



COUNCIL PACKET
May 2, 2016



Mayor Adan Chapa
Mayor Pro Tem Phillip Hyatt
Council Member Vickie Abrego
Council Member Billy Ellis
Council Member Carrie Scruggs

AGENDA

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF ARANSAS PASS CITY HALL 600 W. CLEVELAND BLVD., ARANSAS PASS, TEXAS, MAY 2, 2016 • 7:00 P.M.

1. Mayor Adan Chapa to call meeting to order.
2. Invocation and Pledge of Allegiance to the United States Flag.
3. PRESENTATIONS/PROCLAMATIONS: (None)
4. BOARD AND COMMISSION APPOINTMENTS:
 - a. Zoning Board of Adjustment
5. CITIZENS COMMENTS. PLEASE LIMIT PRESENTATIONS TO THREE MINUTES. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address.
6. CONSENT AGENDA - *All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*
 - a. Ordinance No. 2016-4147, approving revisions to Chapter 9, Article II, Sections 9-20, Adoption of Fire Prevention Code of the Aransas Pass Code of Ordinances.
 - b. Approval of regular meeting minutes of March 21, 2016 and April 4, 2016.
7. CONSIDER AND ACT ON CITY MANAGER ITEM(S):
 - a. Consideration and approval of an Ordinance No. 2016-4148 by the City Council of the City of Aransas Pass, Texas authorizing the issuance of "City of Aransas Pass, Texas General Obligation Refunding Bonds, Taxable Series 2016", levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds, authorizing the execution of a Paying Agent/Registrar Agreement, a Purchase and Investment Letter, and an Escrow Deposit Letter; complying with the letter of representation on file with the Depository trust Company; authorizing the execution of any necessary engagement agreements with the City's Financial Advisors and/or Bond Counsel; and providing an effective date.
 - b. Consider and Act to authorize staff and consultants to proceed with the issuance of Certificates of Obligations for capital improvement projects and approve a financing timetable.

- c. Consider and Act on Resolution to deny the AEP – Texas Central Company’s Application for approval of a Distribution Cost Recovery Factor to increase distribution rates in the city.
- d. Consider and Act on awarding Request for Proposals for Softball Complex.
- e. Consider and Act on awarding Request for Proposals for Community Park.
- f. Consider and Act on issuance of a Request for Proposals for Solid Waste Collection.

8. **CONSIDER AND ACT ON COMMUNITY ENRICHMENT ITEM(S): (None)**

9. **CONSIDER AND ACT ON DEVELOPMENT SERVICES ITEM(S):**

Building Department

Public Works

Planning

- a. Presentation on Proposed Text Amendments and Re-zoning of Newly Annexed Areas.

10. **CONSIDER AND ACT ON FINANCE ITEM(S): (None)**

11. **CONSIDER AND ACT ON PUBLIC SAFETY ITEM(S):**

Police

Fire

EMS

- a. Consider and Act on approving a Memorandum of Understanding between the City of Aransas Pass and Bay, Ltd.
- b. Consider and Act on approving a Memorandum of Understanding between the City of Aransas Pass and JJ Fox Construction, Inc.
- c. Consider and Act on Resolution adopting the provisions of the Nueces County Hurricane Re-Entry Plan.

Harbor

Emergency Management

12. **CONSIDER AND ACT ON INFORMATION TECHNOLOGY ITEM(S): (None)**

13. **PUBLIC HEARING(S): (None)**

14. **CITY MANAGER UPDATE(S):**

- a. Aquatic Center Press Party

15. **DEPARTMENT UPDATE(S): (None)**

16. EXECUTIVE SESSION(S):

The City Council may recess into Executive Session to discuss the following items pursuant to Chapter 551 of the Texas Government Code:

a. Section 551.071, Consultation with City Attorney: Legal Matters. – Gulf Marine

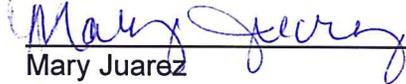
Reconvene in Open Meeting to Consider and Act on Findings of Executive Session.

a. Section 551.071, Consultation with City Attorney: Legal Matters.- Gulf Marine

17. ADJOURNMENT:

POSTING STATEMENT:

I certify that the above notice of meeting was posted at the Aransas Pass City Hall located at 600 W. Cleveland Blvd., Aransas Pass, Texas on April 29, 2016, at 4:40 pm.



Mary Juarez
City Secretary

Persons with disabilities planning to attend this meeting who may need auxiliary services are asked to contact the City Secretary's Office at (361) 758-5301 24 hours before the meeting.

For the Council Meeting of May 2, 2016

Roll:

Present Yes/No (Y/N)

- Allen Lawrence
- Adan Chapa
- Phillip Hyatt
- Vickie Abrego
- Billy Ellis
- Carrie Scruggs

— Special Guests:

Certified:

City Secretary

ITEM 2

INVOCATION BY: (Name), _____
(Title) _____

PLEDGE OF ALLEGIANCE: (Name) _____
(Title) _____



CITY OF ARANSAS PASS

AGENDA MEMORANDUM
City Council Meeting of May 2, 2016

Date: April 29, 2016
To: City Council
From: Development Services Staff

Agenda Item:
Title: Zoning Board of Adjustment Re-appointments

PURPOSE:
To appoint board members to the Zoning Board of Adjustment.

<u>Member Name</u>	<u>Term</u>
Capt. Fred Comingore	09-2016
Kathleen Sweatt	10-2017
Lisa Barker	03-2016*
Armando Garza	03-2016*
Randall Freeze	10-2017
Sandy Kubek	10-2017
Byron McLaughlin	02-2018

* - indicates members with expired terms

BACKGROUND AND FINDINGS:
ZBA board members Lisa Barker and Armando Garza have re-submitted applications to be re-appointed to the board. They are currently regular members of the board.

ALTERNATIVES:
Do not appoint applicants.

RECOMMENDATION:
Staff recommends re-appointment of the two applicants.



CITY OF ARANSAS PASS

BOARDS & COMMISSIONS APPLICATION

DATE: MARCH-30 2016

List the Boards and/or the Commissions on which you want to serve:

1st Choice: BOARD OF ADJUSTMENTS

2nd Choice: ANY BOARD YOU FEEL I CAN HELP THE CITY

3rd Choice: MOVE IN THE RIGHT DIRECTION - THANKS

Name: ARMANDO GARZA Phone No. 361-332-5188

Address: 829 S. WHITNEY ST Alt. Phone: 361-758-1223

City/State/Zip: ARANSAS PASS E-mail: garzaarmando49@yahoo.com

Current Employment: DISABILITY - PART TIME SECURITY @ STATE SERVICE

Resident of Aransas Pass YES Registered Voter? Yes ✓ No _____

Educational Background: GED 12th GRADE 1983

Occupational Experience: CRANE OPERATOR 35 YRS - SUPERVISOR / SALES MANAGER CONCRETE

Additional experience that would qualify you to serve on a City Board or Commission:

AS A SUPERVISOR LEARN HOW TO MAKE & BE RESPONSIBLE & MAKING DECISIONS

Boards or Commissions you have served on previously and dates served:

BOARD OF ADJUSTMENTS 2015

Civic or community activities you have been involved with:

PAST TRI CITY SOCCER COACH

PAST MEMBER K/C OF NP CHAPTER

Please return completed form to the City Secretary's Office

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600 W. CLEVELAND BLVD. - P.O. BOX 2000 - ARANSAS PASS, TEXAS 78335-2000
PHONE (361) 758-5301 - FAX (361) 758-8188



CITY OF ARANSAS PASS

BOARDS & COMMISSIONS APPLICATION

DATE: _____

List the Boards and/or the Commissions on which you want to serve:

1st Choice: Planning & Zoning

2nd Choice: Board of Adjustments

3rd Choice: _____

Name: Lisa Barker Phone No. 361-319-1365

Address: 1220 W. Deberry Alt. Phone: 361-758-4855

City/State/Zip: Aransas Pass, TX 78336 E-mail: lisabarker@cableone.net

Current Employment: Coldwell Banker Myers Gallagher Real Estate

Resident of Aransas Pass 39 years Registered Voter? Yes No

Educational Background: Aransas Pass High School

Occupational Experience: 16 years as Property Manager/Realtor

Additional experience that would qualify you to serve on a City Board or Commission:

Boards or Commissions you have served on previously and dates served:

Aransas Pass Chamber Board 2013-Current Aransas Pass Planning & Zoning Approx 4 yrs

San Patricio County Assn of Realtors 2003-2007 Aransas Pass BOA 2015-2016

Civic or community activities you have been involved with:

Relay for life - Treasurer _____

Women's Club of Aransas Pass _____

Please return completed form to the City Secretary's Office

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**600 W. CLEVELAND BLVD. - P.O. BOX 2000 - ARANSAS PASS, TEXAS 78335-2000
PHONE (361) 758-5301 - FAX (361) 758-8188**

Citizens Comments

Name:

Address:

Comment:

ORDINANCE NO. 2016-4147

AN ORDINANCE AMENDING SECTION 9-20 ADOPTION OF FIRE PREVENTION CODE, OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS; PROVIDING A REPEALER CLAUSE, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS:

SECTION 1: Section 9-20, Adoption of Fire Prevention Code, Chapter 9, Article II, Fire Prevention Code, of the Code of Ordinances, is hereby amended and shall read as follows:

Section 9-20 – Adoption of Fire Prevention Code.

The International Prevention Code, 2012 Edition, Appendixes B-F and H-J, and all amendments thereto to the whole thereof, save and except such portions as may hereinafter be amended, of which no less than one (1) copy has been and is now filed in the Office of the City Secretary, is hereby adopted and incorporated as fully as if set forth herein and from the date on which this section shall take effect the provisions thereof shall be controlling with regard to all of the provisions contained therein pertaining to fire prevention within the area of jurisdiction of the city, subject to all amendments and modification hereinafter set forth.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall become effective immediately upon its approval and passage.

