the ordinances authorizing the issuance of the currently outstanding Limited Pledge Obligations

SECTION 20: Refunding Bonds. The City reserves the right to issue refunding bonds to refund all or any part of the Outstanding Bonds, pursuant to any law then available, upon such terms and conditions as the City Council of the City may deem to be in the best interest of the City and its inhabitants, and if less than all such Outstanding Bonds are refunded, the conditions precedent prescribed, for the issuance of Additional Prior Lien Obligations, set forth in Section 18 of this Ordinance shall be satisfied and the certificate required in subparagraph (A)(2) shall give effect to the Debt Service Requirements of the proposed refunding bonds (but shall not give effect to the Debt Service Requirements of the bonds being refunded following their cancellation or provision being made for their payment).

SECTION 21: Maintenance of System - Insurance. The City covenants, agrees, and affirms its covenants that while the Bonds Similarly Secured remain outstanding it will maintain and operate the System with all possible efficiency and maintain casualty and other insurance on the properties of the System and its operations of a kind and in such amounts customarily carried by municipal corporations in the State of Texas engaged in a similar type of business (which may include an adequate program of self insurance); and that it will faithfully and punctually perform all duties with reference to the System required by the laws of the State of Texas, but in no event

shall the amount of insurance maintained on the projects financed with the proceeds of the Bonds be less than the amount necessary to protect the Purchasers' interest. All money received from losses under such insurance policies, other than public liability policies, shall be retained for the benefit of the holders of the Bonds until and unless the proceeds are paid out in making good the loss or damage in respect of which such proceeds are received, either by replacing the property destroyed or repairing the property damaged, and adequate provision for making good such loss or damage must be made within ninety (90) days after the date of loss. The payment of premiums for all insurance policies required under the provisions hereof shall be considered Maintenance and Operating Expenses. Nothing in this Ordinance shall be construed as requiring the City to expend any funds which are derived from sources other than the operation of the System but nothing herein shall be construed as preventing the City from doing so.

SECTION 22: Records and Accounts – Annual Audit. The City covenants, agrees, and affirms its covenants that so long as any of the Bonds Similarly Secured remain outstanding, it will keep and maintain separate and complete records and accounts pertaining to the operations of the System in which complete and correct entries shall be made of all transactions relating thereto, as provided by Chapter 1502, as amended, Texas Government Code, or other applicable law. The Holders of the Bonds or any duly authorized agent or agents of such Holders shall have the right to inspect the System and all properties comprising the same. The City further agrees that following (and in no event later than 120 days) the close of each Fiscal Year, it will cause an audit of such books and accounts to be made by an independent firm of Certified Public Accountants. Copies of each annual audit shall be furnished, without charge, to the Executive Director of the Municipal Advisory Council of Texas at her office in Austin, Texas, (ii) the Texas Water Development Board, Attention: Executive Administrator, and (iii) upon written request, to and at the expense of such Holder, to any subsequent Holder thereof. Expenses incurred in making the annual audit of the operations of the System are to be regarded as Maintenance and Operating Expenses.

SECTION 23: Special Covenants. The City further covenants and agrees by and through this Ordinance as follows:

(a) It has the lawful power to pledge the Pledged Revenues supporting the Bonds and has lawfully exercised this power under the laws of the State of Texas, including the power existing under Chapter 1502, as amended, Texas Government Code.

(b) The Bonds Similarly Secured shall be equally and ratably secured by a first and prior lien on and pledge of the Pledged Revenues of the System in a manner that one bond shall have no preference over any other bond.

(c) Other than for the payment of the currently outstanding Prior Lien Obligations, the Bonds, and the Limited Pledge Obligations, the Net Revenues of the System have not in any manner been pledged to the payment of any debt or obligation of the City or of the System.

(d) As long as any Bonds, or any interest thereon, remain Outstanding, the City will not sell, lease, or encumber the System or any substantial part thereof (except as provided in Sections 18 or 19 of this Ordinance) 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;

(e) No free service of the System (except water provided to the City for municipal fire-fighting purposes) shall be allowed, and, should the City or any of its agents or instrumentalities make use of the services and facilities of the System, payment of the reasonable value thereof shall be made by the City out of funds from sources other than the revenues and income of the System; and

(f) To the extent that it legally may, the City further covenants and agrees that, so long as any of the Bonds, or any interest thereon, are Outstanding, no franchise shall be granted for the installation or operation of any competing utility systems other than those owned by the City, and the operation of any such systems by anyone other than the City is hereby prohibited.

SECTION 24: Limited Obligations of the City. The Bonds are limited, special obligations of the City payable from and equally and ratably secured solely by a first and prior lien on and pledge of the Pledged Revenues of the System, and the Holders thereof shall never have the right to demand payment of the principal or interest on the Bonds from any funds raised or to be raised through taxation by the City

SECTION 25: Security of Funds. All money on deposit in the Funds or accounts for which this Ordinance makes provision (except any portion thereof as may be at any time properly invested as provided herein) shall be secured in the manner and to the fullest extent required by the laws of Texas for the security of public funds, and money on deposit in such Funds or accounts shall be used only for the purposes permitted by this Ordinance.

SECTION 26: 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 defaults in the payments to be made to the Bond Fund or Reserve Fund, or defaults in the observance or performance of any other of the covenants, conditions, or obligations set forth in this Ordinance, the Holders of any of the Bonds shall be entitled to seek 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 remedy herein provided shall be cumulative of all other existing remedies and the specification of such remedy shall not be deemed to be exclusive.

SECTION 27: Notices to Holders Waiver. Wherever this Ordinance provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States Mail, first-class postage prepaid, to the address of each Holder as it appears in the Security Register.

In any case where notice to Holders is given by mail, neither the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Holders. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 28: Bonds Are Negotiable Instruments. Each of the Bonds authorized herein shall be deemed and construed to be a "security" and as such a negotiable instrument with the meaning of the Chapter 8 of the Texas Uniform Commercial Code.

SECTION 29: Cancellation. All Bonds surrendered for payment, redemption, 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 Bonds previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly canceled by the Paying Agent/Registrar. All canceled Bonds held by the Paying Agent/Registrar shall be destroyed as directed by the City.

SECTION 30: Mutilated, Destroyed, Lost, and Stolen Bonds. If any mutilated Bond 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 Bond, and 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 Bond 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 Bond, a new Bond of the same Stated Maturity and interest rate and of like tenor and principal amount, bearing a number not contemporaneously outstanding. In case any such mutilated, destroyed, lost, or stolen Bond has become or is about to become due and payable, the City in its discretion may, instead of issuing a new Bond, pay such Bond. Upon the issuance of any new Bond or payment in lieu thereof, 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 attorney's fees and the fees and expenses of the Paying Agent/Registrar) connected therewith. Every new Bond issued pursuant to this Section in lieu of any mutilated, destroyed, lost, or stolen Bond shall constitute a replacement of the prior obligation of the City, whether or not the mutilated, destroyed, lost, or stolen Bond 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 Bonds. 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 Bonds.

SECTION 31: Sale of Bonds. The sale of the Bonds to the Texas Water Development Board (the *Purchasers* and having all the rights, benefits, and obligations of a Holder) at the price of par, less the origination fee of \$0.00 pursuant to a loan commitment received from the Purchasers is hereby confirmed. Delivery of the Bonds to the Purchasers shall occur as soon as practicable after the adoption of this Ordinance, upon payment therefor in accordance with the terms of loan commitment, this Ordinance, and the Paying Agent/Registrar Agreement.

Proceeds from the sale of the Bonds shall be applied as follows:

(1) Accrued interest received from the Purchasers shall be deposited into the Bond Fund. As interest accrues from the date of initial delivery of the Bonds to the Purchaser, there will be no accrued interest.

(2) The balance of the proceeds derived from the sale of the Bonds (after paying costs of issuance) shall be deposited into the escrow fund pursuant to Section 37 hereof and thereafter transferred to a Construction Fund (hereinafter defined), a Construction Fund created for the projects to be constructed with the proceeds of the Bonds. This Construction Fund shall be established and maintained at the Depository and shall be invested in accordance with the provisions of Section 17 of this Ordinance, but any money deposited into the Construction Fund shall not be commingled with any other funds of the City. Interest earned on the proceeds of the Bonds pending completion of the projects financed with such proceeds shall be accounted for, maintained, deposited, and expended as permitted by the provisions of Chapter 1201, as amended, Texas Government Code, or as required by any other applicable law. Thereafter, such amount shall be expended in accordance with Section 13.

SECTION 32: Covenants to Maintain Tax-Exempt Status.

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

*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 Bonds.

*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 Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

*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 Bonds. 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 Bonds 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 Bond 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 Bond, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as would not cause the Bonds to become "private activity bonds" within the meaning of section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

(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 Bonds, 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 Bonds 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 as would not cause the Bonds to become “private activity bonds” within the meaning of section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds 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 as would not cause the Bonds to become “arbitrage bonds” within the meaning of 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 Bonds directly or indirectly invest Gross Proceeds in any Investment, if as a result of such investment the Yield of any Investment acquired with Gross Proceeds, whether then held or previously disposed of, materially exceeds the Yield of the Bonds.

(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 Bonds 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 or except to the extent the City complies with Subsection (j) of this Section:

(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 years after the day on which the last Outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds 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 Bonds until six years after the final Computation Date.

(3) As additional consideration for the purchase of the Bonds by the Purchasers 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 the Bond Fund or its general fund, as permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the amount that when added to the future value of previous rebate payments made for the Bonds 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 Bonds, 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 Bonds not been relevant to either party.

(j) No Rebate Required. The City need not comply with the covenants and duties imposed by the provisions of Subsection H. of this Section if:

(1) the City is a governmental unit with general taxing powers;

(2) 95% of the Net Proceeds of the Bonds and all income from the investment thereof will be used for the governmental activities of the City;

(3) the aggregate face amount, within the meaning of Section 1.148-8(c)(1) of the Regulations, of all debt obligations (other than private activity bonds) issued or expected to be issued by the City or any subordinate entity in the calendar year in which the Bonds are issued is not reasonably expected to exceed \$5,000,000; and

(4) the City otherwise satisfies the requirements of paragraph (4)(c) of section 148(f) of the Code and Section 1.148-8 of the Regulations and rulings thereunder.

(k) Bonds Not Hedge Bonds.

(1) The City reasonably expects to spend at least 85% of the spendable proceeds of the Bonds within three years after such Bonds are issued.

(2) Not more than 50% of the proceeds of the Bonds will be invested in Nonpurpose Investments having a substantially guaranteed Yield for a period of 4 years or more.

(l) Elections. The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Secretary, City Manager, City Attorney or Director of Finance, 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 Bonds, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document.

(m) Qualified Tax-Exempt Obligations. The City hereby designates the Bonds as *qualified tax-exempt obligations* for purposes of section 265(b) of the Code. In furtherance of such designation, the City represents, covenants and warrants the following: (a) during the calendar year in which the Bonds are issued, the City (including any subordinate entities) has not designated nor will designate obligations, which when aggregated with the Bonds, will result in more than \$10,000,000 of "qualified tax-exempt obligations" being issued; (b) the City reasonably anticipates that the amount of tax-exempt obligations issued during the calendar year 2012 by the City (including any subordinate entities) will not exceed \$30,000,000; and (c) the City will take such action or refrain from such action as is necessary in order that the Bonds will not be considered "private activity bonds" within the meaning of section 141 of the Code.

SECTION 33: Control and Custody of Bonds. The Mayor 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 and shall take and have charge and control of the Bonds pending their approval by the Attorney General, the registration thereof by the Comptroller of Public Accounts and the delivery of the Bonds to the Purchaser.

Furthermore, the Mayor, Mayor Pro Tem, City Manager, City Secretary, Director of Finance, or City Attorney, either or all, 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 Bonds, 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 Bonds to the Purchaser.

SECTION 34: Satisfaction of Obligation 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 Bonds, at the times and in the manner stipulated in this Ordinance, then the pledge of the Pledged Revenues of the System under this Ordinance and all other obligations of the City to the Holders shall thereupon cease, terminate, and become void and be discharged and satisfied.

Bonds 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 (i) money sufficient to pay in full such Bonds or the principal amount(s) thereof at maturity or to the redemption date therefor, 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, and/or (ii) Government Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities have, in the case of a net defeasance, 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 Bonds, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof or (if notice of redemption has been duly given or waived or if irrevocable arrangements therefor acceptable to the Paying Agent/Registrar have been made) the redemption date thereof. In the event of a gross defeasance of the Bonds, the City shall delivery a certificate from its financial advisor, the Paying Agent/Registrar, or another qualified third party concerning the deposit of cash and/or Governmental Securities to pay, when due, the principal of, redemption premium (if any), and interest due on any defeased Bonds. 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 Bonds to be treated as "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or regulations adopted pursuant thereto. As long as the Purchasers hold all of the Bonds, the City will give the Purchasers notice of the creation of any escrow pursuant to this Section. Failure to give such notice shall not affect the validity or effectiveness of the creation of such an escrow.

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 Bonds, 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 Bonds and remaining unclaimed for a period of three (3) years after the Stated Maturity, or applicable redemption date, of the Bonds 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, subject to the unclaimed property laws of the State of Texas.

Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem defeased Bonds that is made in conjunction with the payment arrangements specified in (i) or (ii) above shall not be irrevocable, provided that: (1) in the proceedings providing for such defeasance, the City expressly reserves the right to call the defeased Bonds for redemption; (2) gives notice of the reservation of that right to the owners of the defeased Bonds immediately following the defeasance; (3) directs that notice of the reservation be included in any redemption notices that it authorizes; and (4) at the time of the redemption, satisfies the conditions of (i) or (ii) above with respect to such defeased debt as though it was being defeased at the time of the exercise of the option to redeem the defeased Bonds, after taking the redemption into account in determining the sufficiency of the provisions made for the payment of the defeased Bonds.

SECTION 35: Ordinance a Contract – Amendments – Outstanding Bonds. The City acknowledges that the covenants and obligations of the City herein contained are a material inducement to the purchase of the Bonds. 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 Bond 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 holding a majority in aggregate principal amount of the Bonds Similarly Secured 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 Bonds, no such amendment, addition, or rescission shall (1) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof, the redemption price therefor, 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 Bonds, (2) give any preference to any Bond over any other Bond, or (3) reduce the aggregate principal amount of Bonds required to be held by Holders for consent to any such amendment, addition, or rescission.