PASSED AND APPROVED this the 2nd day of May, 2016.

CITY OF ARANSAS PASS, TEXAS

By: Adan Chapa, Mayor

ATTEST:

Mary Juarez
City Secretary

APPROVED AS TO LEGAL FORM:

Allen S. Lawrence, Jr.
City Attorney



CITY OF ARANSAS PASS

AGENDA MEMORANDUM
City Council Meeting of May 2, 2016

Date: April 29, 2016
To: Mayor and Council
From: Sylvia Carrillo, City Manager
scarrillo@aransaspasstx.gov

Agenda Item No. 7a & 7b

Title: General Obligation Refunding Bonds, Taxable Series 2016

PURPOSE:

To accept offer of bond sale and discuss future bond sale with the savings for necessary capital improvements

BACKGROUND AND FINDINGS:

a) The Council authorized a refunding of prior bonds used to purchase LWR and other properties in the area as part of the land deal with the State of Texas. The bonds were refinanced at a much lower interest rate saving the City over \$936,000 over the remaining 10 years.

b) Consider and Act on authorizing bond counsel to issue CO bonds for capital improvements and a financing timetable. Expected proceeds are \$3M with no increase in debt payments. Expected investments include street and drainage repairs as well as minor improvements to City buildings.

ALTERNATIVES:

- a) Do not accept the offers
- b) Do not proceed with any future sales

CONFORMITY TO CITY POLICY:

Conforms to City Policy

EMERGENCY/NON-EMERGENCY:

Non Emergency

DEPARTMENTAL CLEARANCES:

Finance, City Manager

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS AUTHORIZING THE ISSUANCE OF “CITY OF ARANSAS PASS, TEXAS GENERAL OBLIGATION REFUNDING BONDS, TAXABLE SERIES 2016”, LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS, AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE AND INVESTMENT LETTER, AND AN ESCROW DEPOSIT LETTER; COMPLYING WITH THE LETTER OF REPRESENTATIONS ON FILE WITH THE DEPOSITORY TRUST COMPANY; AUTHORIZING THE EXECUTION OF ANY NECESSARY ENGAGEMENT AGREEMENTS WITH THE CITY’S FINANCIAL ADVISORS AND/OR BOND COUNSEL; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council (the *City Council*) of the City of Aransas Pass, Texas (the *City*) has heretofore issued, sold, and delivered, and there are currently outstanding obligations in the aggregate original principal amount of \$4,535,000 being the obligations set forth on Schedule I hereto which is incorporated by reference for all purposes to this ordinance (the *Refunded Obligations*); and

WHEREAS, the City Council intends to issue an aggregate principal amount of \$_____ in general obligation refunding bonds the proceeds of which will be utilized to provide for the (i) refunding of the Refunded Obligations and (ii) payment of the costs of issuance of the general obligation refunding bonds; and

WHEREAS, pursuant to the provisions of Chapter 1207, as amended, Texas Government Code (the *Act*), the City Council is authorized to issue refunding bonds and deposit the proceeds of sale under an escrow agreement to provide for the payment of the Refunded Obligations, and such deposit, when made in accordance with the Act, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations; and

WHEREAS, the Act permits that the deposit of the proceeds from the sale of the refunding bonds be deposited directly with any designated escrow agent which is not the depository bank of the City; and

WHEREAS, when firm banking arrangements have been made for the payment of principal of and interest to the stated maturity or redemption dates of the Refunded Obligations, then the Refunded Obligations shall no longer be regarded as outstanding except for the purpose

of receiving payment from the funds provided for such purpose and may not be included in or considered to be an indebtedness of the City for the purpose of a limitation on outstanding indebtedness or taxation or for any other purpose; and

WHEREAS, Wells Fargo Bank, National Association, Minneapolis, Minnesota, currently serves as the paying agent/registrar for the Refunded Obligations; and

WHEREAS, BOKF, NA, Austin, Texas is hereby appointed as the Escrow Agent (hereinafter defined) for the general obligation refunding bonds; and

WHEREAS, _____, _____, _____ is hereby appointed as the Paying Agent/Registrar (hereinafter defined) for the general obligation refunding bonds; and

WHEREAS, the City Council also hereby finds and determines that the Refunded Obligations are scheduled to mature or are subject to being redeemed, not more than twenty (20) years from the date of the general obligation refunding bonds herein authorized and being issued to restructure the City's debt service and associated tax rates in the coming years, and such refunding will result in a net present value savings of \$ _____ (_____ %) and a gross savings of \$ _____, including the City's contribution of \$ _____; and

WHEREAS, the City Council hereby finds and determines that the issuance of the general obligation refunding bonds for the purpose of refunding the Refunded Obligations is in the best interests of the residents of the City, now, therefore,

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

SECTION 1. Authorization - Designation - Principal Amount - Purpose. General obligation refunding bonds of the City shall be and are hereby authorized to be issued in the aggregate principal amount of _____ AND NO/100 DOLLARS (\$ _____), to be designated and bear the title of "CITY OF ARANSAS PASS, TEXAS GENERAL OBLIGATION REFUNDING BONDS, TAXABLE SERIES 2016" (the *Bonds*), for the purpose of providing funds for the (i) discharge and final payment of the Refunded Obligations and (ii) payment of the costs of issuance of the Bonds, all in conformity with the laws of the State of Texas, particularly Chapter 1207, as amended, Texas Government Code, an ordinance adopted by the City Council on May 2, 2016, and the City's Home Rule Charter.

SECTION 2. Fully Registered Obligations - Authorized Denominations - Stated Maturities - Interest Rates - Dated Date. The Bonds shall be issued as fully registered obligations, without coupons, shall be dated May 1, 2016 (the *Dated Date*), and shall generally be in denominations of \$100,000 or any integral multiple of \$5,000 in excess thereof, and the Bonds shall be lettered "R" and numbered consecutively from One (1) upward, and principal shall become due and payable on February 1 in each of the years and in principal amounts (the *Stated Maturities*) and bear interest on the unpaid principal amounts from the Closing Date (hereinafter defined), or from the most recent Interest Payment Date (hereinafter defined) to

which interest has been paid or duly provided for, to the earlier of redemption or Stated Maturity, at the per annum rates, while Outstanding, in accordance with the following schedule:

<u>Years of Stated Maturity</u>	<u>Principal Amounts (\$)</u>	<u>Interest Rates (%)</u>
2017		
2018		
2019		
2020		
2021		
2022		
2023		
2024		
2025		
2026		
2027		

The Bonds shall bear interest on the unpaid principal amounts from the Closing Date, or from the most recent Interest Payment Date (hereinafter defined) to which interest has been paid or duly provided for, to the earlier of redemption or Stated Maturity, while Outstanding, at the rates per annum shown in the above schedule (calculated on the basis of a 360-day year of twelve 30-day months). Interest on the Bonds shall be payable on February 1 and August 1 in each year (each, an *Interest Payment Date*), commencing February 1, 2017, while the Bonds are Outstanding.

SECTION 3. Payment of Bonds - Paying Agent/Registrar.

The principal of, premium, if any, and the 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, premium, if any, and interest on the Bonds shall be without exchange or collection charges to the Holder (as hereinafter defined) of the Bonds.

The selection and appointment of _____, _____, _____ (the *Paying Agent/Registrar*) 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 (i) a national or state banking institution or (ii) 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.

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 *Holder*s) 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 on the Bonds, (ii) on the date of surrender of the Bonds for purposes of receiving payment of principal thereof upon redemption or at the Bonds' Stated Maturity, and (iii) on any other date for any other purpose. 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 (provided, however, with respect to principal payments prior to the final Stated Maturity, the Bonds need not be surrendered to the Paying Agent/Registrar, who will merely document this payment on an internal ledger maintained by the Paying Agent/Registrar). 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 on or prior to the appropriate date of payment 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.

If the date for the payment of the principal of, premium, if any, or interest on the Bonds shall be a Saturday, a Sunday, a legal holiday, or a day on which banking institutions in the city where the corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day 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 of a Bond 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 February 1, 2020 shall be subject to redemption prior to Stated Maturity, at the option of the City, on February 1, 2019, or on any Interest Payment Date thereafter, in whole, in principal amounts of \$5,000 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 \$5,000.

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. This notice may also be published once in a financial publication, journal, or reporter of general circulation among securities dealers in the City of New York, New York (including, but not limited to, *The*

Bond Buyer and The Wall Street Journal), or in the State of Texas (including, but not limited to, *The Texas Bond Reporter*).

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 the 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 of Bonds. Neither the City nor the Paying Agent/Registrar shall be required (1) 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 (2) 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 or Mayor Pro Tem under the seal of the City reproduced or impressed thereon and attested by its City Secretary. The signature of any of said officers on the Bonds may be manual or facsimile. Bonds bearing the manual or facsimile signatures of individuals who were, at the time of the Dated 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 (hereinafter defined), 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 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 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 17 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. The Bonds herein authorized shall be initially issued as either (i) a single fully registered Bond in the aggregate principal amount of \$_____ with principal installments to become due and payable as provided in Section 2 hereof and numbered T-1 , or (ii) 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 Bonds*), and the Initial Bonds shall be registered in the name of the Purchasers or the designee thereof. The Initial Bonds 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 Purchasers. Any time after the delivery of the Initial Bonds, the Paying Agent/Registrar, pursuant to written instructions from the Purchasers, or the designee thereof, shall cancel the Initial Bonds delivered hereunder and exchange therefor definitive Bonds of like kind and of authorized denominations, Stated Maturities, principal amounts bearing applicable interest rates, and shall be lettered "R" and numbered consecutively from one (1) upward 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 Purchasers, 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 insurance legends and any reproduction of an opinion of Bond 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.

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B. Form of Definitive Bond.

REGISTERED
NO. _____

REGISTERED
PRINCIPAL AMOUNT
\$ _____

United States of America
State of Texas
Counties of Aransas, Nueces, and San Patricio
CITY OF ARANSAS PASS, TEXAS
GENERAL OBLIGATION REFUNDING BONDS,
TAXABLE SERIES 2016

Dated Date: Interest Rate: Stated Maturity: CUSIP NO:
May 1, 2016

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____

The City of Aransas Pass, Texas (the *City*), a body corporate and a municipal corporation in the Counties of Aransas, Nueces, and San Patricio, State of Texas, for value received, acknowledges itself indebted to and 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 Closing Date or from the most recent Interest Payment Date (hereinafter defined) to which interest has been paid or duly provided for, until such Principal Amount has become due and payment thereof has been made or duly provided for, to the earlier of redemption or Stated Maturity, while Outstanding, at the per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 1 and August 1 of each year (each, an *Interest Payment Date*), commencing February 1, 2017.

Principal and premium, if any, on this Bond shall be payable to the Registered Owner hereof (the *Holder*), upon presentation and surrender (provided, however, with respect to principal payments prior to the final Stated Maturity, the Bonds need not be surrendered to the Paying Agent/Registrar, who will merely document this payment on an internal ledger maintained by the Paying Agent/Registrar) 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 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 the Holder hereof at the Holder's risk and expense.

This Bond is one of the series specified in its title issued in the aggregate principal amount of \$_____ (the *Bonds*) pursuant to an ordinance adopted by the governing body of the City (the *Ordinance*), for the purpose of providing funds for the (i) discharge and final payment of the Refunded Obligations and (ii) payment of the costs of issuance of the general obligation refunding bonds, under and in strict conformity with the laws of the State of Texas, including Chapter 1207, as amended, Texas Government Code, and the City's Home Rule Charter.

As specified in the Ordinance, the Bonds having Stated Maturities on and after February 1, 2020 shall be subject to redemption prior to Stated Maturity, at the option of the City, on February 1, 2019 or on any Interest Payment Date thereafter, in whole in principal amounts of \$5,000 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 \$5,000, portions of the principal sum hereof in installments of \$5,000 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 has been 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 the 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 payable from the proceeds of an annual ad valorem tax levied upon all taxable property within the City within the limitations prescribed by law.

Reference is hereby made to the Ordinance, a copy of which is 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 of and the nature and extent of the tax levied for the payment of the Bonds; 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 obligation of the City have been performed, exist, and have been done, in regular and due time, form, and manner, as required by the laws of the State of Texas and the Ordinance, and that the 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, premium if any, and interest on the Bonds by the levy of a tax as aforesated. 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.

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

CITY OF ARANSAS PASS, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)

C. *Form of Registration Certificate of Comptroller of Public Accounts to Appear on Initial Bonds 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 Bonds

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: _____, _____,
_____, 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 Bonds shall be in the respective forms 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 Aransas Pass, Texas (the *City*), a body corporate and municipal corporation in the Counties of Aransas, Nueces, and San Patricio, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the order of the Registered Owner named above, or the registered assigns thereof, the Principal Amount specified above stated to mature on the first day of February in each of the years and in principal amounts and bearing interest at per annum rates in accordance with the following schedule:

Years of
Stated Maturity

Principal
Amounts (\$)

Interest
Rates (%)

(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 Amount hereof from the Closing Date (anticipated to be June 1, 2016), or from the most recent Interest Payment Date (hereinafter defined) to which interest has been paid or duly provided for until the Principal Amount has become due and payment thereof has been made or duly provided for, to the earlier of redemption or Stated Maturity, while Outstanding, 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 February 1 and August 1 of each year (each, an *Interest Payment Date*), commencing February 1, 2017.

Principal of this Bond shall be payable to the Registered Owner hereof (the *Holder*), upon its presentation and surrender to Stated Maturity or prior redemption, while Outstanding, at the corporate trust office of _____, _____, _____ (the *Paying Agent/Registrar*) (provided, however, with respect to principal payments prior to the final Stated Maturity, the Bonds need not be surrendered to the Paying Agent/Registrar, who will merely document this payment on an internal ledger maintained by 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.

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G. Insurance Legend. If bond insurance is obtained by the City or the Purchasers for the Bonds, the Definitive Bonds and the Initial Bonds 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: (i) the terms defined in this Section have the meanings assigned to them in this Section, and certain terms used in Sections 21 and 44 of this Ordinance have the meanings assigned to them in such Sections, and all such terms include the plural as well as the singular; (ii) 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 (iii) 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 *Authorized Officials* shall mean the Mayor, Mayor Pro Tem, City Manager, Director of Finance, and/or the City Secretary.

B. The term *Bond Fund* shall mean the special fund created and established by the provisions of Section 10 of this Ordinance.

C. The term *Bonds* shall mean the \$_____ “CITY OF ARANSAS PASS, TEXAS GENERAL OBLIGATION REFUNDING BONDS, TAXABLE SERIES 2016” authorized by this Ordinance.

D. The term *City* shall mean City of Aransas Pass, located in the Counties of Aransas, Nueces, and San Patricio, Texas and, where appropriate, the City Council of the City.

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

F. 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 at the maximum rate permitted by the terms thereof 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.

G. The term *Depository* shall mean an official depository bank of the City.

H. The term *Government Securities*, as used herein, 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.

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

J. The term *Interest Payment Date* shall mean the date interest is payable on the Bonds, being February 1 and August 1 of each year, commencing February 1, 2017, while any of the Bonds remain Outstanding.

K. The term *Ordinance* shall mean this ordinance adopted by the City Council of the City on May 2, 2016.

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

(1) those Bonds canceled 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 23 of this Ordinance; 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 17 of this Ordinance.

M. The term *Purchasers* shall mean the initial purchasers of the Bonds named in Section 18 of this Ordinance.

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

SECTION 10. Bond Fund; Investments. For the purpose of paying the interest on and to provide a sinking fund for the payment, redemption, and retirement of the Bonds, there shall be and is hereby created a special fund to be designated "CITY OF ARANSAS PASS, TEXAS GENERAL OBLIGATION REFUNDING BONDS, TAXABLE SERIES 2016 INTEREST AND SINKING FUND" (the *Bond Fund*), which fund shall be kept and maintained at the Depository, and money deposited in such fund shall be used for no other purpose and shall be maintained as provided in Section 21. Authorized Officials of the City are hereby authorized and directed to make withdrawals from the Bond Fund sufficient to pay the purchase price or amount of principal of, premium, if any, and interest on the Bonds as the same become due and payable

and shall cause to be transferred to the Paying Agent/Registrar from money on deposit in the Bond Fund an amount sufficient to pay the amount of principal and/or interest stated to mature on the Bonds, such transfer of funds to the Paying Agent/Registrar to be made in such manner as will cause immediately available funds to be deposited with the Paying Agent/Registrar on or before the business day next preceding each interest and principal payment date for the Bonds.

Pending the transfer of funds to the Paying Agent/Registrar, money deposited in any fund created and established pursuant to the provisions of this Ordinance, at the option of the City, may be placed in time deposits, certificates of deposit, guaranteed investment contracts, or similar contractual agreements as permitted by the provisions of the Public Funds Investment Act, as amended, Chapter 2256, Texas Government Code, secured (to the extent not insured by the Federal Deposit Insurance Corporation) by obligations of the type hereinafter described, or be invested, as authorized by any law, 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, Small Business Administration, 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 such fund will be available at the proper time or times. All interest and income derived from deposits and investments in such fund shall be credited to, and any losses debited to, such fund. All such investments shall be sold promptly when necessary to prevent any default in connection with the Bonds.

SECTION 11. Tax Levy. To provide for the payment of the Debt Service Requirements on the Bonds being (i) the interest on the Bonds and (ii) a sinking fund for their redemption at Stated Maturity or a sinking fund of 2% (whichever amount shall be the greater), there shall be and there is hereby levied for the current year and each succeeding year thereafter while the Bonds or any interest thereon shall remain Outstanding, a sufficient tax, within the limitations prescribed by law, on each one hundred dollars' valuation of taxable property in the City, adequate to pay such Debt Service Requirements, full allowance being made for delinquencies and costs of collection; said tax shall be assessed and collected each year and applied to the payment of the Debt Service Requirements, and the same shall not be diverted to any other purpose. The taxes so levied and collected shall be paid into the Bond Fund and are thereafter pledged to the payment of the Bonds. The City Council hereby declares its purpose and intent to provide and levy a tax legally and fully sufficient to pay such Debt Service Requirements, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding indebtedness and other obligations of the City.

SECTION 12. Deposits to Bond Fund; Surplus Bond Proceeds. The City hereby covenants and agrees to cause to be deposited in the Bond Fund prior to a principal and interest payment date for the Bonds, from the annual levy of an ad valorem tax or from other lawfully

available funds, amounts sufficient to fully pay and discharge promptly each installment of interest and principal of the Bonds as the same accrues or matures or comes due by reason of Stated Maturity.

Accrued interest, if any, received from the Purchasers of the Bonds, along with any taxes collected pertaining to the Refunded Obligations, after the Closing Date, shall be deposited to the Bond Fund. In addition, any surplus proceeds from the sale of the Bonds, including investment income thereon, not expended for authorized purposes shall be deposited in the Bond Fund, and such amounts so deposited shall reduce the sums otherwise required to be deposited in said fund from ad valorem taxes.

SECTION 13. Security of Funds. All money on deposit in the funds 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 the State of Texas for the security of public funds, and money on deposit in such funds shall be used only for the purposes permitted by this Ordinance.

SECTION 14. Remedies in Event of Default. In addition to all the rights and remedies provided by the laws of the State of Texas, the City covenants and agrees particularly that in the event the City (a) defaults in the payments to be made to the Bond Fund or (b) 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 remedies herein provided shall be cumulative of all other existing remedies and the specification of such remedies shall not be deemed to be exclusive.