SECTION 36: Compliance with Purchasers' Rules and Regulations. The City will comply with all of the requirements contained in the resolution or resolutions adopted by the Purchasers with respect to the issuance of the Bonds. In addition, in compliance with the Purchasers' Economically Distressed Areas Program Fund Loan Program Rules, the City agrees and covenants:

(a) to keep and maintain full and complete records and accounts pertaining to the construction of the project financed with the proceeds of sale of the Bonds, including the Construction Fund, in accordance with the standards set forth by the Government Accounting Standard Board;

(b) to create and establish at the Depository a "City of Portland, Texas Economically Distressed Areas Program Loan Construction Fund" (the *Construction Fund*) for the receipt and disbursement of all proceeds from the sale of the Bonds and all other funds acquired by the City in connection with the planning and construction of the projects financed, in whole or in part, by the Purchasers pursuant to the loan evidenced by the Bonds and all funds deposited to the credit of the Construction Fund shall be disbursed only for the payment of costs and expenses incurred in connection with the planning and building of such projects as approved by the Purchasers and as otherwise allowed by the rules and in accordance with the provisions of Chapter 15 or 17 of the Texas Water Code, as amended;

(c) to provide the Purchasers with copies of "as built plans" pertaining to the projects financed, in whole or in part, with any funds of the Purchasers;

(d) upon completion of the construction of the projects financed, in whole or in part, by the loan evidenced by the Bonds, to provide a final accounting to the Purchasers of the total costs of the projects. If the projects as finally completed are built at a total cost less than the amount of available funds for building the projects, or if the Executive Administrator of the Purchasers disapproves construction of any portion of such projects as not being in accordance

with the plans and specifications, the City agrees to immediately, with filing of the final accounting, return to the Purchasers the amount of any such excess and/or the cost determined by the Executive Administrator of the Purchasers relating to the parts of such projects not built in accordance with the plans and specifications, to the nearest multiple of the authorized denominations for the Bonds, upon the surrender and cancellation of a like amount of the appropriate series of such Bonds held by the Purchasers in inverse order of their Stated Maturities. In determining the amount of available funds for building the project, the City agrees to account for all amounts deposited to the credit of the Construction Fund, including all loan funds extended by the Purchasers, all other funds available from the projects as described in the project engineer's or fiscal representative's sufficiency of funds statement and all interest earned by the City on money in the Construction Fund;

(e) in addition to the requirements contained in Section 21 hereof, to maintain adequate insurance coverage on the projects financed with the proceeds of the Bonds in amounts adequate to protect the Purchasers' interest;

(f) in addition to the requirements contained in Section 22 hereof, to maintain current, accurate, and complete records and accounts necessary to demonstrate compliance with financial assistance related legal and contractual provisions;

(g) to implement any water conservation program required by the Purchasers until all financial obligations to the Purchasers have been discharged;

(h) to comply with any special conditions specified by the Purchasers' water conservation plan as specified in 31 TAC 363.42(a)(2)(F), as well as any environmental determination until all financial obligations to the Purchasers have been discharged;

(i) to abide by the Purchasers' rules and relevant state statutes, including, but not limited to, the Purchasers' pre-design funding procedures; and

(j) to not use Bond proceeds to pay for the cost of sampling, testing, removing or disposing of injection well fluids, brine concentration, municipal solid wastes, soils and/or media contaminated by hazardous substances, and for managing and disposing of any other hazardous substances, including (but not limited to) radioactive substances and low-level radioactive wastes, that may be generated at the project site during planning, design, and construction activities;

(k) loan proceeds shall not be used by the City when sampling, testing, removing or disposing of contaminated soils and/or media at the project site and the City also agrees, to the extent permitted by law, to indemnify, hold harmless and protect the Purchasers from any and all claims, causes of action or damages to the person or property of third parties arising from the sampling, analysis, transport, storage, treatment, and disposition of any hazardous substance, radioactive substance, and/or solid waste, as those terms are defined in the Texas Solid Waste Disposal Act (codified at Chapter 361, as amended, Texas Health and Safety Code) and the Radiation Control Act (codified at Chapter 401, as amended, Texas Health and Safety Code, and/or removal and disposition of any contaminated sewage sludge, contaminated sediments

and/or contaminated media that may be generated by the City, its contractors, consultants, agents, officials, and employees during the course of the project;

(l) to apply for and obtain all permits, licenses, letter authorizations, notifications of solid waste registration, notices of intent and other regulatory approvals that may be required by those federal, state, regional, and local governmental entities responsible for regulating environmental, health and safety, and transportation-related matters arising from or pertaining to the generation, management, and disposal of all municipal solid wastes, radioactive substances, and low-level radioactive-wastes that may be generated as the result of the planning, design, and construction of the project financed with Bond proceeds, including (but not necessarily limited to) surface water discharge permit(s), stormwater permits, underground injection control permits, solid waste facility registrations, notifications, and/or permits, hazardous waste permits, radioactive materials management licenses, and low-level radioactive waste permits, registrations, and exemptions;

(m) to comply, and take steps to assure that its contractors shall comply, with subchapter IV of chapter 31 of Title 40 of the United States Code (the *Davis-Bacon Act*), with respect to projects financed with the proceeds of the Bonds, if applicable;

(n) the City shall be required to submit outlay reports with sufficient supporting documentation (e.g., invoices, receipts) on a quarterly basis, and the Purchaser shall retain the right to request project progress reports and outlay reports monthly as the project proceeds through each project phase; and

(o) the City will not utilize a surety policy to fund all or a portion of the Reserve Fund as provided in Section 14 hereof without the express written consent from the Executive Administrator of the Purchaser.

SECTION 37: Authorization of Escrow Agreement and Financing Agreement. The City Council hereby finds and determines that it is in the best interest of the City to authorize the execution of an Escrow Agreement and Financing Agreement, respectively, to comply with the Purchasers' rules and regulations and provide for the installment deliveries of the proceeds of the Bonds to the Purchasers. A copy of the Escrow Agreement and the Financing Agreement are attached hereto, in substantially final form, as Exhibits B and C, respectively, and are incorporated by reference to the provisions of the this Ordinance for all purposes. The Mayor and/or the City Manager, or the respective designee of either of such parties, are authorized to execute the Escrow Agreement and Financing Agreement as the act and deed of the City Council.

SECTION 38: Application to Texas Water Development Board. The City Council ratifies and confirms its prior approval of the form and content of the Application to the Texas Water Development Board prepared in the sale of the Bonds and hereby approves the form and content of any addenda, supplement, or amendment thereto.

SECTION 39: Printed Opinion. The Purchasers' obligation to accept delivery of the Bonds is subject to its being furnished a final opinion of Fulbright & Jaworski L.L.P., as Bond Counsel, approving certain legal matters as to the Bonds, said opinion to be dated and delivered

as of the date of initial delivery and payment for such Bonds. Printing of a true and correct copy of said opinion on the reverse side of each of said Bonds, with appropriate certificate pertaining thereto executed by facsimile signature of the City Secretary of the City is hereby approved and authorized.

SECTION 40: CUSIP Numbers. CUSIP numbers may be printed or typed on the definitive Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the definitive Bonds shall be of no significance or effect as regards the legality thereof, and neither the City nor attorneys approving said Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Bonds.

SECTION 41: Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

SECTION 42: 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, bond counsel, 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, bond counsel, the Paying Agent/Registrar, and the Holders.

SECTION 43: Inconsistent Provisions. All ordinances and 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 ordained herein.

SECTION 44: 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 45: Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 46: Incorporation of Preamble Recitals. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 47: Authorization of Paying Agent/Registrar Agreement. The City Council hereby finds and determines that it is in the best interest of the City to authorize the execution of a Paying Agent/Registrar Agreement concerning the payment, exchange, and transferability of the Bonds. A copy of the Paying Agent/Registrar Agreement is attached hereto, in substantially final form, as Exhibit A and is incorporated by reference to the provisions of this Ordinance.

SECTION 48: 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, as amended, Texas Government Code.

SECTION 49: Continuing Disclosure Undertaking.

(a) Definitions.

As used in this Section, the following terms have the meanings ascribed to such terms below:

*EMMA* means the MSRB's Electronic Municipal Market Access system, accessible by the general public, without charge, on the internet through the uniform resource locator (URL) <http://www.emma.msrb.org>.

*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 file annually with the MSRB, within six months after the end of each fiscal year ending in or after 2011, financial information and operating data with respect to the City of the general type included in the final Application authorized by Section 38 of this Ordinance being the information described in Exhibit D hereto. All such information must be filed with MSRB pursuant to its Electronic Municipal Access (EMMA) System. Any financial statements so to be provided shall be (i) prepared in accordance with the accounting principles described in Exhibit D 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 (ii) 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 audit of such financial statements is not complete within such period, then the City shall file unaudited statements within such period and audited financial statements for the applicable Year with the MSRB, when and if the audit report on such statements becomes available.

If the City changes its Fiscal Year, it will file notice thereof with 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.

(c) Notice of Certain Events. The City shall file notice of any of the following events with respect to the Bonds, to the MSRB in a timely manner and not more than 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 Bonds, or other material events affecting the tax status of the Bonds;
- (7) modifications to rights of holders of the Bonds, if material;
- (8) Bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership, or similar event of the 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 Paying Agent/Registrar or the change of name of a Paying Agent/Registrar, if material.

For these purposes, any event described in the immediately preceding paragraph (12) 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.

The City shall file notice with the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with this Section by the time required by this Section.

(d) 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 Bonds within the meaning of the Rule, except that the Board in any event will give notice of any deposit made in accordance with the laws of the State of Texas that causes the Bonds to be no longer Outstanding.

The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The 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 Board’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 Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE AUTHORITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY NOTE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE AUTHORITY, WHETHER NEGLIGENT OR WITH 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 their 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.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule 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 Bonds 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 Bonds. The City may also repeal or amend the provisions of this Section if the SEC amends or repeals the applicable provisions of the Rule or any court of final jurisdiction enters judgment that such provisions of the Rule are invalid, and the City also may amend the provisions of this Section in its discretion in any other manner or circumstance, but in either case only if and to the extent that the provisions of this sentence would not have prevented an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds, giving effect to (a) such provisions as so amended and (b) any amendments or interpretations of the Rule. If the City so amends the provisions of this Section, the City shall include with any amended financial information or operating data next provided in accordance with this Section 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.

(e) Information Format – Incorporation by Reference.

The information required under this Section shall be filed with the MSRB through EMMA in such format and accompanied by such identifying information as may be specified from time to time thereby. Under the current rules of the MSRB, continuing disclosure documents submitted to EMMA must be in word-searchable portable document format (PDF) files that permit the document to be saved, viewed, printed, and retransmitted by electronic means and the series of obligations to which such continuing disclosure documents relate must be identified by CUSIP number or numbers.

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 (including an official statement or other offering document) available to the public through EMMA or filed with the SEC.

SECTION 50: Book-Entry Only System.

It is intended that the Bonds initially be registered so as to participate in a securities depository system (the *DTC System*) with the Depository Trust Company, New York, New York, or any successor entity thereto (*DTC*), as set forth herein. Each Stated Maturity of the Bonds shall be issued (following cancellation of the Initial Bonds described in Section 7) in the form of a separate single definitive Bond. Upon issuance, the ownership of each such Bond shall be registered in the name of Cede & Co., as the nominee of DTC, and all of the Outstanding Bonds shall be registered in the name of Cede & Co., as the nominee of DTC. The City and the Paying Agent/Registrar are authorized to execute, deliver, and take the actions set forth in such letters to or agreements with DTC as shall be necessary to effectuate the DTC System, including the Letter of Representation attached hereto as Exhibit E (the *Representation Letter*).

With respect to the Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any broker-dealer, bank, or other financial institution for which DTC holds the Bonds from time to time as securities depository (a *Depository Participant*) or to any person on behalf of whom such a Depository Participant holds an interest in the Bonds (an *Indirect Participant*). Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have

no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co., or any Depository Participant with respect to any ownership interest in the Bonds, or (ii) the delivery to any Depository Participant or any other person, other than a registered owner of the Bonds, as shown on the Security Registrar, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the delivery to any Depository Participant or any Indirect Participant or any other Person, other than a Holder of a Bond, of any amount with respect to principal of, premium, if any, or interest on the Bonds. While in the DTC System, no person other than Cede & Co., or any successor thereto, as nominee for DTC, shall receive a Bond evidencing the obligation of the City to make payments of principal, premium, if any, and interest pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the Holder, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

In the event that (a) the City determines that DTC is incapable of discharging its responsibilities described herein and in the Representation Letter, (b) the Representation Letter shall be terminated for any reason, or (c) DTC or the City determines that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, the City shall notify the Paying Agent/Registrar, DTC, and the Depository Participants of the availability within a reasonable period of time through DTC of Bond certificates, and the Bonds shall no longer be restricted to being registered in the name of Cede & Co., as nominee of DTC. However, the City will not discontinue the use of DTC without the prior notice and consent of the Purchasers for so long as the Purchasers are the holder of any of the Bonds. At that time, the City may determine that the Bonds shall be registered in the name of and deposited with a successor depository operating a securities depository system, as may be acceptable to the City, or such depository's agent or designee, and if the City and the Paying Agent/Registrar do not select such alternate securities depository system then the Bonds may be registered in whatever name or names the Holders of Bonds transferring or exchanging the Bonds shall designate, in accordance with the provisions hereof.

Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Representation Letter.

SECTION 51: Unavailability of Authorized Publication. If, because of the temporary or permanent suspension of any newspaper, journal, or other publication, or, for any reason, publication of notice cannot be made meeting any requirements herein established, any notice required to be published by the provisions of this Ordinance shall be given in such other manner and at such time or times as in the judgment of the City or of the Paying Agent/Registrar shall most effectively approximate such required publication and the giving of such notice in such manner shall for all purposes of this Ordinance be deemed to be in compliance with the requirements for publication thereof.

SECTION 52: No Recourse Against City Officials. No recourse shall be had for the payment of principal of, premium, if any, or interest on any Bond or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Bond.