SECTION 15. 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 appearing in the Security Register at the close of business on the business day next preceding the mailing of such notice.

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 16. 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 17. Mutilated, Destroyed, Lost, and Stolen Bonds. If (1) 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 (2) 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 and charges (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 18. Sale of Bonds – Authorization of Purchase Contract. The Bonds authorized by this Ordinance are hereby sold by the City to _____, _____, _____ (the *Purchasers*, and having all the rights, benefits, and obligations of a Holder) in accordance with the provisions of a Purchase and Investment Letter dated May 2, 2016 (the *Purchase Contract*), attached hereto as Exhibit B and incorporated herein by reference as a part of this Ordinance for all purposes. The Initial Bond shall be registered in the name of _____. The pricing and terms of the sale of the Bonds are hereby

found and determined to be the most advantageous reasonably obtainable by the City. The Mayor or Mayor Pro Tem is hereby authorized and directed to execute the Purchase Contract for and on behalf of the City and as the act and deed of the City Council, and in regard to the approval and execution of the Purchase Contract, the City Council hereby finds, determines and declares that the representations, warranties, and agreements of the City contained in the Purchase Contract are true and correct in all material respects and shall be honored and performed by the City. 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 the Purchase Contract.

SECTION 19. Escrow Deposit Letter Approval and Execution; Proceeds of Sale; Contribution by City. The Escrow Deposit Letter dated as of May 2, 2016 to be effective upon the initial delivery of the Bonds to the Purchasers (the *Agreement*) between the City and BOKF, NA, Austin, Texas (the *Escrow Agent*), attached hereto as Exhibit C and incorporated herein by reference as a part of this Ordinance for all purposes, is hereby approved as to form and content, and such Agreement in substantially the form and substance attached hereto, together with such changes or revisions as may be necessary to accomplish the refunding or benefit the City, is hereby authorized to be executed by the Mayor, Mayor Pro Tem, and City Secretary and on behalf of the City and as the act and deed of this City Council; and such Agreement as executed by said officials shall be deemed approved by the City Council and constitute the Agreement herein approved.

Furthermore, any Authorized Official or any one or more of said officials, and Bond Counsel in cooperation with the Escrow Agent are hereby authorized and directed to make the necessary arrangements for the purchase of the Escrowed Securities referenced in the Agreement and the initial delivery thereof to the Escrow Agent on the day of delivery of the Bonds to the Purchasers for deposit to the credit of the "CITY OF ARANSAS PASS, TEXAS GENERAL OBLIGATION REFUNDING BOND TAXABLE SERIES 2016 ESCROW FUND" (the *Escrow Fund*), including the execution of the subscription forms for the purchase and issuance of the "United States Treasury Securities - State and Local Government Series", if any, for deposit to the Escrow Fund; all as contemplated and provided by the provisions of the Act, this Ordinance, and the Agreement.

Immediately following the delivery of the Bonds, the proceeds of sale along with a cash contribution, if any, from the City (less certain costs of issuance, and accrued interest, if any, received from the Purchasers of the Bonds) shall be deposited with the Escrow Agent for application and disbursement in accordance with the provisions of the Agreement. The proceeds of sale of the Bonds not so deposited with the Escrow Agent for the refunding of the Refunded Obligations shall be disbursed for payment of costs of issuance and deposited with the place of payment (of the Refunded Obligations) in an account in the name of the City and applied for the purposes of providing for the payment of the costs and expenses incurred in connection therewith or deposited in the Bond Fund for the Bonds, all in accordance with written instructions from the Authorized Officials.

SECTION 20. Redemption of Refunded Obligations. The Refunded Obligations referenced in the preamble hereof become subject to redemption prior to their stated maturities at the price of par, premium, if any, and accrued interest to the date of redemption. The Mayor

shall give written notice to the paying agent/registrar for the Refunded Obligations and the Escrow Agent that the Refunded Obligations have been called for redemption, and the City Council orders that such obligations are called for redemption on the date set forth on Schedule I attached to this Ordinance, and such order to redeem the Refunded Obligations on such date shall be irrevocable upon the delivery of the Bonds. A copy of the notices of redemption pertaining to the Refunded Obligations is attached to this Ordinance as Exhibit D and is incorporated herein by reference for all purposes. The paying agent for the Refunded Obligations is authorized and instructed to provide notice of this redemption to the holders of the Refunded Obligations in the form and manner described in the ordinances authorizing the issuance of the Refunded Obligations.

SECTION 21. Taxable Obligations. The Bonds are not “state or local bonds” within the meaning of section 103(a) and (c) of the Internal Revenue Code of 1986, as amended; therefore, the interest on the Bonds is not excludable from the gross income of the holders thereof for federal income tax purposes.

SECTION 22. 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 Purchasers.

Furthermore, any Authorized Official, 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 advisors, Bond Counsel, and the Paying Agent/Registrar, make the necessary arrangements for the delivery of the Initial Bonds to the Purchasers and the initial exchange thereof for definitive Bonds.

SECTION 23. 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 taxes levied under this Ordinance and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, 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 on or prior to Stated 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 money deposited therewith, if any, to pay when due the principal of and interest on such Bonds, or the principal amount(s) thereof, at 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 for the Bonds. In the event of a gross defeasance of the Bonds, the City shall deliver a certificate from its financial advisor, the Paying Agent/Registrar, or another qualified third party concerning the deposit of cash and/or Government 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 money 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 Code (as defined in Section 21 hereof).

Any money so deposited with the Paying Agent/Registrar, 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 money has 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 money was deposited and is 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 subsection (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 24. Printed Opinion. The Purchasers' obligation to accept delivery of the Bonds is subject to its being furnished a final opinion of Norton Rose Fulbright US LLP, San Antonio, Texas, 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 the Bonds, with appropriate certificate pertaining thereto executed by facsimile signature of the City Secretary of the City is hereby approved and authorized.

SECTION 25. 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 26. Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

SECTION 27. 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, shall be binding on the City and its successors and assigns, 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 then Outstanding affected thereby, amend, add to, or rescind any of the provisions of this Ordinance; provided; however, 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, and interest on the Bonds, reduce the principal amount thereof, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, the redemption price therefor, 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 for consent to any such amendment, addition, or rescission.

SECTION 28. 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 29. 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 30. Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

SECTION 31. 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 32. 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 33. 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 34. Authorization of Paying Agent/Registrar Agreement. The City Council of the City 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, registration, 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 35. Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 36. 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 37. 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 38. Continuing Disclosure Undertaking.

A. Definitions.

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

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

SEC means the United States Securities and Exchange Commission.

The Bonds are being sold pursuant to a private placement with the Purchasers, in denominations of generally \$100,000 or any integral multiple of \$5,000 in excess thereof, to less than thirty-five sophisticated investors, and therefore the Rule is not applicable to the offering of the Bonds. Accordingly, no contract to provide continuing disclosure information after the issuance of the Bonds has been made by the City with investors.

SECTION 39. Book-Entry Only System.

The Bonds initially shall 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 Representations 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, (ii) the delivery to any Depository Participant or any other person, other than a registered owner of the Bonds, as shown on the Security Register, 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 certificate 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. 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 40. 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 Agreement. In addition, prior to the initial delivery of the Bonds, any Authorized Official 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, (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 41. Accounting Reports. The City shall provide annually to the Purchasers, for so long as it is the holder of the Bonds, within 210 days after the end of each fiscal year ending in or after 2016, financial information and operating data with respect to the City; provided that such financial statements so to be provided shall be (1) prepared in accordance with the generally accepted accounting principles, or such other accounting principles as the City may be required to employ from time to time pursuant to Texas law or regulations, and (2) 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 provide (1) unaudited financial statements for the applicable fiscal year within six months after the end of such year, and (2) audited financial statements for the applicable fiscal year to the Purchasers when and if the audit report on such statements become available.

SECTION 42. City's Consent to Provide Information and Documentation to the Texas MAC. The Municipal Advisory Council of Texas (the *Texas MAC*), a non-profit membership corporation organized exclusively for non-profit purposes described in section 501(c)(6) of the Internal Revenue Code and which serves as a comprehensive financial information repository regarding municipal debt issuers in Texas, requires provision of written documentation regarding the issuance of municipal debt by the issuers thereof. In support of the purpose of the Texas MAC and in compliance with applicable law, the City hereby consents to and authorizes any Authorized Official, Bond Counsel to the City, and/or Financial Advisor to the City to provide to the Texas MAC information and documentation requested by the Texas MAC relating to the Bonds; provided, however, that no such information and documentation shall be provided prior to the Closing Date. This consent and authorization relates only to information and documentation that is a part of the public record concerning the issuance of the Bonds.

SECTION 43. Contracts with Financial Advisor and/or Bond Counsel. The City Council authorizes any Authorized Official, or the designee thereof, to take all actions necessary to execute any necessary financial advisory contracts with SAMCO Capital Markets, Inc., San Antonio, Texas, as the financial advisor to the City (the *Financial Advisor*). The City understands that under applicable federal securities laws and regulations that the City must have a contractual arrangement with its Financial Advisor relating to the sale, issuance, and delivery of the Bonds. In addition, the City Council also authorizes any Authorized Official, or the designee thereof, to take all actions necessary to execute any necessary engagement agreement with Norton Rose Fulbright US LLP, as Bond Counsel to the City.

SECTION 44. 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.

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PASSED, APPROVED AND ADOPTED on the 2nd day of May, 2016.

CITY OF ARANSAS PASS, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)

INDEX TO SCHEDULE AND EXHIBITS

Schedule I.....	Table of Refunded Obligations
Exhibit A.....	Paying Agent/Registrar Agreement
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Exhibit D.....	Notice of Redemption
Exhibit E.....	DTC Letter of Representations

Schedule I

Refunded Obligations

City of Aransas Pass, Texas Taxable Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2007, dated June 1, 2007, in the original principal amount of \$6,100,000 stated to mature on February 1, 2027 in the aggregate principal amount of \$4,535,000 to be redeemed on June 1, 2016.