SECTION 53: Further Procedures. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the initial sale and delivery of the Bonds, the Paying Agent/Registrar Agreement, the Purchase Contract, and the Application. In addition, prior to the initial delivery of the Bonds, the Mayor, the City Manager or Assistant City Manager, the City Attorney and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Application, (ii) obtain a rating from any of the national bond rating agencies, or (iii) obtain the approval of the Bonds by the Texas Attorney General's office. In case any officer of the City whose signature shall appear on any certificate shall cease to be such officer before the delivery of such certificate, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 54: Effective Date. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Ordinance shall be effective immediately upon adoption, notwithstanding any provision in the City's Home Rule Charter to the contrary concerning a multiple reading requirement for the adoption of ordinances.

*[The remainder of this page intentionally left blank.]*

PASSED AND ADOPTED on the 7th day of February, 2012.

CITY OF PORTLAND, TEXAS

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

(CITY SEAL)

APPROVED AS TO LEGALITY

\_\_\_\_\_  
City Attorney

EXHIBIT A - Paying Agent/Registrar Agreement  
EXHIBIT B - Escrow Agreement  
EXHIBIT C - Financing Agreement  
EXHIBIT D - Description of Annual Financial Information  
EXHIBIT E - DTC Letter of Representations

**EXHIBIT A**

PAYING AGENT/REGISTRAR AGREEMENT

SEE TAB NO. \_\_\_\_

**EXHIBIT B**  
ESCROW AGREEMENT  
SEE TAB NO. \_\_\_\_

**EXHIBIT C**

**FINANCING AGREEMENT**

SEE TAB NO. \_\_

## **EXHIBIT D**

### **DESCRIPTION OF ANNUAL FINANCIAL INFORMATION**

The following information is referred to in Section 49 of this Ordinance.

#### **Annual Financial Statements and Operating Data**

The financial information and operating data with respect to the City to be provided annually in accordance with such Section are as specified (and included in the Appendix or under the headings of the Application referred to) below:

The City's audited financial statements for the most recently concluded fiscal year or to the extent these audited financial statements are not available, the portions of the unaudited financial statements of the City referenced in Appendix D of the Application, but for the most recently concluded fiscal year.

#### **Accounting Principles**

The accounting principles referred to in such Section are generally accepted accounting principles for governmental units as prescribed by the Government Accounting Standards Board from time to time.

**EXHIBIT E**

DTC LETTER OF REPRESENTATIONS

SEE TAB NO. \_\_\_\_



## REGULAR MEETING AGENDA BILL

**AGENDA ITEM:** PROPOSAL FOR ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES: THE CITY COUNCIL WILL CONSIDER A PROPOSAL FOR ENGINEERING (FACILITY ENERGY AUDIT - \$4,900) AND CONSTRUCTION MANAGEMENT SERVICES (PLANS, SPECIFICATIONS, PROJECT OVERSIGHT - \$4,100) FROM LNV ENGINEERS/ARCHITECTS/CONTRACTORS (ALL PROPOSAL RELATED WORK WILL BE FINANCED BY AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT)

**SUBMITTED BY:** Brian DeLatte, Director of Public Works and Development

**SUBMISSION DATE:** February 7, 2012

**ATTACHMENTS:** Proposal from LNV, Inc.

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**SUMMARY STATEMENT:** The City of Portland was awarded \$57,576 through the Energy Efficiency and Conservation Block Grant (EECBG) through the State Energy Conservation Office (SECO). The grant allocates \$9,000 for audit and construction management services, with the balance of \$48,576 allocated for implementation of the proposed improvements. Improvements must be completed by June 15, 2012.

LNV, Inc., has submitted a proposal to conduct the energy audit for \$4,900. Completing the plans, specifications, and providing construction management services is proposed to be another \$4,100. We have confirmed with the SECO Stimulus Grant Coordinator that this breakdown in the consulting fee satisfies the requirements of the grant.

LNV has performed a “pro bono” preliminary analysis of the City’s electric bills from the last 12 months for our major facilities. The Community Center has been identified as a facility with electric costs far outweighing typical consumption costs for a building of similar size and use. LNV is proposing to focus its audit on this facility to provide maximum return-on-investment with the limited grant funds available to the City. The effort will consist of a walk-through audit and ASHRAE level 3 Energy Efficiency Measure audit. Example proposed retrofits could include modifications to the lighting, building envelope, or HVAC systems. The Public Works facility will also undergo a walk-through audit for use as a backup facility in the event that the Community Center does not offer significant savings as approved by the grant.

LNV’s project manager will be Logan Burton, PE, with Rajendera Kapoor, PE, CPMP, MBA, serving as the lead engineer. Mr. Burton has completed successful implementations of the City’s GIS systems. Mr. Kapoor is the lead MEP engineer at LNV and has spent the previous 38 years providing energy and power auditing services throughout Texas and nationally. The staff feels that Mr. Burton and Mr. Kapoor are well qualified to execute this project according to the grant’s procedures and the City’s expectations.

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**RECOMMENDATION:** Adopt a motion authorizing the engagement of LNV, Inc., for engineering and construction management services, utilizing the available funding from the Energy Efficiency and Conservation Block Grant.



engineers | architects | contractors

Solutions Today with a  
Vision for Tomorrow

January 20, 2012

Mr. Brian DeLatte, P.E.  
Director of Public Works and Development / City Engineer  
City of Portland  
1101 Moore Avenue  
Portland, Texas 78374

**Subject: Engineering and Construction Management services for Building Energy Audit and Retrofits**

Dear Mr. DeLatte:

LNV Inc., (LNV) appreciates the opportunity to review your Energy Efficiency and Conservation Block Grant and submit this proposal for completion of work before June 15, 2012

We have noticed that you have \$62,276 in electric invoices for the period of 10/12/2010 to 10/17/2011 for the Community Center Facilities, when pro-rated; the power costs are \$61,488.11 for roughly twelve (12) month period. LNV will audit the building and provide consulting to reduce the energy consumption. We will ensure that payback meets the State Energy Conservation Office (SECO) requirements. LNV will provide consulting services to complete the project in accordance with Comptroller's of Public Accounts SECO stimulus American Recovery and Reinvestment Act Grants. We will implement one or more of the audit recommendations as approved by SECO Stimulus.

Starting with the visit of our Senior Engineer to the Community Center facility and analysis of actual monthly bill and complete energy consumption, we will review envelope of the facilities, building interior and exterior lighting, all power using mechanical and electrical equipment and provide you with recommendations of energy saving and retrofits in accordance with SECO Stimulus by a walk through audit at no cost. We shall audit the community Center and Public Works buildings under this no cost effort. Following preliminary audits, we shall complete ASHRAE level 3 Energy Efficiency Measure audit and details and cost analysis for a fee of \$4900.00 (four Thousand nine hundred dollars). Once these level 3 investment grade energy efficiency measures are accepted by the City Manager and approved by State Energy Conservation office, LNV Inc., will deliver plans and specifications for construction of the project for the fees of \$4,100. This will not exceed the total fees For LNV Inc., from State Energy Conservation Office (SECO) guidelines of \$9000.00 (Nine Thousand Dollars).

Since timing is of the essence, we would appreciate it if you engage us at your earliest convenience (no later than Feb. 29, 2012). Should you have any questions, do not hesitate to contact me at (210) 560-8269 or Mr. Logan Burton at (361) 883-1984.

Sincerely,

LNV, Inc.  
TBPE FIRM No. F-366

Rajendera K. Kapoor, P.E., CPMP, MBA  
E-mail: rkapoor@lnvinc.com



engineers | architects | contractors

## Rajendera (Raj) K. Kapoor, PE, CPMP, MBA

Senior Project Manager, Federal Division

LEAD MEP Engineer, Energy Division

### Education

Bachelor of Science Mechanical Engineering, Regional Engineering College, Kurukshetra (now NIT), Kurukshetra, India, 1971

Master of Business Administration, Boise State University, Boise, Idaho, 1984

### Registration/License

Registered Professional Engineer in following states:  
Idaho, 1981 # 4349,  
Oklahoma, 1986 #14556  
Texas, 1989, #66912

### Certifications

Commissioning Process Management Professional (CPMP, ASHRAE)

### Professional Affiliations

Member- American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE)  
Member- National Fire Protection Association (NFPA)

Mr. Rajendera K. Kapoor has more than 38 years of experience in mechanical, electrical, and plumbing engineering, all types of facilities energy audits followed by conservation measures and State Energy Conservation Office (SECO) and Department of Energy (DOE) Grants, processes, *Sustainable development* and energy efficient design for all environments around the world. He has 30 years of experience as a registered professional engineer in the USA.



### MEP, HVAC, Fire Protection & Detection, Life Safety, Codes and Standards Engineer:

Mr. Kapoor has worked on a number of projects for Industrial, Institutional, Aviation, Healthcare, Hospitality, higher learning institutes and Commercial sector Facilities for heating, ventilation and air conditioning (HVAC), mechanical, electrical and plumbing (MEP), Fire Protection, Fire Detection, Controls and Data Centers, security/audio visual (to Department of Homeland standards) with IT related design, and sure power with UPS's and backup Generation. Mr. Kapoor knows necessary safety/security controls interlocking.

### Lead MEP Engineer/Senior Project Manager - LNV Inc. 6/2011 to present:

Mr. Kapoor leads the MEP division, Energy Division, and supporting Federal sector for Assets Department and Infrastructure projects with his vision and experience to take projects in multiple phases and provide *Sustainable operations over the life of the project*. He provides third party peer review in different phases of design and engineering for varied facilities under modification or new construction. Mr. Kapoor leads review of Energy Services Company's utility assessment reports, measurement and verification and Utility Cost Reduction Measures.

### Rajendera K. Kapoor, PE dba R&P (Research & Planning) Engineering Company:

Mr. Kapoor provided MEP design and engineering services to Dee Howard Company for Boeing's first 747 presidential plane (Air Force One) as lead environmental systems engineer. Other clients include State Energy Conservation Office (SECO) as joint venture with O'Connell Robertson for projects at Central Texas Medical Center, Bethania General Hospital, Wilbarger General Hospital and San Angelo psychiatric hospital. SECO grants funded all ENERGY AUDITING SERVICES and half the cost of construction for all four (4) not for profit hospitals. *During this period Mr. Kapoor prepared documents using Quattro-Pro software to review Energy Efficiency Measures (previously referred to as ECM) and trained twelve (12) ENERGY ENGINEERS for SECO/DOE on the use of the tailored software which became the basis for design criteria for the LOAN STAR program and its monitoring methodology.*





## **REGULAR MEETING AGENDA BILL**

**AGENDA ITEM:** **RESOLUTION NO. 645 - A RESOLUTION AUTHORIZING AUTOMATED SOLID WASTE COLLECTION AND SINGLE-STREAM RECYCLING:** THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 645 AUTHORIZING AUTOMATED SOLID WASTE COLLECTION AND SINGLE-STREAM RECYCLING - ASSISTANT TO THE CITY MANAGER

**SUBMITTED BY:** Michel Weaver (ATTCM)    **DATE:** February 7, 2011

**ATTACHMENTS:** - Resolution No. 645

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**SUMMARY STATEMENT:** The City Council has been presented an opportunity to automate solid waste-collection and initiate single-stream recycling by its solid waste contractor. City Council has pledged to promote the following:

- Exploit technological advances that increase effectiveness, promote efficiency, improve customer satisfaction and reduce costs.
- Promote sensible “Green” polices, programs and projects.

Authorizing automated solid waste collection and single-stream recycling will accomplish those items stated above and pledged by the City Council.

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**RECOMMENDATION:** Approve Resolution No. 645 and authorize automated solid waste collection services and single-stream recycling.

## RESOLUTION NO. 645

### A RESOLUTION AUTHORIZING AUTOMATED SOLID WASTE COLLECTION AND SINGLE-STREAM RECYCLING

**WHEREAS** the City Council has pledged to promote sensible “Green” policies, programs and projects; and,

**WHEREAS** the City Council has further pledged to fully exploit technological advances that increase effectiveness, promote efficiency, improve customer service or reduce costs; and,

**WHEREAS** the City has been presented an opportunity to automate solid waste collection and initiate single-stream recycling by its solid waste contractor; and,

**WHEREAS** the implementation of automated solid waste collection and single-stream recycling will permit the City Council to meet all of its pledges.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS TO AUTHORIZE AUTOMATED SOLID WASTE COLLECTION ONE (1) TIME PER WEEK AND SINGLE-STREAM RECYCLING ONE (1) TIME \_\_\_\_\_:**

Choose Option 1 or 2

Option 1:     PER WEEK FOR A NEW MONTHLY CHARGE OF \$20.30 PER RESIDENTIAL CUSTOMER

Option 2:     EVERY OTHER WEEK FOR A NEW MONTHLY CHARGE OF \$18.41 PER RESIDENTIAL CUSTOMER

**PASSED, APPROVED AND ADOPTED** this 7<sup>th</sup> day of February, 2012.

**EXECUTED:**

By: \_\_\_\_\_  
David Krebs  
Mayor

**ATTEST:**

\_\_\_\_\_  
Annette Hall  
City Secretary



## **REGULAR MEETING AGENDA BILL**

**AGENDA ITEM:** **ORDINANCE NO 2049 - AMENDING THE EXCLUSIVE SOLID WASTE (COLLECTION AND DISPOSAL) FRANCHISE GRANTED TO REPUBLIC SERVICES:** THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2049 WHICH AMENDS THE EXCLUSIVE SOLID WASTE (COLLECTION AND DISPOSAL) FRANCHISE GRANTED TO REPUBLIC SERVICES

**SUBMITTED BY:** Michel Weaver, (ATTCM)     **DATE:** February 7, 2012

**ATTACHMENTS:** - Proposed ordinance  
- Franchise agreement

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**SUMMARY STATEMENT:** The proposed ordinance, a copy of which is attached for your review and consideration, does the following:

- Amends and modifies the service requirements, terms and conditions of the exclusive solid waste (collection and disposal) franchise with republic services, providing a penalty for violations
- Provides for the repeal of ordinances in conflict herewith
- Provides a severability clause
- Requires publishing and establishing an effective date
- Replaces the current franchise, which expires December 3, 2012, with a franchise that is renewable by the Parties every 5 years
- Permits the CoP to avoid bidding the franchise and higher solid waste service rates

There are very few differences between the current and amended franchise agreement. The fees payable to the Contractor for residential solid waste and recycling shall not be adjusted prior to October 1, 2014 of the Term.

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**RECOMMENDATION:** Adopt a motion that approves the first reading of the Ordinance No.2049

## **ORDINANCE NO. 2049**

**AN ORDINANCE AMENDING THE “CITY OF PORTLAND, TEXAS CONTRACT DOCUMENTS AND SPECIFICATIONS FOR SOLID WASTE COLLECTION AND DISPOSAL” ADOPTED BY ORDINANCE NO.1182; EXTENDING THE EXCLUSIVE SOLID WASTE (COLLECTION AND DISPOSAL) FRANCHISE WITH REPUBLIC SERVICES AN ADDITIONAL 5 YEARS; MODIFYING THE SERVICE REQUIREMENTS, TERMS AND CONDITIONS OF THE EXCLUSIVE SOLID WASTE (COLLECTION AND DISPOSAL) FRANCHISE WITH REPUBLIC SERVICES; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE, REQUIRING PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has determined that the continued privatization of solid waste collection and disposal is beneficial to Portland residents and businesses; and,

**WHEREAS**, the City Council has determined that Republic Services is the most qualified solid waste service contractor in the Coastal Bend and its exclusive franchise should be extended an additional 5 years; and,

**WHEREAS**, the City Council has determined that a multitude of terms and conditions incorporated within the exclusive solid waste (collection and disposal) franchise granted to Republic Services should be amended.

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

**SECTION 1:** The “FIRST AMENDMENT TO CITY OF PORTLAND, TEXAS CONTRACT DOCUMENTS AND SPECIFICATIONS FOR SOLID WASTE COLLECTION AND DISPOSAL,” a copy of which is attached hereto and incorporated herein,” is hereby adopted.

**SECTION 2:** Any ordinance or provision of an ordinance in conflict with this Ordinance Is hereby repealed.

**SECTION 3:** If any provision, section, sentence, clause or phrase of this Ordinance is held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected.

**SECTION 4:** This Ordinance shall take affect upon March 1, 2012.

**PASSED AND APPROVED** this 21<sup>th</sup> day February 2012.

**EXECUTED:**

**By:** \_\_\_\_\_  
**David Krebs, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Annette Hall, City Secretary**

## FIRST AMENDMENT TO CITY OF PORTLAND, TEXAS CONTRACT DOCUMENTS AND SPECIFICATIONS FOR SOLID WASTE COLLECTION AND DISPOSAL

This First Amendment to the City of Portland Contract Documents & Specifications for Solid Waste Collection and Disposal (the "Amendment") is made effective as of March 1, 2012, by and among the City of Portland, Texas (the "City"), and BFI Waste Services of Texas, LP, a Delaware limited partnership ("Contractor"). The City and Contractor are referred to in this Agreement collectively as the "Parties" and individually as a "Party."

### Recitals

A. The Parties entered into that certain City of Portland Contract Documents & Specifications for Solid Waste Collection and Disposal dated December 4, 2007 (the "Agreement") pursuant to which Contractor agreed to provide solid waste collection and disposal services as more set forth in this Agreement; and

B. The Parties desire to extend the term of and amend the Agreement pursuant to the terms of this Amendment.

### Agreement

NOW, THEREFORE, FOR AND IN CONSIDERATION of the respective covenants herein contained, the Parties have agreed as follows:

1. Storms and Other Disasters. The Parties agree that Section 2.02 of the Agreement is deleted in its entirety and replaced with the following:

"In case of a storm, flood, hurricane or other disaster or other Acts of God, the City shall grant Contractor reasonable variances from regular schedules and routes, however, the normal amount paid to Contractor shall be prorated if the City, other governmental agencies such as the Federal Emergency Management Agency or private solid waste companies on their behalf are required to perform instead of Contractor. In case of a storm or other disaster or other Acts of God where it is necessary for Contractor to perform services beyond the scope of this Contract, Contractor and the City shall negotiate the amounts to be paid to Contractor."

2. Section 3.01(c) – Services Provided. The Parties agree that Section 3.01(c) is deleted in its entirety to read as follows: "Contractor will provide brush service to residential customers one (1) time per month during working hours."

3. Section 3.-01(g) – Services Provided. The Parties agree that Section 3.01(g) is deleted in its entirety to read as follows: "Contractor shall provide for the monthly collection from Residential Units of Bulky Waste and Stable Matter. The monthly collection of Bulky Waste shall include Brush and shall be a part of the basic bid. The Contractor may provide for the special collection of Hazardous Waste and Biohazard Medical Waste at Commercial Units and Residential Units at its sole discretion and upon such terms and conditions as Contractor shall specify."

4. Holidays. The Parties agree that, notwithstanding anything in Section 4.03 to the contrary, the only holidays on which collection shall not be provided are: New Year's Day, Thanksgiving Day and Christmas Day.

5. Section 4.04 - Complaints. The Parties agree to delete the last sentence of Section 4.04 in the Agreement, and that Contractor shall not have any obligation to provide a monthly report summarizing complaints to the City except with regard to roll-off dumpsters.

6. Term. The Parties agree to extend the term for an additional five years, commencing on March 1, 2012 and terminating on February 28, 2017. Nothing in this First Amendment, however, shall prevent the Parties from further extending the term of the Agreement for additional five (5) year terms.

7. Modification to Rates. The Parties agree that Section 14.02(a) shall be deleted in its entirety and replaced with the following:

“(a) The fees or compensation payable to the Contractor for residential solid waste and recycling shall not be adjusted prior to October 1, 2014 of the Term. The fees or compensation payable to the Contractor in subsequent years of the Term shall be adjusted upward or downward to reflect the percentage change in the cost of operations, as reflected by fluctuations in the Consumer Price Index for Urban Wage Earners and Clerical Workers (All Items) and the Consumer Price Index for Urban Wage Earners and Clerical Workers, Expenditures Category “Gasoline,” both as published by the U.S. Department of Labor, Bureau of Labor Statistics. Commercial rates may be increased annually effective 2012 based on the CPI Index terms above. In addition to the foregoing the fees which may be charged by the Contractor shall be increased to reflect increases in disposal cost, as well as increases in the number and type of Commodities that the Contractor is required to collect. All fee increases will be submitted in writing at least 90 calendar days in advance of their proposed effective dates to the City for approval by Council.”

8. Roll-off Dumpsters. The parties agree that Section 14.05 shall be deleted in its entirety and replaced with the following: “Due to the complicated process associated with roll-off dumpsters, the City will direct all such calls to the Contractor for service and billing. The charges collected from these services will be subject to a City franchise fee and will be reported as a part of the Monthly Report from the Contractor. The Monthly Report shall include the address at which the roll-off dumpster was placed, account number, the amount paid by the customer and the date of customer payment. The Contractor will delete the total franchise fee for these services from the itemized monthly bill prior to submittal to the City.”

9. Service Changes. The Parties agree that if the City requests a change in frequency of service and/or requires an enhancement of services, Contractor will allow these changes during the term provided that both Parties agree upon the scope of services and the pricing. The Parties acknowledge that any changes agreed upon by both Parties may take 90-180 days to be implemented depending on the scope of work, capital investment, and equipment involved.

10. Capitalized Terms. Capitalized terms used but not otherwise defined in this Amendment shall have the meanings assigned to them in the Agreement. In the case of a conflict in meaning between the Agreement and this Amendment, this Amendment shall prevail.

11. Continuing Effect. Except as expressly modified or amended by this Amendment, all terms and provisions of the Agreement shall remain in full force and effect.

12. Execution in Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original.

13. Franchise Fee. In accordance with Section 14.01(d) of the Agreement, the Contractor will pay the City a franchise fee of 19.5% on all industrial roll-off container revenue collected by the Contractor within the corporate limits of the City.

14. Exclusivity. The Parties agree that the Contractor shall have sole and exclusive franchise, license, and privilege to provide collection services for residential, commercial, industrial solid waste, and recycling within the corporate limits of the City.

IN WITNESS WHEREOF, the Parties have executed this Amendment in duplicate conformed originals as of the date first set forth above.

**Contractor:**

BFI Waste Systems of Texas, LP

By: By: Allied Waste Landfill Holdings, Inc.  
Its: General Partner

\_\_\_\_\_  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**City:**

The City of Portland, Texas

\_\_\_\_\_  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_



## **REGULAR MEETING AGENDA BILL**

**AGENDA ITEM:** **PHASE 8 STREET IMPROVEMENTS AND MEMORIAL PARKWAY 10" FORCE MAIN CONSTRUCTION PROJECT - CHANGE ORDER NO. 2:** THE CITY COUNCIL WILL CONSIDER CHANGE ORDER NO. 2 (\$23,401.82 PROJECT COST INCREASE) WHICH MODIFIES THE SCOPE OF STREET IMPROVEMENTS

**SUBMITTED BY:** Brian DeLatte, Director of Public Works and Development

**DATE:** February 7, 2012

**ATTACHMENTS:** Change Order No. 2  
Attachment A

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**SUMMARY STATEMENT:** Bay, Ltd. was awarded the contract for the Phase 8 Street Improvements & Memorial 10" Force Main project, as designed by LNV, Inc. The City Council previously authorized Change Order No. 1, which modified the scope of the project and removed \$109,775.95 from the contract to be utilized as a contingency for additional known overruns that could not be quantified at that time.

Since the execution of Change Order No. 1, Bay has completed all major concrete work on the project, as well as a significant number of seal coats. Rehabilitation of the Country Club streets is also substantially complete. With Bay temporarily halting paving work due to the cooler weather, it is prudent to "balance" the contract now that most of the work with expected overruns has been completed. The areas of work that deviated from the original contract included:

- 1,311 LF Additional curb and gutter to match existing grades, along with associated sidewalks and driveways
- Removal of MC-30 on rehab streets
- Substitution of AC-5 instead of AC-15P on underseals per Bay's request
- Balance of quantity on E. Broadway seal coat
- Repair methods on Reynolds and Market

This change order of \$23,401.82 increases the contract amount to \$4,338,957.42, leaving a net decrease of \$86,374.13 from the original contract.

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**RECOMMENDATION:** Adopt a motion approving Change Order No. 2.

## CHANGE ORDER NO. 2

**PROJECT:** Phase 8 Street Improvements & Memorial Parkway 10" Force Main  
**OWNER:** City of Portland  
1900 Billy G. Webb Drive  
Portland, Texas 78374  
**CONTRACTOR:** Bay, Ltd.  
1414 Valero Way  
Corpus Christi, Texas 78469-9908  
**CONTRACT FOR:** Phase 8 Street Improvements & Memorial Parkway 10" Force Main  
**DATE OF ISSUANCE:** May 19, 2011  
**ENGINEER:** LNV, Inc.  
801 Navigation, Suite 200  
Corpus Christi, Texas 78408  
**ENGINEER Proj. No.:** 100070.00

You are directed to make the following changes in the Contract Documents.

**Description:** Adjustment of quantities to match the actual quantities placed in the field, deletion of MC-30 prime coat from rehab streets, substitution of AC-5 asphalt oil instead of AC-15P asphalt oil on all underseals, shortening of plan length for seal coat on E. Broadway, substitution of cement treatment of existing materials instead of full depth pavement repair for portions of Reynolds and Market streets.

**Purpose of Change Order:** Balance pay item quantities to match quantities actually constructed to date, remove prime coat from project, and switch underseal asphalt oil.

**Attachments:** See Attachment A.

### CHANGE IN CONTRACT PRICE:

Original Contract Price:  
\$ 4,425,331.55

Previous Change Order No. 1  
\$ (109,775.95)

Contract Price prior to this Change Order  
\$ 4,315,555.60

Net Increase of this Change Order  
\$ 23,401.82

Contract Price including this change order  
\$ 4,338,957.42

Net Increase from Original Contract Price  
including all change orders:  
\$(86,374.13)