EXHIBIT A

Paying Agent/Registrar Agreement

See Tab No. __

EXHIBIT B

Purchase Contract

See Tab No. __

EXHIBIT C

Escrow Deposit Letter

See Tab No. __

EXHIBIT D

Notice of Redemption

See Tab No. __

EXHIBIT E

DTC Letter of Representations

See Tab No. __



CITY OF ARANSAS PASS

AGENDA MEMORANDUM
City Council Meeting of May 2, 2016

Date: April 29, 2016
To: Mayor and Council
From: Sylvia Carrillo, City Manager
scarrillo@aransaspasstx.gov

Agenda Item No. 7c

Title: Consider and Act to deny the AEP – Texas Central Company's Application for approval of a Distribution Cost Recovery Factor to increase distribution rates in the city.

PURPOSE:

The purpose of the Resolution is to deny the Distribution Cost Recovery Factor (DCFR) application proposed by AEP Texas Central Company (TCC).

BACKGROUND AND FINDINGS:

On April 6, 2016, AEP filed an application for Approval of a Distribution Cost Recovery Factor to increase distribution rates with cities in their service area. In the filing, the company is seeking an increase in distribution revenues of \$54,012,978. This resolution authorizes the City to join with the Cities served by AEP TCC Steering Committee to evaluate the filing and determine if the filing complies with law.

The resolution further authorizes the City to participate in the Steering Committee as a party in the Company's filing, and the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates.

ALTERNATIVES:

Deny the Resolution

FINANCIAL IMPACT:

Operating

Revenue

Capital

Not applicable

Fiscal Year: 2015-2016	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered/ Expended Amount				
This item				
BALANCE				

Fund(s):

LIST OF SUPPORTING DOCUMENTS:

Resolution

Staff Report regarding Recovery Factor Filing

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ARANSAS PASS, TEXAS FINDING THAT AEP TEXAS CENTRAL COMPANY'S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Aransas Pass, Texas ("City") is an electric utility customer of AEP Texas Central Company ("TCC" or "Company"), and a regulatory authority with an interest in the rates and charges of TCC; and

WHEREAS, the City is a member of the Cities Served by AEP TCC ("Steering Committee"), a membership of similarly situated cities served by TCC that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in TCC's service area; and

WHEREAS, on or about April 6, 2016 TCC filed with the City an Application for Approval of a Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 45787, seeking to increase electric distribution rates by \$54,012,978; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, the Steering Committee is coordinating its review of TCC's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, the Steering Committee's members and attorneys recommend that members deny the DCRF.

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

Section 1. That the City is authorized to participate in the Steering Committee in PUC Docket No. 45787.

Section 2. That subject to the right to terminate employment at any time, the City of Aransas Pass, Texas hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

Section 3. That the rates proposed by TCC to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 4. That the Company shall continue to charge its existing rates to customers within the City.

Section 5. That the City's reasonable rate case expenses shall be reimbursed in full by TCC within 30 days of presentation of an invoice to TCC.

Section 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 7. That a copy of this Resolution shall be sent to Jay Toungate, American Electric Power Service Corporation, 1201 Elm Street, Suite 800, Dallas, Texas 75270 and to Thomas Brocato, General Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this _____ day of _____, 2016.

Adan Chapa, Mayor

ATTEST:

Mary Juarez, City Secretary

APPROVED AS TO FORM:

Allen S. Lawrence, Jr. City Attorney

MODEL STAFF REPORT REGARDING TCC'S DISTRIBUTION COST RECOVERY FACTOR FILING

On April 6, 2016, AEP Texas Central Company ("TCC" or "Company") filed an Application for Approval of a Distribution Cost Recover Factor ("DCRF") to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of \$54,012,978.

The resolution authorizes the City to join with the Cities Served by AEP TCC ("Steering Committee") to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Purpose of the Resolution:

The purpose of the Resolution is to deny the DCRF application proposed by TCC.

Explanation of "Be It Resolved" Paragraphs:

1. This section authorizes the City to participate in the Steering Committee as a party in the Company's DCRF filing, PUC Docket No. 45787.
2. This section authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes the Steering Committee to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.
3. This paragraph finds that the Company's application is unreasonable and should be denied.
4. This section states that the Company's current rates shall not be changed.
5. The Company will reimburse the cities for their reasonable rate case expenses. Legal counsel and consultants approved by the Cities will submit monthly invoices that will be forwarded to TCC for reimbursement.
6. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.
7. This section provides TCC and counsel for the cities will be notified of the City's action by sending a copy of the approved and signed Resolution to counsel.



CITY OF ARANSAS PASS

AGENDA MEMORANDUM
City Council Meeting of May 2, 2016

Date: April 29, 2016
To: Mayor and Council
From: Sylvia Carrillo, City Manager
scarrillo@aransaspasstx.gov

Agenda Item No.

Title: Consider and Act on awarding request for proposals for Softball Complex

PURPOSE:

To issue a temporary contract for the Softball fields located in Community Park.

BACKGROUND AND FINDINGS:

The City issued a request for proposals for potential operators of the softball fields. Roland Pena, the current lessee was the only submitter of a proposal.

Mr. Pena offers the following:

- Monthly fee of \$550
 - Regular use days – Monday & Wednesday
 - Makeup days – Tuesday & Thursday
- Discounts for rain days
- Exclusive use of the restroom facilities on Monday and Wednesday

It is important to note that electricity during event months averages over \$1,000 per month, not including the staff time to empty trash, clean up, and dumpster fees.

ALTERNATIVES:

- Do not enter into a lease
- Enter into a modified lease

CONFORMITY TO CITY POLICY:

Conforms to City Policy

EMERGENCY/NON-EMERGENCY:

DEPARTMENTAL CLEARANCES:

FINANCIAL IMPACT:

Operating Revenue Capital Not applicable

Fiscal Year: 2015-2016	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget		\$3,150		
Encumbered/ Expended Amount				
This item				
BALANCE				

Fund(s):

Comments: General Fund Revenue

RECOMMENDATION:

LIST OF SUPPORTING DOCUMENTS:

Proposal Request

ROLAND PENA

<http://Captainpena44@gmail.com>

1514 South McCambell

Aransas Pass, TX 78336

(361)332-1668

Aransas Pass City Council

600 W. Cleveland BLVD Aransas Pass, TX 78336

Dear Recipient:

Enclosed please find my proposal submitted with respect for the *Aransas Pass Softball Complex*. I would like to lease the complex for this up coming year in the agreed amount of \$550.00 per month. Game days for men and women's coed will be held on Monday and Wednesday nights with makeup games held on Tuesday and Thursdays. I would also like to be able to gracefully exit contract with out any penalties or fees if there are not enough teams for this year due to the late start in the season. We would would also like the restrooms to be closed as well the days the games are in session Monday and Wednesday nights like previous seasons. After attaining the contract for the last 10 years on the softball complex we hope to continue with it this year and years to come. Thank you, I look forward to hearing back from you.

Best regards,

Roland Pena



CITY OF ARANSAS PASS

AGENDA MEMORANDUM
 City Council Meeting of May 2, 2016

Date: April 29, 2016
To: Mayor and Council
From: Sylvia Carrillo, City Manager
 scarrillo@aransaspasstx.gov

Agenda Item No.

Title: Consider and Act on awarding request for proposals for Community Park

PURPOSE:

To review and award proposal for Community Park improvements which include a dog park, skate park base, as well as a foundation plan that would serve double duty for bleachers as well as vendor pads for Shrimporee

BACKGROUND AND FINDINGS:

The City received two bids as follows:

	Concrete			Underground		
	Dog Park	Skate Park	Vendor Pad	Electrical	Plumbing	Total
Lee Construction Services	\$ 26,150.00	\$ 47,500.00	\$ 56,000.00	\$ -	\$ -	\$ 129,650.00
R&A Construction	\$ 29,732.00	\$ 46,465.00	\$ 57,960.00			\$ 134,157.00
R&A Construction					\$12,000.00	\$ 12,000.00
Q&A	Lee	R&A				
Disposal Fees?	Not Included	Included				
Plumbing or Electrical	Not Included	Not Included				
Staining or Landscaping	Not Included	Included				

While Lee Construction is the lowest bid, the bid from R&A Construction will include disposal fees and any landscaping required to leave the property in turn key condition.

ALTERNATIVES:

Do not award a bid and re-advertise.

CONFORMITY TO CITY POLICY:

Conforms to City Policy

EMERGENCY/NON-EMERGENCY:

DEPARTMENTAL CLEARANCES:

Finance, City Manager

LIST OF SUPPORTING DOCUMENTS:

Bid tabulation sheets

Community Park Concrete Bids

	Concrete			Underground		Total
	Dog Park	Skate Park	Vendor Pad	Electrical	Plumbing	
Lee Construction Services	\$ 26,150.00	\$ 47,500.00	\$ 56,000.00	\$ -	\$ -	\$ 129,650.00
R&A Construction	\$ 29,732.00	\$ 46,465.00	\$ 57,960.00			\$ 134,157.00
R&A Construction					\$12,000.00	\$ 12,000.00

	Q&A	Lee	R&A
Disposal Fees?		Not Included	Included
Plumbing or Electrical		Not Included	Not Included
Staining or Landscaping		Not Included	Included



CITY OF ARANSAS PASS

AGENDA MEMORANDUM
City Council Meeting of May 2, 2016

Date: April 29, 2016
To: Mayor and Council
From: Sylvia Carrillo, City Manager
scarrillo@aransaspasstx.gov

Agenda Item No.

Title: Consider and Act on issuance of a Request for Proposals for Solid Waste Collection

PURPOSE:

To seek alternative service providers for garbage and solid waste for the City of Aransas Pass.