### CHANGE IN CONTRACT TIME:

Original Contract Time:  
510 Calendar Days

Net change from previous Change Orders  
14 Calendar Days

Contract Time Prior to this Change Order  
524 Calendar Days

Net Increase of this Change Order  
0 Calendar Days

Contract Time with all approved Change Orders  
524 Calendar Days

### RECOMMENDED:

By Dennis Miller  
LNV, Inc.  
Dennis Miller, P.E., CFM  
Senior Project Manager

### APPROVED:

By \_\_\_\_\_  
CITY OF PORTLAND  
Mike Tanner  
City Manager

### APPROVED:

By \_\_\_\_\_  
Bay, Ltd.  
Jon Lentz  
Estimating Manager

**ATTACHMENT A**

PROJECT: Phase 8 Street Improvements and Memorial Parkway 10' Force Main

ITEM	DESCRIPTION	UNIT	ORIGINAL			AFTER CHANGE ORDER NO. 1			REVISED (INCLUDING CHANGE ORDER NO. 2)			OVERRUN/UNDERRUN THIS CHANGE ORDER
			UNIT PRICE	QUANTITY	ITEM COST	UNIT PRICE	QUANTITY	ITEM COST	UNIT PRICE	QUANTITY	ITEM COST	
A1	REMOVE & REPLACE 6" CURB & GUTTER	LF	\$43.70	27,227.00	\$1,189,819.90	\$43.70	31,598.00	\$1,380,832.60	\$43.70	32,518.20	\$1,421,045.34	\$40,212.74
A2	REMOVE CONCRETE DRIVEWAY	SF	\$2.00	33,528.00	\$67,056.00	\$2.00	38,877.00	\$77,754.00	\$2.00	38,226.71	\$76,453.42	(\$1,300.58)
A3	CONCRETE DRIVEWAY	SF	\$6.50	33,528.00	\$217,932.00	\$6.50	38,877.00	\$252,700.50	\$6.50	38,275.71	\$248,792.12	(\$4,098.39)
A4	REMOVE CONCRETE SIDEWALK	SF	\$1.90	5,481.00	\$10,413.90	\$1.90	5,945.00	\$11,295.50	\$1.90	8,703.43	\$16,536.52	\$5,241.02
A5	CONCRETE SIDEWALK	SF	\$5.60	5,481.00	\$30,693.60	\$5.60	5,945.00	\$33,292.00	\$5.60	7,708.92	\$43,169.95	\$9,877.95
A6	REMOVE & REPLACE CONCRETE VALLEY GUTTER	SF	\$11.00	1,155.00	\$12,705.00	\$11.00	1,475.00	\$16,225.00	\$11.00	1,494.54	\$16,439.94	\$214.94
A7	CONCRETE CURB RAMP W/TRUNCATED DOMES	SF	\$22.00	1,438.00	\$31,636.00	\$22.00	1,738.00	\$38,236.00	\$22.00	1,806.32	\$39,739.04	\$1,503.04
A8	CEMENT TREAT EXIST MATERIAL 6"	SY	\$5.50	16,600.00	\$91,300.00	\$5.50	16,600.00	\$91,300.00	\$5.50	16,822.22	\$92,522.21	\$1,222.21
A8-CR	CEMENT TREAT EXIST MATERIAL 6" (MC-30 CREDIT)	SY								(\$0.50)	16,600.00	(\$0,794.00)
A9	CEMENT TREAT EXIST MATERIAL 8"	SY	\$6.30	31,744.00	\$199,987.20	\$6.30	31,744.00	\$199,987.20	\$6.30	32,944.00	\$207,547.20	\$7,560.00
A9-CR	CEMENT TREAT EXIST MATERIAL 8" (MC-30 CREDIT)	SY								(\$0.60)	31,744.00	(\$19,046.40)
A10	ONE COURSE SURFACE TREATMENT	SY	\$2.40	259,767.00	\$623,440.80	\$2.40	259,767.00	\$623,440.80	\$2.40	254,784.57	\$611,482.97	(\$11,957.83)
A10-CR	ONE COURSE SURFACE TREATMENT (AC-5 CREDIT)	SY								(\$0.06)	48,344.00	(\$2,900.64)
A11	HMACP OVERLAY (1 1/2" TYPE D)	SY	\$8.10	60,709.00	\$491,742.90	\$8.10	60,709.00	\$491,742.90	\$8.10	60,709.00	\$491,742.90	\$0.00
A12	MILL EXISTING PAVEMENT (0" TO 2")	SY	\$1.90	7,305.00	\$13,879.50	\$1.90	7,305.00	\$13,879.50	\$1.90	7,305.00	\$13,879.50	\$0.00
A13	FULL DEPTH PAVEMENT REPAIR	SY	\$83.00	2,070.00	\$171,810.00	\$83.00	2,070.00	\$171,810.00	\$83.00	1,910.00	\$158,530.00	(\$13,280.00)
A14	REFL PAVEMENT MARKINGS (YELLOW)4"X(SOLID)90 MIL	LF	\$5.00	950	\$4,750.00	\$5.00	950	\$4,750.00	\$5.00	950	\$4,750.00	\$0.00
A15	REFL PAVEMENT MARKINGS (YELLOW)4"X(BROKEN)90 MIL	LF	\$2.00	1,920	\$3,840.00	\$2.00	1,920	\$3,840.00	\$2.00	1,920	\$3,840.00	\$0.00
A16	REFL PAVEMENT MARKINGS (WHITE)4"X(BROKEN)90 MIL	LF	\$2.00	775	\$1,550.00	\$2.00	775	\$1,550.00	\$2.00	775	\$1,550.00	\$0.00
A17	REFL PAVEMENT MARKINGS (WHITE)8"X(SOLID)90 MIL	LF	\$5.00	270	\$1,350.00	\$5.00	270	\$1,350.00	\$5.00	270	\$1,350.00	\$0.00
A18	REFL PAVEMENT MARKINGS (WHITE)12"X(SOLID)90 MIL	LF	\$7.00	604	\$4,228.00	\$7.00	604	\$4,228.00	\$7.00	604	\$4,228.00	\$0.00
A19	REFL PAVEMENT MARKINGS (WHITE)24"X(SOLID)90 MIL	LF	\$9.00	904	\$8,136.00	\$9.00	904	\$8,136.00	\$9.00	904	\$8,136.00	\$0.00
A20	REFL PAVEMENT MARKINGS (WHITE)ARROW(90 MIL)	EA	\$120.00	3	\$360.00	\$120.00	3	\$360.00	\$120.00	3	\$360.00	\$0.00
A21	REFL PAVEMENT MARKINGS (WHITE)DOUBLE ARROW(90 MIL)	EA	\$150.00	1	\$150.00	\$150.00	1	\$150.00	\$150.00	1	\$150.00	\$0.00
A22	REFL PAVEMENT MARKINGS (TYPE II-A-A)	EA	\$13.00	216	\$2,808.00	\$13.00	216	\$2,808.00	\$13.00	216	\$2,808.00	\$0.00
A23	REFL PAVEMENT MARKINGS (TYPE II-C-R)	EA	\$13.00	78	\$1,014.00	\$13.00	78	\$1,014.00	\$13.00	78	\$1,014.00	\$0.00
A24	ADJUST WATER METER	EA	\$1,300.00	1	\$1,300.00	\$1,300.00	1	\$1,300.00	\$1,300.00	1	\$1,300.00	\$0.00
A25	ADJUST VALVES	EA	\$700.00	11	\$7,700.00	\$700.00	11	\$7,700.00	\$700.00	11	\$7,700.00	\$0.00
A26	ADJUST MANHOLES	EA	\$1,200.00	26	\$31,200.00	\$1,200.00	26	\$31,200.00	\$1,200.00	26	\$31,200.00	\$0.00
A27	ADJUST MANHOLE OR VALVE (UNANTICIPATED)	EA	\$800.00	18	\$14,400.00	\$800.00	18	\$14,400.00	\$800.00	18	\$14,400.00	\$0.00
AA1-1	REMOVE & REPLACE 6" CURB & GUTTER	LF	\$43.70	1,737.00	\$75,906.90	\$43.70	0.00	\$0.00	\$43.70	0.00	\$0.00	\$0.00
AA1-2	REMOVE CONCRETE DRIVEWAY	SF	\$2.00	2,046.00	\$4,092.00	\$2.00	0.00	\$0.00	\$2.00	0.00	\$0.00	\$0.00
AA1-3	CONCRETE DRIVEWAY	SF	\$6.50	2,046.00	\$13,299.00	\$6.50	0.00	\$0.00	\$6.50	0.00	\$0.00	\$0.00
AA1-4	REMOVE CONCRETE SIDEWALK	SF	\$1.90	278.00	\$528.20	\$1.90	0.00	\$0.00	\$1.90	0.00	\$0.00	\$0.00
AA1-5	CONCRETE SIDEWALK	SF	\$5.60	278.00	\$1,556.80	\$5.60	0.00	\$0.00	\$5.60	0.00	\$0.00	\$0.00
AA1-6	REMOVE & REPLACE CONCRETE VALLEY GUTTER	SF	\$11.00	270.00	\$2,970.00	\$11.00	0.00	\$0.00	\$11.00	0.00	\$0.00	\$0.00
AA1-7	CONCRETE CURB RAMP W/TRUNCATED DOMES	SF	\$22.00	100.00	\$2,200.00	\$22.00	0.00	\$0.00	\$22.00	0.00	\$0.00	\$0.00
AA1-8	CEMENT TREAT EXISTING MATERIAL (6")	SY	\$6.45	10,851.00	\$69,988.95	\$6.45	0.00	\$0.00	\$6.45	0.00	\$0.00	\$0.00
AA1-9	ONE-COURSE SURFACE TREATMENT	SY	\$2.40	10,851.00	\$26,042.40	\$2.40	0.00	\$0.00	\$2.40	0.00	\$0.00	\$0.00
AA1-10	HMACP OVERLAY (1 1/2" TYPE D)	SY	\$8.10	10,851.00	\$87,893.10	\$8.10	0.00	\$0.00	\$8.10	0.00	\$0.00	\$0.00
AA1-11	ADJUST VALVES	EA	\$700.00	6.00	\$4,200.00	\$700.00	0.00	\$0.00	\$700.00	0.00	\$0.00	\$0.00
AA1-12	ADJUST MANHOLES	EA	\$1,200.00	4.00	\$4,800.00	\$1,200.00	0.00	\$0.00	\$1,200.00	0.00	\$0.00	\$0.00
AA2-1	REMOVE & REPLACE 6" CURB & GUTTER	LF	\$50.00	8,798.00	\$439,900.00	\$50.00	7,858.00	\$392,800.00	\$50.00	8,246.10	\$412,305.00	\$19,505.00
AA2-2	REMOVE CONCRETE DRIVEWAY	SF	\$2.10	12,840.00	\$26,964.00	\$2.10	10,708.00	\$22,486.80	\$2.10	11,143.26	\$23,400.85	\$914.05
AA2-3	CONCRETE DRIVEWAY	SF	\$6.55	12,840.00	\$84,102.00	\$6.55	10,708.00	\$70,137.40	\$6.55	11,094.26	\$72,667.40	\$2,530.00
AA2-4	REMOVE CONCRETE SIDEWALK	SF	\$2.00	1,359.00	\$2,718.00	\$2.00	1,249.00	\$2,498.00	\$2.00	1,865.55	\$3,731.10	\$1,233.10
AA2-5	CONCRETE SIDEWALK	SF	\$5.60	1,359.00	\$7,610.40	\$5.60	1,249.00	\$6,994.40	\$5.60	1,841.20	\$10,310.72	\$3,316.32
AA2-6	CONCRETE CURB RAMP W/TRUNCATED DOMES	SF	\$22.00	136.00	\$2,992.00	\$22.00	136.00	\$2,992.00	\$22.00	136.20	\$2,996.40	\$4.40
B1	MOBILIZATION AND DEMOBILIZATION	LF	\$23,000.00	1	\$23,000.00	\$23,000.00	1	\$23,000.00	\$23,000.00	1	\$23,000.00	\$0.00
B2	EXPLORATORY EXCAVATIONS	SF	\$6,600.00	1	\$6,600.00	\$6,600.00	1	\$6,600.00	\$6,600.00	1	\$6,600.00	\$0.00
B3	TRAFFIC CONTROL MEASURES	SF	\$9,000.00	1	\$9,000.00	\$9,000.00	1	\$9,000.00	\$9,000.00	1	\$9,000.00	\$0.00
B4	STORM WATER POLLUTION PREVENTION PLAN	SF	\$12,000.00	1	\$12,000.00	\$12,000.00	1	\$12,000.00	\$12,000.00	1	\$12,000.00	\$0.00
B5	SEEDING FOR EROSION CONTROL	SF	\$2.50	1,090	\$2,725.00	\$2.50	1,090	\$2,725.00	\$2.50	1,090	\$2,725.00	\$0.00
B6	CURB REPAIR	SF	\$35.00	150	\$5,250.00	\$35.00	150	\$5,250.00	\$35.00	248	\$8,680.00	\$3,430.00
B7	SIDEWALK REPAIR	SF	\$63.00	50	\$3,150.00	\$63.00	50	\$3,150.00	\$63.00	0	\$0.00	(\$3,150.00)
B8	10" PVC FORCE MAIN UNDER PAVEMENT INCLUDING ALL	SY	\$52.00	2,145	\$111,540.00	\$52.00	2,145	\$111,540.00	\$52.00	2,145	\$111,540.00	\$0.00
B9	10" PVC FORCE MAIN IN EARTHEN AREAS, INCLUDING ALL	SY	\$34.00	960	\$32,640.00	\$34.00	960	\$32,640.00	\$34.00	960	\$32,640.00	\$0.00
B10	10" PVC FORCE MAIN IN BORED AND CASSED CONSTRUCTION	SY	\$340.00	95	\$32,300.00	\$340.00	95	\$32,300.00	\$340.00	95	\$32,300.00	\$0.00
B11	AIR RELEASE VALVE STRUCTURE IN PAVED AREA, INCLUDING	SY	\$6,600.00	10	\$66,000.00	\$6,600.00	10	\$66,000.00	\$6,600.00	8	\$52,800.00	(\$13,200.00)
B12	TRENCH SAFETY FOR FORCE MAIN CONSTRUCTION	SY	\$2.00	3,110	\$6,220.00	\$2.00	3,110	\$6,220.00	\$2.00	3,110	\$6,220.00	\$0.00
B13	TRENCH SAFETY FOR AIR RELEASE VALVE STRUCTURES	SY	\$200.00	10	\$20,000.00	\$200.00	10	\$20,000.00	\$200.00	8	\$16,000.00	(\$4,000.00)
B14	10" 45° D.I. BEND	SY	\$650.00	28	\$18,200.00	\$650.00	28	\$18,200.00	\$650.00	27	\$17,550.00	(\$650.00)
B15	10" 90° D.I. BEND	SY	\$700.00	2	\$1,400.00	\$700.00	2	\$1,400.00	\$700.00	1	\$700.00	(\$700.00)
B16	10" PLUG	SY	\$340.00	1	\$340.00	\$340.00	1	\$340.00	\$340.00	2	\$680.00	\$340.00
50001	COLORLED CONCRETE DRIVEWAYS	SF							\$9.13	363.10	\$3,315.10	\$3,315.10
50002	ADDITIONAL SURVEY	LS							\$689.27	1.00	\$689.27	\$689.27
50003	SUBGRADE SOFT SPOT REPAIR 6"	SY							\$20.35	0.00	\$0.00	\$0.00
50004	SUBGRADE SOFT SPOT REPAIR 12"	SY							\$24.87	94.11	\$2,340.52	\$2,340.52
<b>TOTALS</b>					<b>\$4,425,331.55</b>			<b>\$4,315,555.60</b>			<b>\$4,338,957.42</b>	<b>\$23,401.82</b>

ORIGINAL CONTRACT AMOUNT = \$4,425,331.55  
 CONTRACT AMOUNT AFTER CHANGE ORDER NO. 1 = \$4,315,555.60  
 CONTRACT AMOUNT AFTER CHANGE ORDER NO. 2 = \$4,338,957.42



## **REGULAR MEETING AGENDA BILL**

**AGENDA ITEM:** **RESOLUTION NO. 644 - ADOPTING A STRATEGIC OPERATING PLAN:** THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 644 WHICH ADOPTS A REVISED CITY OF PORTLAND STRATEGIC OPERATING PLAN AND DIRECTS THE CITY MANAGER TO IMPLEMENT IT

**SUBMITTED BY:** Michel Weaver (ATTCM)    **DATE:** February 7, 2011

**ATTACHMENTS:** - Resolution No. 644  
- City of Portland Strategic Operating Plan

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**SUMMARY STATEMENT:** If the City Council is satisfied that the “City of Portland Strategic Operating Plan” includes all of the revisions tentatively agreed upon at the January 30, 2012 Strategic Planning Retreat, it should approve Resolution No. 644. The Staff will do the following if the City of Portland Strategic Operating Plan is adopted:

- Present a copy of it to each and every CoP employee (who shall read and acknowledge same)
- Display it on the official CoP website and City Hall monitors
- Publish it in the Breeze and present copies of it to area newspapers for publication
- Incorporate it in the 2012-2013 Fiscal Year Budget and the 5 Year Capital Program development process

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**RECOMMENDATION:** Approve Resolution No. 644 and adopt the revised City of Portland Strategic Operating Plan

**RESOLUTION NO. 644**

**A RESOLUTION ADOPTING A REVISED CITY  
OF PORTLAND STRATEGIC OPERATING PLAN  
AND DIRECTING THE CITY MANAGER TO  
IMPLEMENT IT**

**WHEREAS** the success of the City of Portland can be attributed to a continuous strategic planning process; and,

**WHEREAS** the City Council recently reviewed all 3 elements of its Strategic Operating Plan and determined that revisions should be made to the Operating Principles; and,

**WHEREAS** a revised Strategic Operating Plan will better guide the City of Portland and maximize its overall effectiveness.