BACKGROUND AND FINDINGS:

The City has historically renewed contracts with vendors with little or no input from residents or historical performance. The Republic Services service has seen a steady decline in recent years and residents have a seemingly long list of complaints on a weekly basis. The Contract for services ends in April 2017 with a requirement of notice within 120 days or 4 months of the contract date which is Dec 2016. The City needs to solicit bids, weigh options, etc in advance of the December date. The Staff is seeking permission to advertise and solicit for bids for this service.

ALTERNATIVES:

Continue with the current service contract

CONFORMITY TO CITY POLICY:

Conforms to City policy

EMERGENCY/NON-EMERGENCY:

Non Emergency

DEPARTMENTAL CLEARANCES:

City Manager

FINANCIAL IMPACT:

Operating

Revenue

Capital

Not applicable

Fiscal Year: 2015-2016	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered/ Expended Amount				
This item				
BALANCE				

Fund(s):

Comments:

RECOMMENDATION:

Staff recommends soliciting for alternate vendors for this service.

LIST OF SUPPORTING DOCUMENTS:

NA



CITY OF ARANSAS PASS

AGENDA MEMORANDUM

First Reading Item for the City Council Meeting of [5-2-2016]

Date: Monday April 18, 2016
To: Sylvia Carrillo, City Manager
From: Chief Eric Blanchard

Agenda Item #: 11a

Title: Approve establishment of an MOU between the City and Bay Ltd.

CAPTION:

Consider and act on approving the Mayor to enter into a Memorandum of Understanding (MOU) between the City of Aransas Pass and the Bay Ltd.

PURPOSE:

In anticipation of a storm event, installation of sea gates.

BACKGROUND AND FINDINGS:

The City has historically contracted the installation and removal of the sea gates as the City simply does not have the equipment to do so. This MOU will run concurrent with other MOUs for the same task, as a safeguard in the event one or the other companies are unable to perform the work.

Cost to City is \$3572.00 to install said sea gates and rail gates and \$3572.00 to remove the same, under this MOU.

ALTERNATIVES:

NONE

EMERGENCY/NON-EMERGENCY:

Urgent.

DEPARTMENTAL CLEARANCES:

City Management

RECOMMENDATION:

Staff recommends approving this item.

LIST OF SUPPORTING DOCUMENTS:

MOU Document

MEMORANDM OF UNDERSTANDING (MOU)

Between
City of Aransas Pass
And
Bay, LTD.

This is an agreement between the City of Aransas Pass, Texas (hereinafter referred to as "CITY"), P.O. Box 2000, Aransas Pass, Texas 78335 and Bay, LTD. Construction Co., (hereinafter referred to as "BAY, LTD."), 1414 Valero Way, (P.O. Box 9908, 78469) Corpus Christi, TX, 78409.

I. PURPOSE AND SCOPE

The purpose of this MOU is to clearly identify the roles and responsibilities of BAY, LTD. As they relate to mitigating rising flood waters. The CITY hereby retains BAY, LTD. And BAY, LTD. Hereby agrees to perform the following services upon short notice (three days):

- a) BAY, LTD., upon notification by the CITY, will install and upon notification, remove two (2) tidal surge gates in the canal entrance and exit of the Pelican Cove subdivision. If necessary, City will provide diver(s) to assist with placement of the tidal surge gates.
- b) BAY, LTD., upon notification by the CITY, will also install and remove the seawall flood control barriers at two locations, one on the south seawall at the railroad tracks west of the canal surge gates and second, at the north seawall on Stapp Street at the railroad tracks.
- c) The City will pay BAY, LTD. \$3,572.00 to install said sea gates and rail gates, and \$3572.00 to remove said sea gates and rail gates.

II. BAY, LTD.'s RESPONSIBILITIES UNDER THIS MOU

BAY, LTD. shall undertake the following responsibilities: BAY, LTD. shall provide and/or furnish all labor, equipment, materials, supervision and insurance in order to install and remove the sea gates and the rail gates upon short notice (three days) by the CITY.

III. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE CITY AND BAY, LTD. THAT:

- a) This MOU can be amended by mutual consent in writing by both parties.
- b) BAY, LTD. will take all necessary and reasonable measures to protect the cobble stone drive at the end of Pelican Drive while installing gates, but will not be responsible for damage caused by moving heavy equipment over said cobble stone to do so.

IV. EFFECTIVE DATE AND SIGNATURE

This MOU shall be effective upon the signature of CITY and BAY, LTD. authorized officials. It shall be in force from June 1, 2016 through May 31, 2017. City and BAY, LTD. indicate agreement with this MOU by their signatures.

BAY, LTD.

CITY OF ARANSAS PASS

Signature: _____

Signature: _____

Name: Rudy Cardona

Name: Adan Chapa

Title: Crane Supervisor

Title: Mayor

Date: _____

Date: _____



CITY OF ARANSAS PASS

AGENDA MEMORANDUM

First Reading Item for the City Council Meeting of [5/2/2016]
Second Reading Item for the City Council Meeting of [NA]

Date: April 18th, 2016
To: Sylvia Carrillo, City Manager
From: Chief Eric Blanchard

Agenda Item #: 11b

Title: Approve establishment of an MOU between the City and JJ Fox Construction Inc.

CAPTION:

Consider and act on approving the Mayor to enter into a Memorandum of Understanding (MOU) between the City of Aransas Pass and the JJ Fox Construction Inc..

PURPOSE:

In anticipation of a storm event, installation of sea gates.

BACKGROUND AND FINDINGS:

The City has historically contracted the installation and removal of the sea gates as the City simply does not have the equipment to do so.

ALTERNATIVES:

NONE

EMERGENCY/NON-EMERGENCY:

Urgent.

DEPARTMENTAL CLEARANCES:

City Management

RECOMMENDATION:

Staff recommends approving this item.

LIST OF SUPPORTING DOCUMENTS:

MOU Document

MEMORANDM OF UNDERSTANDING (MOU)

Between

City of Aransas Pass

And

JJ FOX Construction Inc.

This is an agreement between the City of Aransas Pass, Texas (hereinafter referred to as "CITY"), P.O. Box 2000, Aransas Pass, Texas 78335 and JJ Fox Construction Inc. (hereinafter referred to as "Fox Const."), 1561 St Hwy 45 Rockport Texas 78336.

I. PURPOSE AND SCOPE

The purpose of this MOU is to clearly identify the roles and responsibilities of Fox Const. As they relate to mitigating rising flood waters. The CITY hereby retains Fox Const. And Fox Const. Hereby agrees to perform the following services upon short notice (three days):

- a) Fox Const., upon notification by the CITY, will install and upon notification, remove two (2) tidal surge gates in the canal entrance and exit of the Pelican Cove subdivision. If necessary, City will provide diver(s) to assist with placement of the tidal surge gates.
- b) Fox Const., upon notification by the CITY, will also install and remove the seawall flood control barriers at two locations, one on the south seawall at the railroad tracks west of the canal surge gates and second, at the north seawall on Stapp Street at the railroad tracks.
- c) The City will pay Fox Const. \$3200.00 to install said sea gates and rail gates, and \$3200.00 to remove said sea gates and rail gates.

II. Fox Const.'s RESPONSIBILITIES UNDER THIS MOU

Fox Const. shall undertake the following responsibilities: Fox Const. shall provide and/or furnish all labor, equipment, materials, supervision and insurance in order to install and remove the sea gates and the rail gates upon short notice (three days) by the CITY.

III. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE CITY AND FOX CONST. THAT:

- a) This MOU can be amended by mutual consent in writing by both parties.

IV. EFFECTIVE DATE AND SIGNATURE

This MOU shall be effective upon the signature of CITY and Fox Const. authorized officials. It shall be in force from June 1, 2016 through May 31, 2017. City and Fox Const. indicate agreement with this MOU by their signatures.

JJ FOX Construction Inc.

CITY OF ARANSAS PASS

Signature: _____

Signature: _____

Name: Tommy Fox

Name: Adan Chapa

Title: President

Title: Mayor

Date: _____

Date: _____



CITY OF ARANSAS PASS

AGENDA MEMORANDUM

First Reading Item for the City Council Meeting of [5/2/2016]
Second Reading Item for the City Council Meeting of [NA]

Date: Monday, April 18, 2016
To: Sylvia Carrillo, City Manager
From: Chief Eric Blanchard

Agenda Item #: 11c

Title: RESOLUTION ADOPTING THE PROVISIONS OF THE NUECES COUNTY HURRICANE REENTRY PLAN.

CAPTION:

Consider and act on approving the Mayor to sign Resolution.

PURPOSE:

In anticipation of a storm event, facilitate an orderly reentry of emergency services, utilities and citizens, post storm event where an evacuation order has been given.

BACKGROUND AND FINDINGS:

The Nueces County phased reentry plan is the regional plan and mirrors that set by the State.

ALTERNATIVES:

NONE

EMERGENCY/NON-EMERGENCY:

Urgent.

DEPARTMENTAL CLEARANCES:

City Management

RECOMMENDATION:

Staff recommends approving this item.

LIST OF SUPPORTING DOCUMENTS:

Nueces County Hurricane Reentry Plan Draft

RESOLUTION NO.

RESOLUTION ADOPTING THE PROVISIONS OF THE NUECES COUNTY HURRICANE REENTRY PLAN.

WHEREAS, the communities of the Coastal Bend acknowledge the benefit of regional collaboration to prepare and respond to major emergencies and disasters; and,

WHEREAS, the Texas Government Code 418.108 provides for the ability of local Emergency Management Directors to mandate evacuations for the preservation of life and control ingress to and egress from a disaster area; and,

WHEREAS, the Texas Government Code 418.050 directs the Texas Division of Emergency Management to develop a phased reentry plan, this plan is intended to outline local requirements and compliment, not supplant local or state authority; and,

WHEREAS, these communities acknowledge the importance of common terminology to clearly articulate a collaborated message to their citizens, responders and other private and public partners; and,

WHEREAS, Each local government maintains its individual autonomy to call for local evacuations and allow for safe and rapid reentry as allowed by law, however, signatories to this plan will abide by the provisions to the extent possible given the incident in which it is applicable. And,

NOW, THEREFORE, BE IT RESOLVED that the Aransas Pass City Council adopts the Nueces County Hurricane Reentry Plan.