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

**THAT** the newly revised "City of Portland Strategic Operating Plan," a copy of which is attached hereto and incorporated herein, is hereby adopted.

**THAT** the City Manager is hereby directed to publicize it, disseminate it, incorporate it in the current as well as ensuing fiscal year budget and ensure that all City of Portland employees adhere to it.

**PASSED** and **APPROVED** this 7th day of February 2012.

**EXECUTED:**

**BY:** \_\_\_\_\_  
**David Krebs**  
**Mayor**

**ATTEST:**

**BY:** \_\_\_\_\_  
**Annette Hall**  
**City Secretary**



## 2011-2012 CITY OF PORTLAND STRATEGIC OPERATING PLAN

### OPERATING VISION

A city recognized for its exceptional family life, safety, civility, extremely clean appearance, well maintained infrastructure, expanded municipal service menu and moderate cost of living through the promotion of economic development that is beneficial to the long term well-being of the community.

### PHILOSOPHY OF GOVERNMENT

The City of Portland shall provide services and levels of service demanded by the majority of its citizens with the smallest government possible for the least possible cost. The City Council, Staff and employees pledge to:

- Comply with local, state and federal law
- Meet or exceed ethical and professional standards
- Meet their fiduciary responsibilities
- **Focus on "Core" services**
- Be concerned, courteous and **responsive** **measured** when dealing with the public
- Fully and effectively inform the public in the most timely fashion
- Project a positive image, continuously promote the City and compete for distinction or recognition whenever possible
- Place the interests of the City and the needs of the citizens before their own
- **Ensure that special interests, resident or non-resident, are not promoted to the detriment of the City or its citizens**
- Cooperate, collaborate and coordinate to the extent possible locally, area-wide, regionally and state-wide
- Promote professional development and innovation that improves the provision of City services
- Mitigate issues in which rights conflict when doing so serves a public purpose

## OPERATING PRINCIPLES

- Revenue projections must be minimized and cost estimates maximized to ensure budget integrity
- The size and cost of day to day government must be maintained to the extent possible until the revenue base diversifies and expands through development
- True cost-benefit analysis should be conducted before decisions are made to annex land, acquire more property, construct new facilities, raise service levels or deliver additional services
- Services that have questionable strategic value and benefit a limited number of citizens should either be eliminated or the costs associated with their delivery should be borne by the citizens who benefit
- Expenditures associated with the maintenance, repair and rehabilitation of the infrastructure must increase
- A minimum 3 month reserve must be maintained in every budgetary operating fund
- The General Fund Reserve and Water/Wastewater Enterprise Fund Reserve may be used to finance planning initiatives or capital projects (improvements and/or recurring capital maintenance projects) except those described as park and recreation when minimum balances have been exceeded
- Utility rates should be designed to finance truly segregated (water and sanitary sewer service) day to day costs, debt service, unforeseen capital repairs and if possible, recurring capital maintenance
- Facilities that have questionable value, benefit a limited number of citizens and generate more costs than revenue should be eliminated
- Opportunities to secure public grants-in-aid, private contributions and sell surplus property should be fully exploited
- The waiver of recreation facility user fees should be minimized to the extent possible and prohibited in the case of fundraisers
- Existing policies, rules and regulations should be continuously reviewed to ensure present day relevance, fairness and appropriateness
- Opportunities to identify, cultivate and secure desirable economic development prospects should be fully exploited, be they within the city limits, within the extraterritorial jurisdiction or just beyond
- The delivery of business and development services should be streamlined as well as expedited
- Sensible “Green” policies, programs and projects should be promoted
- Goods and services should be locally purchased as long as doing so does not compromise

quality, quantity or cost

- Significant services delivered through private sector contracts or interlocal governmental agreements should be internally proposed or bid, competitively proposed or bid and annually reviewed to ensure outsourcing is the most appropriate means of delivery
- **Technological advances that increase effectiveness, promote efficiency, improve customer service or reduce costs should be fully exploited**



STAFF  
WEEKLY  
REPORTS

# Portland Fire Department

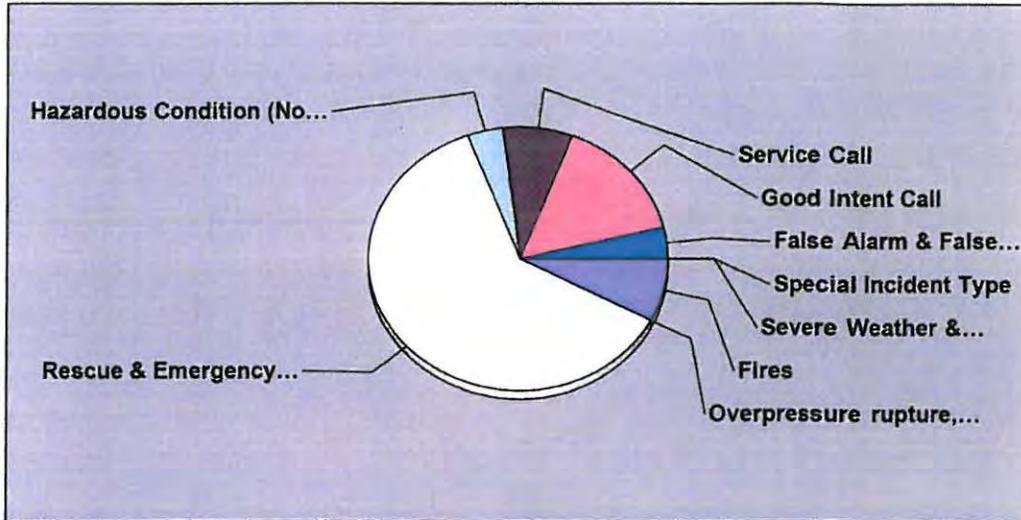
Portland, TX

This report was generated on 1/17/2012 7:56:58 AM



## Breakdown by Major Incident Types for Date Range

StartDate: 01/09/2012 | EndDate: 01/15/2012



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires (Structure Fire, Motor Home Fire)	2	7.69%
Overpressure rupture, explosion, overhear - no fire	0	0.00%
Rescue & Emergency Medical Service	16	61.54%
Hazardous Condition (No Fire) (Gas Leak)	1	3.85%
Service Call (Lift Assist, Animal Rescue)	2	7.69%
Good Intent Call (Dispatched & Cancelled)	4	15.38%
False Alarm & False Call	1	3.85%
Severe Weather & Natural Disaster	0	0.00%
Special Incident Type	0	0.00%
<b>TOTAL</b>	<b>26</b>	

Average Response Time: 4.30 Minutes



emergencyreporting.com

Doc Id: 553

Page # 1

# Portland Fire Department

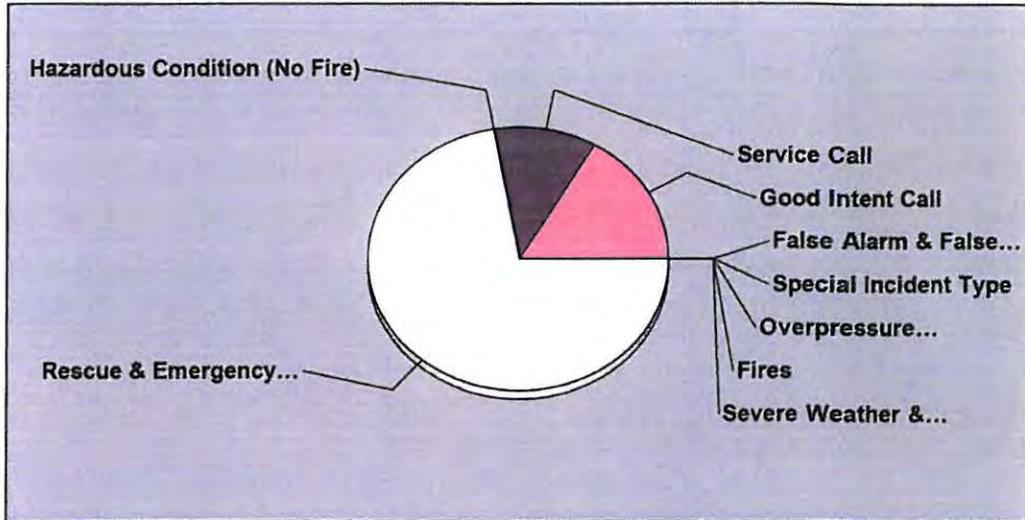
Portland, TX

This report was generated on 1/23/2012 8:26:50 AM



## Breakdown by Major Incident Types for Date Range

StartDate: 01/16/2012 | EndDate: 01/22/2012



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	0	0.00%
Overpressure rupture, explosion, overheating - no fire	0	0.00%
Rescue & Emergency Medical Service	13	72.22%
Hazardous Condition (No Fire)	0	0.00%
Service Call (Lift Assist)	2	11.11%
Good Intent Call (Dispatched & Cancelled)	3	16.67%
False Alarm & False Call	0	0.00%
Severe Weather & Natural Disaster	0	0.00%
Special Incident Type	0	0.00%
<b>TOTAL</b>	<b>18</b>	

Captain and Engineer Position Promotional Exams  
 Smoke Detector Battery Change Upon Request (1)  
 Assist with Fire Drill at W.C. Andrews Elementary

# Portland Fire Department

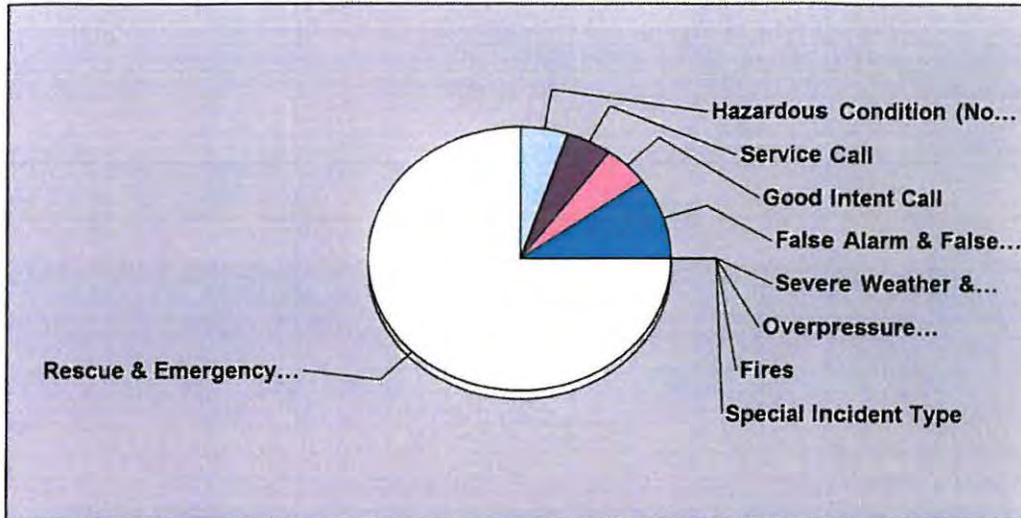
Portland, TX

This report was generated on 1/30/2012 8:27:48 AM



## Breakdown by Major Incident Types for Date Range

StartDate: 01/23/2012 | EndDate: 01/29/2012



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	0	0.00%
Overpressure rupture, explosion, overheating - no fire	0	0.00%
Rescue & Emergency Medical Service	15	75.00%
Hazardous Condition (No Fire) (Arcing, Shorted Electrical Equip.)	1	5.00%
Service Call (Lift Assist)	1	5.00%
Good Intent Call (Dispatched & Cancelled)	1	5.00%
False Alarm & False Call	2	10.00%
Severe Weather & Natural Disaster	0	0.00%
Special Incident Type	0	0.00%
<b>TOTAL</b>	<b>20</b>	

Personnel attending Hazmat Training (4)

Average Response Time: 4.63 Min.