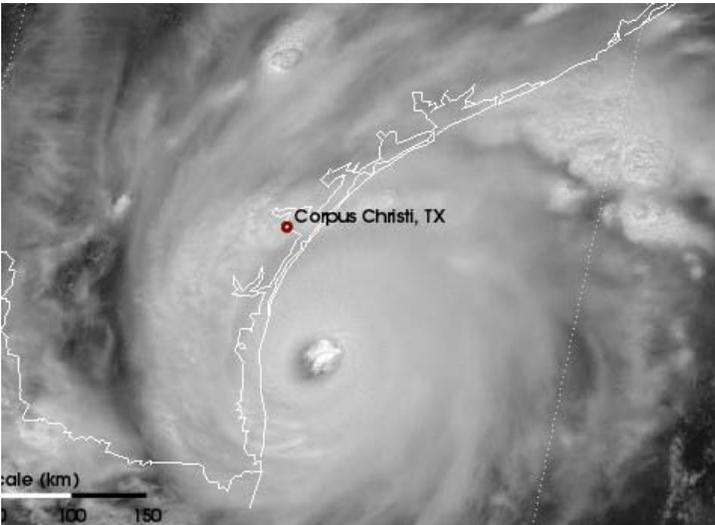
DULY ADOPTED BY VOTE OF THE CITY COUNCIL OF ARANSAS PASS, TEXAS ON THE 2ND DAY OF MAY, 2016.

ATTESTED BY:

Adan Chapa, Mayor
Aransas Pass

Mary Juarez, City Secretary

Nueces County Hurricane Reentry Plan



APPROVAL & IMPLEMENTATION

This Plan is hereby approved and is effective immediately. This Plan supersedes all other Plans. Various Resolutions support this Plan and its participants TO BE MAINTAINED BY EACH BELOW SIGNATOR. ALL PARTICIPANTS ARE TO BE GIVEN 60 DAYS NOTICE INTENT TO WITHDRAW.

Nueces County Judge _____ Date: _____
Judge Samuel L. Neal

City of Bishop _____ Date: _____
Mayor Victor Ramos

City of Corpus Christi _____ Date: _____
Mayor Joe Adame

City of Port Aransas _____ Date: _____
Mayor Keith McMullen

City of Robstown _____ Date: _____
Mayor Rodrigo Ramon

Other:
Department of Public Safety _____ Date: _____
Captain Rhonda Lawson, THP

APPROVAL & IMPLEMENTATION

This Plan is hereby approved and is effective immediately. This Plan supersedes all other Plans. Various Resolutions support this Plan and its participants TO BE MAINTAINED BY EACH BELOW SIGNATOR. ALL PARTICIPANTS ARE TO BE GIVEN 60 DAYS NOTICE INTENT TO WITHDRAW.

City of Aransas Pass _____ Date: _____
Mayor Adan Chapa

DRAFT

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ATTACHMENTS:

- ATTACHMENT 1: Tier Definitions Quick Reference**
- ATTACHMENT 2: Evacuation Order Exemption**
- ATTACHMENT 3: Required Agency Credentials**
- ATTACHMENT 4: Proof of Residency**
- ATTACHMENT 5: Security Control Point Procedures**
- ATTACHMENT 6: Emergency Contact Information**
- ATTACHMENT 7: Implementation Plan**
- ATTACHMENT 8: Sample City/County Resolution**
- ATTACHMENT 9: Nueces County Hurricane Reentry Registry**

AUTHORITY

- a. Government Code 418.108 Local Evacuation Authority
- b. Government Code 418.050 Phased Reentry Plans
- c. Coastal Bend Regional Coordination Plan to Catastrophic Incidents- Coastal Bend Regional Hurricane Reentry Plan Annex

2. PURPOSE

To establish countywide reentry procedures for use in the event of a direct hurricane impact when a mandatory evacuation order has been issued and remains in effect to maintain continuity of government and provide for the safe and orderly return of citizens into the impacted area(s). This plan is intended to complement the Coastal Bend Regional Hurricane Reentry Plan Annex to the Coastal Bend Regional Coordination Plan to Catastrophic Incidents maintained by the Coastal Bend Council of Governments and the Regional Response Working Group.

A key component of continuity of government preparedness planning includes deliberate plans to ensure the continuation of essential functions through a wide range of incidents and requires a collaborated and concerted effort to coordinate provisions for federal, state, and local governmental entities, private sector, public sector, volunteer organizations active in disaster (VOAD) and agencies that provide critical services to assist first responders in the execution of their duties and those in direct support of critical infrastructure/key resources.

To promote and facilitate the timely reentry of essential response and recovery personnel, governmental officials, property owners, business owners, media, etc, to speed the recovery of affected jurisdictions within Nueces County and its economy, and to provide uniform guidance following a hurricane impact **for personnel who may require early reentry and access into the impacted area prior to the retraction of the local evacuation order.**

3. EXPLANATION OF TERMS

Acronyms:

CBCOG	Coastal Bend Council of Governments
CI/KR	Critical Infrastructure/Key Resource
DDC	Disaster District Committee
EMD	Emergency Management Director
EOC	Emergency Operations Center
JIC	Joint Information Center
NIMS	National Incident Management System
PIO	Public Information Officer
POD(s)	Point(s) of Distribution
RSA	Resource Staging Area
VOAD	Voluntary Organizations Active in Disaster

Definitions:

Critical Infrastructure/Key Resources (CI/KR)- The infrastructure and assets vital to national security, governance, public health and safety, economy and public confidence. The following subjects make up the critical infrastructure: Agriculture/Food, Water, Public Health, Emergency Services, Defense Industrial Base, Telecommunications, Energy, Transportation, Banking and Finance, Chemical and Hazardous Materials, and Postal and Shipping.

Disaster District Committee (DDC)- The DDC consists of a Chairperson (the local Highway Patrol Captain) and representatives of the state agencies and volunteer groups represented on the State Emergency Management Council with resources in the district. The DDC Chairperson, supported by committee members, is responsible for identifying, coordinating the use of, committing, and directing state resources within the district to respond to emergencies.

Emergency Management Director (EMD)- The Chief Elected Official (Mayor/Judge) of each jurisdiction is designed as the EMD. The Emergency Management Coordinator (EMC) is the legally appointed designee of the EMD to carry out the day-to-day functions and responsibilities of the jurisdictions emergency management program.

Immediate Mass Care- A series of resources assembled to provide for the distribution of food, water, ice and emergency medical services in an impacted area until such time as the Resource Staging Area (RSA) and Points of Distribution (PODs) are established and the 911 system is reactivated.

Point of Distribution (POD)- An area selected and operated by a local government as temporary staging for distribution of basic commodities to citizens following a disaster. PODs are continuous drive through sites at which the public does not get out of their vehicle; rather they drive through the site where volunteers load resources into vehicles and the public can obtain information.

Reentry- The process of allowing appropriate agencies and vendors access to damaged areas affected by hurricane-related hazards. Reentry marks the transition from the response phase through landfall and prior to the recovery phase of the disaster. It includes the effort to restore continuity of government and critical infrastructure/key resources to support the community.

Repopulation- The process of returning evacuees from shelters in host communities that did not self evacuate. This will occur only after the mandatory evacuation order has been lifted and general population has been allowed to return to the impacted area.

Tier Definitions:

- a. Tier ER personnel include Reentry Teams conducting **search and rescue (SAR) and security force operations**. Immediate and unrestricted access will be granted to SAR agents including local Fire/EMS, law enforcement, Texas Military Forces and emergency

response agencies in support of efforts in the affected area. Tier ER personnel are typically uniformed and are in clearly identified emergency response vehicles.

- b. Tier 1 personnel include Reentry Teams conducting **immediate mass care and damage assessment**. Tier 1 personnel should travel in marked company vehicles and must possess valid agency credentials.
 - CI/KR and utilities assessment personnel must be permitted immediate access to ensure essential services, such as water, power and communications, are restored and infrastructure is intact. Municipal utilities and public works personnel are included as well as private organizations active in assessment of major industrial facilities.
 - Official damage assessment teams may include Federal, State and local officials and are required to possess official agency identification credentials.
 - Immediate mass care is typically provided by recognized state agencies such as Texas Military Forces and limited state VOADs such as American Red Cross, Texas Salvation Army and Texas Baptist Men. Most other disaster relief workers are classified as Tier 2.
 - Other personnel at the discretion of the local Emergency Management Director.
- c. Tier 2 personnel include Reentry Team personnel conducting **restoration of essential services, point of distribution (POD) and other support operations**. Essential services include power, infrastructure, public works, wastewater/water and utility repair and restoration. Tier 2 personnel should travel in marked company vehicles and must possess valid agency credentials.
 - Relief workers will be needed to provide food and other supplies for first responders and people that did not evacuate the impacted area (s).
 - Health care agency personnel, which may include hospitals, nursing homes and assisted living facilities and dialysis centers. Credentialed volunteer health professionals possessing valid identification may be included.
 - Insurance agents and adjusters.
 - Reentry of key business operations and media in the impact area may be delayed until major routes are open and the threat to public safety subsides. The local Emergency Management Director will make the decision when to permit business operators into the impacted areas based on an overall evaluation of the situation. An example of businesses that may be allowed reentry as Tier 2 include those that have far reaching impact on recovery such as grocery stores, fuel providers, pharmacies, banking institutions and other “big box” providers (i.e. Wal-Mart, Home Depot, Lowes).
- d. Tier 3 personnel include **business operators not allowed reentry under Tier 2 and residents of the impacted area**, at the discretion of the local Emergency Management Director. Tier 3 operators and residents should be prepared to provide appropriate agency credentials and/or proof of residency as appropriate. A non-inclusive list of approved proof of residency documents is contained in Attachment 4.
 - Other local, state and federal officials requiring reentry may be granted access based on mission and safety considerations.