# Inspections Search



Portland Fire Department  
 595 Buddy Ganem  
 Portland, TX 78374  
 Phone: 361-643-0155  
 Fax: 361-643-0369

**Search Criteria:**  
Date All Addresses Status Inspector  
 From: 1/8/2012 All  
 To: 1/14/2012 11:59:00 PM

Date	Record Type	Number	Cause	Complete	Violations			Addresses	Parties Name	Inspector
					New	Old	Corr			
01/09/2012 9:40 am	Annual Inspection (FD)	I-CH-11-0134.C	Reinspection	Yes	0	5	0	1530 Wildcat	Beall's	Craig Hedrick
01/09/2012 10:00 am	Annual Inspection (FD)	I-CH-11-0238.A	Reinspection	Yes	0	4	0	1500 Wildcat Suite Q	Blockbuster Video	Craig Hedrick
01/09/2012 1:03 pm	Unwholesome Prop (FD)	I-CH-12-0040	Complaint	Yes	2	0	0	2415 Oakbrook	2415 Oakbrook - Resident	Craig Hedrick
01/09/2012 1:06 pm	Unwholesome Prop(FD)	I-CH-12-0041	Complaint	Yes	0	1	1	2417 Oak Brook	247 Oak Brook Owner	Craig Hedrick
01/09/2012 1:10 pm	Annual Inspection (FD)	I-CH-11-0237.A	Reinspection	Yes	0	2	0	200 Daniel Moore	GP Auto Tech	Craig Hedrick
01/09/2012 1:18 pm	Annual Inspection (FD)	I-CH-11-0231.A	Reinspection	Yes	0	0	0	1500 Wildcat Suite H	David Heredia MD	Craig Hedrick
01/09/2012 1:22 pm	Annual Inspection (FD)	I-CH-11-0240.A	Reinspection	Yes	0	4	0	1500 Wildcat Suite D	Edward Jones Investment	Craig Hedrick
01/09/2012 1:25 pm	Annual Inspection (FD)	I-CH-11-0232.A	Reinspection	Yes	0	0	0	1500 Wildcat Suite N	Natural Nails	Craig Hedrick
01/10/2012 1:16 pm	Annual Inspection (FD)	I-CH-11-0241.A	Reinspection	Yes	0	4	0	1627 Wildcat	CVS	Craig Hedrick
01/10/2012 1:19 pm	Annual Inspection (FD)	I-CH-11-0235.A	Reinspection	Yes	0	2	0	1315 Wildcat	Eden Laser Medspa and Salon	Craig Hedrick
01/10/2012 1:21 pm	Annual Inspection (FD)	I-CH-11-0239.A	Reinspection	Yes	0	4	0	1623 Wildcat	Jesse's Liquor	Craig Hedrick
01/10/2012 1:24 pm	Annual Inspection (FD)	I-CH-11-0229.A	Reinspection	Yes	0	0	0	1302 Wildcat Suite A	Hair Salon Idol	Craig Hedrick
01/10/2012 1:26 pm	Annual Inspection (FD)	I-CH-11-0228.A	Reinspection	Yes	0	1	0	1304 Wildcat	Starbuck's	Craig Hedrick
01/10/2012 1:29 pm	Annual Inspection (FD)	I-CH-11-0206.C	Reinspection	Yes	0	1	0	1007 US Hwy 181 Suite 1021B	Crickel Wireless	Craig Hedrick
01/10/2012 1:32 pm	Annual Inspection (FD)	I-CH-11-0236.A	Reinspection	Yes	0	0	0	1402 Wildcat	Valero	Craig Hedrick
01/10/2012 1:34 pm	Annual Inspection (FD)	I-CH-11-0207.B	Reinspection	Yes	0	0	0	1021 Hwy 181 Suite 4	Lady Luck Pet Grooming	Craig Hedrick
01/10/2012 1:36 pm	Annual Inspection (FD)	I-CH-11-0230.A	Reinspection	Yes	0	0	0	1302 Wildcat Suite C	Artistic Flowers	Craig Hedrick
01/10/2012 1:38 pm	Annual Inspection (FD)	I-CH-11-0249.A	Reinspection	Yes	0	0	0	605 8th	Home Trust Mortgage	Craig Hedrick
01/10/2012 1:40 pm	Annual Inspection (FD)	I-CH-11-0233.A	Reinspection	Yes	0	0	0	1500 Wildcat Suite O	Insurance Services	Craig Hedrick
01/10/2012 1:42 pm	Annual Inspection (FD)	I-CH-11-0252.A	Reinspection	Yes	0	0	0	912 Dallas Suite A	Gold-N-Things Pawn Shop	Craig Hedrick
01/11/2012 12:00 am	Unwholesome Prop (FD)	I-CH-12-0043	Complaint	Yes	2	0	0	1309 Crosby	1309 Crosby - Resident	Craig Hedrick
01/11/2012 11:40 am	Foster Care (FD)	I-CH-12-0042	Request	Yes	0	0	0	119 Driftwood	Michelle Segundo	Craig Hedrick
01/11/2012 11:44 am	Annual Inspection (FD)	I-CH-11-0247.A	Reinspection	Yes	2	8	0	911 Dallas	Dairy Queen	Craig Hedrick
01/11/2012 11:49 am	Annual Inspection (FD)	I-CH-11-0250.A	Reinspection	Yes	0	0	0	609 8th	State Farm Ins.	Craig Hedrick
01/11/2012 11:51 am	Annual Inspection (FD)	I-CH-11-0248.A	Reinspection	Yes	0	0	0	905 Dallas	Moore Insurance	Craig Hedrick
01/11/2012 11:54 am	Annual Inspection (FD)	I-CH-11-0242.A	Reinspection	Yes	0	0	0	1001 US 181	Subway	Craig Hedrick
01/11/2012 11:56 am	Annual Inspection (FD)	I-CH-11-0251.A	Reinspection	Yes	0	2	0	607 8th	Coldwell Banker	Craig Hedrick
01/12/2012 1:37 pm	Unwholesome Prop(FD)	I-CH-12-0005.A	Reinspection	Yes	0	0	0	116 Janin West	Evelyn & Raul Nesmith	Craig Hedrick
01/12/2012 1:39 pm	Unwholesome Prop(FD)	I-CH-12-0006.A	Reinspection	Yes	0	4	0	207 E Broadway	207 E Broadway Resident	Craig Hedrick
01/12/2012 1:42 pm	Unwholesome Prop(FD)	I-CH-12-0015.A	Reinspection	Yes	0	4	0	218 Carmel	218 Carmel Resident	Craig Hedrick
01/12/2012 1:44 pm	Unwholesome Prop(FD)	I-CH-11-0191.C	Reinspection	Yes	0	2	0	90 Blk. Commons Way	Abandon tennis court	Craig Hedrick

Date	Record Type	Number	Cause	Complete	Violations			Addresses	Parties Name	Inspector
					New	Old	Corr			
01/12/2012 1:48 pm	Unwholesome Prop(FD)	I-CH-12-0014.A	Reinspection	Yes	0	2	0	903 Commerce	903 Commerce - Resident	Craig Hedrick
01/12/2012 1:50 pm	Annual Inspection (FD)	I-CH-11-0222.B	Reinspection	Yes	0	0	0	1021 US 181 Suite 1	Lone Star Lumber	Craig Hedrick
01/12/2012 1:54 pm	Unwholesome Prop(FD)	I-CH-12-0044	Complaint	Yes	2	0	0	1612 Austin	1612 Austin - Resident	Craig Hedrick
01/12/2012 1:56 pm	Unwholesome Prop (FD)	I-CH-12-0045	Complaint	Yes	2	0	0	1737 Denver	Amy Leal	Craig Hedrick
01/12/2012 1:58 pm	Unwholesome Prop (FD)	I-CH-12-0046	Complaint	Yes	2	0	0	1736 Denver	1736 Denver Resident	Craig Hedrick
01/12/2012 2:02 pm	Unwholesome Prop(FD)	I-CH-12-0047	Complaint	Yes	2	0	0	1618 Cheyenne	1618 Cheyenne - Resident	Craig Hedrick
01/12/2012 2:05 pm	Unwholesome Prop(FD)	I-CH-12-0048	Complaint	Yes	2	0	0	1624 Cheyenne	1624 Cheyenne - Resident	Craig Hedrick
01/12/2012 2:07 pm	Unwholesome Prop(FD)	I-CH-12-0049	Complaint	Yes	2	0	0	1601 Memorial	1601 Memorial - Resident	Craig Hedrick
01/12/2012 2:14 pm	Unwholesome Prop(FD)	I-CH-12-0050	Complaint	Yes	2	0	0	1605 Memorial	1605 Memorial - Resident	Craig Hedrick
01/12/2012 2:19 pm	Unwholesome Prop(FD)	I-CH-12-0051	Complaint	Yes	2	0	0	1607 Memorial	1607 Memorial - Resident	Craig Hedrick
01/12/2012 2:21 pm	Unwholesome Prop(FD)	I-CH-12-0052	Complaint	Yes	2	0	0	201 E Broadway	201 Broadway Resp. Party	Craig Hedrick
01/12/2012 2:23 pm	Unwholesome Prop(FD)	I-CH-12-0053	Complaint	Yes	2	0	0	107 E Broadway	107 E. Broadway Resident	Craig Hedrick
01/12/2012 2:25 pm	Unwholesome Prop(FD)	I-CH-12-0033.A	Reinspection	Yes	0	0	0	104 Cedar	Bay Area General Crane Serv.	Craig Hedrick
01/12/2012 2:26 pm	Unwholesome Prop (FD)	I-CH-12-0054	Complaint	Yes	2	0	0	1224 Memorial	1224 Memorial Resp. Party	Craig Hedrick
01/12/2012 2:33 pm	Unwholesome Prop(FD)	I-CH-12-0055	Complaint	Yes	2	0	0	1600 Memorial - Pipeline Right of Way	Gas Co.	Craig Hedrick
01/13/2012 2:19 pm	Annual Inspection (FD)	I-CH-11-0244.A	Reinspection	Yes	0	0	0	1003 B US 181	Kwik Wash	Craig Hedrick
01/13/2012 2:22 pm	Annual Inspection (FD)	I-CH-11-0156.C	Reinspection	Yes	0	0	0	1705 US 181	Hampton Inn	Craig Hedrick
01/13/2012 2:26 pm	Unwholesome Prop (FD)	I-CH-12-0010.A	Reinspection	Yes	0	0	0	822 Market	822 Market Resident	Craig Hedrick
01/13/2012 2:27 pm	Unwholesome Prop (FD)	I-CH-12-0013.A	Reinspection	Yes	0	0	0	715 Houston	715 Houston - Resident	Craig Hedrick
01/13/2012 2:28 pm	Unwholesome Prop (FD)	I-CH-12-0011.A	Reinspection	Yes	0	1	0	619 Elm	619 Elm - Resident	Craig Hedrick
01/13/2012 2:30 pm	Unwholesome Prop(FD)	I-CH-12-0012.A	Reinspection	Yes	0	0	0	707 Houston	707 Houston St.	Craig Hedrick

**Total Number of Records: 52**



## Inspections Search

Portland Fire Department  
 595 Buddy Ganem  
 Portland, TX 78374  
 Phone: 361-643-0155  
 Fax: 361-643-0369

**Search Criteria:**

Date  
 From: 1/15/2012  
 To: 1/21/2012 11:59:00 PM

All Addresses      Status      Inspector  
 All      All      Craig Hedrick

Date	Record Type	Number	Cause	Complete	Violations			Addresses	Parties Name	Inspector
					New	Old	Corr			
01/16/2012 12:34 pm	Annual Inspection (FD)	I-CH-12-0001.A	Reinspection	Yes	0	0	0	1600 Wildcat	HEB	Craig Hedrick
01/16/2012 12:39 pm	Annual Inspection (FD)	I-CH-12-0002.A	Reinspection	Yes	0	0	0	1650 Wildcat	Stripes	Craig Hedrick
01/16/2012 1:25 pm	Annual Inspection (FD)	I-CH-12-0004.A	Reinspection	Yes	0	0	0	714 Moore	Liberty Motors	Craig Hedrick
01/16/2012 2:32 pm	Unwholesome Prop(FD)	I-CH-12-0056	Complaint	Yes	2	0	0	1117 Cupertino	1117 Cupertino Resp. Party	Craig Hedrick
01/16/2012 2:38 pm	Unwholesome Prop(FD)	I-CH-11-0215.B	Reinspection	Yes	0	2	0	1016 Cupertino	1016 Cupertino Resp. Party	Craig Hedrick
01/17/2012 1:27 pm	Annual Inspection (FD)	I-CH-12-0009.A	Reinspection	Yes	0	2	0	1500 Wildcat Suite A	Domino's Pizza	Craig Hedrick
01/17/2012 1:29 pm	Annual Inspection (FD)	I-CH-12-0018.A	Reinspection	Yes	0	12	0	821 Dallas	The Glassman	Craig Hedrick
01/17/2012 1:30 pm	Annual Inspection (FD)	I-CH-12-0019.A	Reinspection	Yes	0	0	0	1703 US 181	Days Inn	Craig Hedrick
01/17/2012 1:45 pm	Annual Inspection (FD)	I-CH-12-0008.A	Reinspection	Yes	0	10	0	411 Seventh	Portland Marine	Craig Hedrick
01/17/2012 1:49 pm	Foster Care (FD)	I-CH-12-0042.A	Reinspection	Yes	0	0	0	119 Driftwood	Michelle Segundo	Craig Hedrick
01/17/2012 3:02 pm	Unwholesome Prop (FD)	I-CH-12-0057	Complaint	Yes	2	0	0	000 Broadway/Dallas/Hwy 181	Broadway/Dallas/Hwy 181	Craig Hedrick
01/17/2012 3:05 pm	Unwholesome Prop (FD)	I-CH-12-0054.A	Reinspection	Yes	0	2	0	1224 Memorial	1224 Memorial Resp. Party	Craig Hedrick
01/17/2012 3:07 pm	Unwholesome Prop (FD)	I-CH-12-0058	Complaint	Yes	2	0	0	1202 Starlite	William Noonan	Craig Hedrick
01/17/2012 3:12 pm	Unwholesome Prop (FD)	I-CH-12-0059	Complaint	Yes	2	0	0	1225 Euclid	1225 Euclid - Resp. Party	Craig Hedrick
01/17/2012 3:14 pm	Unwholesome Prop(FD)	I-CH-12-0060	Complaint	Yes	2	0	0	1212 Starlite	1212 Starlite Resident	Craig Hedrick
01/18/2012 3:00 am	Unwholesome Prop(FD)	I-CH-12-0063	Complaint	Yes	2	0	0	126 Dell	126 Dell Resp. Party	Craig Hedrick
01/18/2012 9:00 am	Annual Inspection (FD)	I-CH-12-0016.A	Reinspection	Yes	0	0	0	617 Moore	Snappy Food	Craig Hedrick
01/18/2012 11:29 am	Unwholesome Prop(FD)	I-CH-12-0061	Complaint	Yes	2	0	0	802 Market St.	802 Market - Resident	Craig Hedrick
01/18/2012 11:33 am	Unwholesome Prop (FD)	I-CH-12-0062	Complaint	Yes	2	0	0	1701 US Highway 181	Snappy's	Craig Hedrick
01/19/2012 1:53 pm	Unwholesome Prop (FD)	I-CH-12-0064	Complaint	Yes	2	0	0	810 Austin	Liberty Motors	Craig Hedrick
01/19/2012 1:54 pm	Unwholesome Prop(FD)	I-CH-12-0065	Complaint	Yes	2	0	0	203 Terlingua	203 Terlingua Resident	Craig Hedrick
01/19/2012 1:56 pm	Unwholesome Prop(FD)	I-CH-12-0066	Complaint	Yes	2	3	0	218 Driftwood	218 Driftwood Resident	Craig Hedrick
01/19/2012 1:58 pm	Unwholesome Prop(FD)	I-CH-12-0067	Complaint	Yes	2	0	0	1310 Denver	1310 Denver Resp. Party	Craig Hedrick
01/19/2012 2:01 pm	Unwholesome Prop (FD)	I-CH-12-0068	Complaint	Yes	2	0	0	1602 Austin	1602 Austin Resident	Craig Hedrick
01/19/2012 2:04 pm	Unwholesome Prop(FD)	I-CH-12-0069	Complaint	Yes	2	0	0	1505 Crosby	1505 Crosby Resp. Party	Craig Hedrick
01/19/2012 2:06 pm	Unwholesome Prop(FD)	I-CH-12-0022.A	Reinspection	Yes	0	1	0	200 Terlingua	200 Terlingua Resident	Craig Hedrick
01/19/2012 2:09 pm	Unwholesome Prop(FD)	I-CH-12-0024.A	Reinspection	Yes	0	3	0	211 Chase	211 Chase Resident	Craig Hedrick
01/19/2012 2:11 pm	Unwholesome Prop(FD)	I-CH-12-0041.A	Reinspection	Yes	0	1	0	2417 Oak Brook	247 Oak Brook Owner	Craig Hedrick
01/19/2012 2:12 pm	Unwholesome Prop(FD)	I-CH-12-0025.A	Reinspection	Yes	0	2	0	218 Chase	218 Chase - Res.	Craig Hedrick
01/19/2012 2:14 pm	Unwholesome Prop(FD)	I-CH-12-0020.A	Reinspection	Yes	0	4	0	1145 Ochoa	Hector Munoz	Craig Hedrick
01/19/2012 2:19 pm	Unwholesome Prop(FD)	I-CH-12-0023.A	Reinspection	Yes	0	0	0	101 Llano	101 Llano - Resident	Craig Hedrick

Date	Record Type	Number	Cause	Complete	Violations			Addresses	Parties Name	Inspector
					New	Old	Corr			
01/19/2012 2:21 pm	Unwholesome Prop (FD)	I-CH-12-0021.A	Reinspection	Yes	0	0	0	207 Terlingua	207 Terlingua Resident	Craig Hedrick
01/19/2012 2:22 pm	Unwholesome Prop (FD)	I-CH-12-0026.A	Reinspection	Yes	0	2	0	217 Chase	217 Chase Resident	Craig Hedrick
01/19/2012 2:23 pm	Unwholesome Prop (FD)	I-CH-12-0027.A	Reinspection	Yes	0	0	0	89 Commons Way S.	89 Commons Way S.	Craig Hedrick
01/19/2012 2:24 pm	Unwholesome Prop(FD)	I-CH-12-0028.A	Reinspection	Yes	0	1	0	1722 Dallas	1722 Dallas Resident	Craig Hedrick
01/19/2012 2:26 pm	Unwholesome Prop(FD)	I-CH-12-0040.A	Reinspection	Yes	0	0	0	2415 Oakbrook	2415 Oakbrook - Resident	Craig Hedrick
01/19/2012 2:34 pm	Annual Inspection (FD)	I-CH-12-0036.A	Reinspection	Yes	0	6	0	1010 US Hwy 181	Katie's Klothesline	Craig Hedrick
01/19/2012 3:41 pm	Building Plans (FD)	I-CH-12-0035.A	Request	Yes	0	0	0	1704 U.S. Hwy 181	McAlister's Dell	Craig Hedrick
01/20/2012 11:46 am	Annual Inspection (FD)	I-CH-12-0029.A	Reinspection	Yes	0	6	0	714 Dallas	Dixie Cream Donuts	Craig Hedrick
01/20/2012 11:58 am	Annual Inspection (FD)	I-CH-12-0030.A	Reinspection	Yes	0	0	0	718 Dallas	Remax	Craig Hedrick
01/20/2012 2:12 pm	Annual Inspection (FD)	I-CH-12-0031.A	Reinspection	Yes	0	0	0	720 Dallas	The Sewing Ladies	Craig Hedrick
01/20/2012 2:16 pm	Annual Inspection (FD)	I-CH-12-0071	Periodic	Yes	4	0	0	100 Fifth	La Iguana	Craig Hedrick
01/20/2012 10:05 pm	Evacuation Drill (FD)	I-CH-12-0070	Request	Yes	0	0	0	1100 Lang	W C Andrews Elementary	Craig Hedrick

**Total Number of Records: 43**

# Inspections Search



Portland Fire Department  
 595 Buddy Ganem  
 Portland, TX 78374  
 Phone: 361-643-0155  
 Fax: 361-643-0369

Search Criteria:

Date  
 From: 1/22/2012  
 To: 1/28/2012 11:59:00 PM

All Addresses      Status      Inspector  
 Complete

Date	Record Type	Number	Cause	Complete	Violations			Addresses	Parties Name	Inspector	
					New	Old	Corr				
01/25/2012	4:48 pm	Annual Inspection (FD)	I-CH-12-0072	Periodic	Yes	0	0	0	807 Wildcat	Hair Company	Craig Hedrick
01/27/2012	4:47 pm	Unwholesome Property	I-CH-12-0055.A	Re-inspection	Yes	0	2	0	1600 Memorial - Pipeline Right of Way	Gas Co.	Tim Vanlandingham
01/27/2012	4:48 pm	Unwholesome Property	I-CH-12-0051.A	Re-inspection	Yes	0	2	0	1607 Memorial	1607 Memorial - Resident	Tim Vanlandingham
01/27/2012	4:49 pm	Unwholesome Property	I-CH-12-0052.A	Re-inspection	Yes	0	2	0	201 E Broadway	201 Broadway Resp. Party	Tim Vanlandingham
01/27/2012	4:50 pm	Unwholesome Property	I-CH-12-0050.A	Re-inspection	Yes	0	2	0	1605 Memorial	1605 Memorial - Resident	Tim Vanlandingham
01/27/2012	4:51 pm	Unwholesome Property	I-CH-12-0006.B	Re-inspection	Yes	0	4	0	207 E Broadway	207 E Broadway Resident	Tim Vanlandingham
01/27/2012	4:51 pm	Unwholesome Property	I-CH-12-0045.A	Re-inspection	Yes	0	2	2	1737 Denver	Amy Leal	Tim Vanlandingham
01/27/2012	4:52 pm	Unwholesome Property	I-CH-12-0053.A	Re-inspection	Yes	0	2	2	107 E Broadway	107 E. Broadway Resident	Tim Vanlandingham
01/27/2012	4:53 pm	Unwholesome Property	I-CH-11-0215.C	Re-inspection	Yes	0	0	2	1016 Cupertino	1016 Cupertino Resp. Party	Tim Vanlandingham
01/27/2012	4:53 pm	Unwholesome Property	I-CH-12-0044.A	Re-inspection	Yes	0	2	2	1612 Austin	1612 Austin - Resident	Tim Vanlandingham
01/27/2012	4:54 pm	Unwholesome Property	I-CH-12-0056.A	Re-inspection	Yes	0	0	2	1117 Cupertino	1117 Cupertino Resp. Party	Tim Vanlandingham
01/27/2012	4:54 pm	Unwholesome Property	I-CH-12-0049.A	Re-inspection	Yes	0	2	2	1601 Memorial	1601 Memorial - Resident	Tim Vanlandingham
01/27/2012	4:55 pm	Unwholesome Property	I-CH-12-0048.A	Re-inspection	Yes	0	0	2	1624 Cheyenne	1624 Cheyenne - Resident	Tim Vanlandingham
01/27/2012	4:55 pm	Unwholesome Property	I-CH-12-0046.A	Re-inspection	Yes	0	2	2	1736 Denver	1736 Denver Resident	Tim Vanlandingham
01/27/2012	4:56 pm	Unwholesome Property	I-CH-12-0047.A	Re-inspection	Yes	0	0	2	1618 Cheyenne	1618 Cheyenne - Resident	Tim Vanlandingham

**Total Number of Records: 15**



To: Randy Wright, Assistant City Manager  
From: Kristin Connor, Director of Parks & Recreation  
Date: 0-3-12  
Re: Report for January 23-29, 2012

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<b><u>Community Center</u></b>	01-23-12
Usage	1092
Memberships	31
Rental Revenue	\$2,525.00
Park Rentals	\$523.00
Civic Rentals	3
Skate Park Usage	35
Adult Exercise	Yoga-27 Pilates-7 Boot Camp-5
Visitors	7
<b><u>Aquatic Center</u></b>	
Usage	144
Revenue	\$11.00
<b><u>Senior Services</u></b>	
Average Daily Attendance	48
Silver Sneakers	78
<b><u>Youth Services</u></b>	
Kids Klub	233

Special Events:

Sweetheart Ball-Friday, February 10, 2012



To: Randy Wright, Assistant City Manager  
From: Kristin Connor, Director of Parks & Recreation  
Date: 01-17-12  
Re: Report for January 9 - 15, 2012

---

<b><u>Community Center</u></b>	01-09-12
Usage	1122
Memberships	37
Rental Revenue	\$2,265.00
Park Rentals	\$0.00
Civic Rentals	2
Skate Park Usage	35
Adult Exercise	Yoga-19 Pilates-11 Boot Camp-5
Visitors	3
<b><u>Aquatic Center</u></b>	
Usage	135
Revenue	\$48.00
<b><u>Senior Services</u></b>	
Average Daily Attendance	48
Silver Sneakers	69
<b><u>Youth Services</u></b>	234

Boot Camp at the Portland Community Center

Started Monday, January 9, 2012 at 6:00 AM

Special Events:

Sweetheart Ball-Friday, February 10, 2012



To: Randy Wright, Assistant City Manager  
From: Kristin Connor, Director of Parks & Recreation  
Date: 01-23-12  
Re: Report for January 16 - 22, 2012

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<b><u>Community Center</u></b>	01-16-12
Usage	1068
Memberships	12
Rental Revenue	\$2,268.00
Park Rentals	\$0.00
Civic Rentals	4
Skate Park Usage	48
Adult Exercise	Yoga-20 Pilates-9 Boot Camp-5
Visitors	0
<b><u>Aquatic Center</u></b>	
Usage	152
Revenue	\$77.00
<b><u>Senior Services</u></b>	
Average Daily Attendance	50
Silver Sneakers	81
<b><u>Youth Services</u></b>	
Kids Klub	233

Special Events:

Born Learning Trail Ribbon Cutting, Simpson Park-Saturday, January 28, 2012 10:00 AM

Sweetheart Ball-Friday, February 10, 2012

**Arrests 1/8/12 - 1/14/12**

<b>Arrest Number</b>	<b>Date Occurred</b>	<b>Charge Description</b>	<b>Arrestee Last Name</b>	<b>Arrestee First Name</b>	<b>Arrest Location</b>
12012685	01/08/2012 07:09	Assault Simple	JIMENEZ - LOREDO	JORGE	1090 LANG 2801
12012686	01/08/2012 07:09	Assault Simple	RAMIREZ MARTELL	JOSE	1090 LANG # 2801
12012687	01/09/2012 19:53	WARRANT	MONTEZ	TIFFANY	1000 BLK WILDCAT
12012688	01/12/2012	Credit/Debit Card Abuse	FUGITT	TIMOTHY	946 WATERVIEW
12012689	01/12/2012 18:49	WARRANT	MACHOST	JUSTIN	830 CLIFF
12012690	01/14/2012	Poss Marij <2oz	GARCIA	ROSS	
12012691	01/13/2012	Poss Marij <2oz	SUAREZ	FERNAND	0 PECOS

# INCIDENT DAILY BULLETIN

Date Range Between: 01/08/2012 and 01/14/2012

Report #	Dist	Mod	Offense Literal	Beat	Street	Assignment Officer	Date / Time Reported
201200000387		C	Burglary Of Building (00001		LANG RD	RENFRO, CODY	01/08/2012 01:56
201200000393			Assault Simple (000128)		LANG RD	WIESMAN, TRAVIS	01/08/2012 06:39
201200000443			Theft >\$50<\$500 (001218)			CISNEROS, DAVID	01/08/2012 21:54
201200000467		C	Assault Cause Bodily Injury			QUADE, MICHELLE	01/09/2012 10:29
201200000468			Theft >\$50<\$500 (001218)		US 181	WIESMAN, TRAVIS	01/09/2012 10:43
201200000491			Agg Sexual Assault Child (0		WILDCAT DR	SOTO, ZACHARY	01/09/2012 15:59
201200000499			Harassment (001338)		PALMER DR	LAUGHLIN, THOMAS	01/09/2012 17:45
201200000503			WARRANT (000163)			GOOD, PAUL	01/09/2012 19:53
201200000513		C	Evading Arrest or Detention			HODGE, DWAYNE	01/09/2012 22:57
201200000543			Fraudulent Use/Possession o			BARTELL, MARK	01/10/2012 16:37
201200000586			Burglary Of Habitation (000			CARDENAS, BAUDENCI	01/11/2012 09:59
201200000649			Disruptive Activity (School		WILDCAT DR	PEREZ, JAVIER	01/12/2012 09:10
201200000651		C	Theft >\$50<\$500 (001218)			QUADE, MICHELLE	01/12/2012 09:44
201200000681		C	Poss Marij <2oz (000127)			WRIGHT, WELDON	01/13/2012 00:00
201200000697			Criminal Trespass (000030)		WILDCAT DR	PEREZ, JAVIER	01/13/2012 09:07
201200000778			Theft >\$50<\$500 (001218)			VEULEMAN, AARON	01/14/2012 19:55

**TOTALS - By Offense**

1	Assault Cause Bodily Injury (000009)
1	Burglary Of Building (000016)
1	Burglary Of Habitation (000018)
1	Criminal Trespass (000030)
1	Poss Marij <2oz (000127)
1	Assault Simple (000128)
1	Harassment (001338)
1	Agg Sexual Assault Child (000799)
1	Disruptive Activity (School) (000838)
1	WARRANT (000163)
1	Fraudulent Use/Possession of Identifying Info (001296)
1	Evading Arrest or Detention (Vehicle) (001336)
3	Theft >\$50<\$500 (001218)

**TOTAL FOR TIME PERIOD: 16**