4. SITUATION AND ASSUMPTIONS

- a. This plan acknowledges that not all citizens have been required to immediately leave the area defined by the evacuation order. The local EMD issuing the order has also defined who has been allowed to stay and has made provisions to ensure their safety to the extent possible. These individuals may include essential government personnel, first responders and limited private organizations in direct support of critical infrastructure/key resources. These individuals and organizations are considered self sufficient and remain in the evacuation area with the understanding that regular and customary access to emergency services does not exist. These individuals and organizations are to be directly coordinated with the local EOC and Office of Emergency Management.
- b. Industry personnel engaged in refining/production shut down operations should be afforded the opportunity to complete these operations for the safety of all personnel and help ensure limited environmental impacts. These companies may need to hold staff over to complete this process even after the mandatory order is issued however companies are to ensure their employees are afforded enough time to evacuate prior to the onset of tropical storm force winds (except for those organizations participating in the evacuation exemption program).
- c. Immediately following landfall of a catastrophic hurricane, a rapid and orderly movement of essential personnel and services into the impact area is essential to aid in rapid recovery. Reentry will occur in a **“tiered approach”** based on key roles in restoring normal operations after the disaster. Events that occur within the specific jurisdiction and/or geographically defined evacuation area will dictate, based on local needs and variable factors, what personnel will potentially need access into the affected area. Safety with regard to public health, travel accessibility, hazardous materials mitigation and rescue operations will be paramount and of crucial importance in determining who is allowed reentry.
- d. Security control points will be established to restrict entry into the impact area as directed by the EMD. The Texas Department of Public Safety will assist in execution of this task at the request of the EMD under the direction of the Disaster District Chairman. However, local jurisdictions will be required to maintain the lead in this effort to the extent possible to avoid conflicts.
- e. Recommended standard security control point procedures are included in Attachment 5 for use as applicable.
- f. Agencies, organizations and companies with a priority need to enter the area to perform essential services or restoration should coordinate the request with the local Emergency Operations Center and to the extent possible, the local Office of Emergency Management prior to hurricane season. Any false or inaccurate information provided may be grounds for refusal of the request.

- g. The State Operations Center will also be coordinating reentry operations for applicable organizations in support of local response actions as allowed by law. Agencies, organizations and companies whose request is determined to meet the criteria for entry by the State Operations Center will be coordinated through the local DDC. Updated applicable plans are to be posted on the Texas Division of Emergency Management website as they become available.
- h. Except in the event of an emergency evacuation, those individuals granted access to a restricted area should depart through the same entry point to ensure accountability and safety of personnel working within the restricted area.
- i. In the event information indicates an entry letter or tier credential is misused, the letter or credential will be immediately confiscated by law enforcement authorities and returned to the issuing agency.
- j. This plan incorporates known best practices along the Texas Gulf Coast following the responses the Hurricanes Rita (2005) and Ike (2008).

5. CONCEPT OF OPERATIONS

General

All personnel shall operate utilizing the National Incident Management System (NIMS) principles and follow the locally established Incident Command System in the impact area. This effort will be coordinated through the local EOC.

Personnel traveling in groups through security control points should all possess the same level of credentialing or greater. Individuals not meeting the requirements for reentry will not be allowed entry. Additionally, family members and friends will not be allowed entry.

All personnel working in the impact area shall carry proper agency credentials on their person at all times and should be aware of locally established curfews and area restrictions. Required documentation is outlined in Attachment 3 of this document.

Local Government

Provide timely updates on status of evacuation and reentry orders to the County EOC, DDC and 211. The Public Information Officer (PIO) appointed by the EMD, working through the Joint Information Center (JIC) if established, will have the primary responsibility for public information for the jurisdiction represented and will disseminate information regarding the reentry check-point process and methods for gaining reentry. Additional information will be provided to the public regarding general safety measures and any additional specific information deemed necessary to ensure the safety of the returning citizens. The JIC will be coordinated with the appropriate EOCs and DDC.

DDC/State

Maintain updated and accurate accounting of local evacuation and reentry orders.

6. ASSIGNMENT OF RESPONSIBILITIES

- a. **The EMD will issue evacuation orders and ensure timely and accurate information is disseminated.**
- b. The County EMC will maintain this plan, ensure appropriate approvals are obtained and oversee local implementation of established procedures as outlined in Attachment 7. Process requests for Evacuation Exemption and Tier 1 designation letters and prepare for signature as appropriate.
- c. The City EMC(s) will oversee local implementation of established procedures as outlined in Attachment 7. Process requests for Evacuation Exemption and Tier 1 designation letters and prepare for signature as appropriate.
- d. Law Enforcement will provide general support for implementation of this plan and ensure compliance with evacuation orders as appropriate.

7. ADMINISTRATION AND SUPPORT

The Nueces County Office of Emergency Management agrees to provide administrative services necessary to coordinate this agreement to include notification to participants of new signatories or withdrawals. Also, all participating jurisdictions will be provided with a current list of contact information for all participants.

8. PLAN DEVELOPMENT AND MAINTENANCE

Recommended changes to this plan should be forwarded to the Nueces County Office of Emergency Management for consideration. As needed, this plan will be updated accordingly. To the extent possible, this plan should become part of the jurisdictions state approved Annex E (Evacuation).

ATTACHMENTS:

- ATTACHMENT 1: Tier Definitions Quick Reference**
- ATTACHMENT 2: Evacuation Order Exemption**
- ATTACHMENT 3: Required Agency Credentials**
- ATTACHMENT 4: Proof of Residency**
- ATTACHMENT 5: Security Control Point Procedures**
- ATTACHMENT 6: Emergency Contact Information**
- ATTACHMENT 7: Implementation Plan**
- ATTACHMENT 8: Sample City/County Resolution**
- ATTACHMENT 9: Nueces County Hurricane Reentry Registry**

ATTACHMENT 1: Tier Definitions Quick Reference

The intent of this reentry policy is to assume immediate and unrestricted access to both Tier ER & 1 personnel as soon as the responding agency feels it safe to begin operations in the impacted area however this policy implementation will be event dependent given numerous unknown variables. The final decision will remain that of the EMD.

Responding organizations reenter at their own risk acknowledging that many unknown hazards may still exist that have not yet be identified by local officials. The local Incident Commander will have the responsibility to make determinations where personnel may further be restricted within defined areas in the impact area as outlined in the appropriate City/County Emergency Management Plan. Additionally, organizations entering an impacted area are subject to the check-in procedures established by the local Incident Commander.

Tier ER- Search and rescue (SAR) and security force operations

Tier ER personnel are typically uniformed and are in clearly identified emergency response vehicles. These organizations are not required to request or carry a reentry authorization letter however should be prepared to provide proof of deployment orders, mission assignment or other similar documentation authorizing work assignment in the impacted area for the designated incident.

- SAR agents include local Fire/EMS, law enforcement, Texas Military Forces and other State and/or Federal emergency response teams such as Texas Task Force One/Two.

Tier 1- Immediate mass care and damage assessment.

Tier 1 personnel should travel in marked company vehicles and must possess valid agency credentials. Personnel in this category are expected request Tier 1 reentry authorization prior to hurricane season and should be prepared to provide proof of deployment orders, mission assignment or other similar documentation authorizing work assignment in the impacted area for the designated incident.

- CI/KR and utilities assessment personnel must be permitted immediate access to ensure essential services, such as water, power and communications, are restored and infrastructure is intact. Municipal utilities and public works personnel are included as well as private organizations active in assessment of major industrial facilities.
- Official damage assessment teams may include Federal, State and local officials and are required to possess official agency identification credentials.
- Immediate mass care is typically provided by recognized state agencies such as Texas Military Forces and limited state VOADs such as American Red Cross, Texas Salvation Army and Texas Baptist Men. Most other disaster relief workers are classified as Tier 2.
- Other personnel at the discretion of the local Emergency Management Director.

Tier 2- Restoration of essential services, point of distribution (POD) and other support operations. Essential services include power, infrastructure, public works, wastewater/water and utility repair and restoration. Tier 2 personnel should travel in marked company vehicles and must possess valid agency credentials. These organizations are not required to request or carry a reentry authorization letter however should be prepared to provide proof of deployment

orders, mission assignment or other similar documentation authorizing work assignment in the impacted area for the designated incident.

- Relief workers will be needed to provide food and other supplies for first responders and people that did not evacuate the impacted area (s).
- Health care agency personnel, which may include hospitals, nursing homes and assisted living facilities and dialysis centers. Credentialed volunteer health professionals possessing valid identification may be included.
- Insurance agents and adjusters.
- Reentry of key business operations and media in the impact area may be delayed until major routes are open and the threat to public safety subsides. The local Emergency Management Director will make the decision when to permit business operators into the impacted areas based on an overall evaluation of the situation. An example of businesses that may be allowed reentry as Tier 2 include those that have far reaching impact on recovery such as grocery stores, fuel providers, pharmacies, banking institutions and other “big box” providers (i.e. Wal-Mart, Home Depot, Lowes).

Tier 3- Business operators not allowed reentry under Tier 2 and residents.

Tier 3 operators and residents should be prepared to provide appropriate agency credentials and/or proof of residency as appropriate.

All others not defined previously are considered “general population” and will be allowed reentry after the mandatory evacuation order has been lifted.

Any conflict at designated check points will be routed through the local Incident Commander and EOC as appropriate for resolution. The safety of personnel will be the ultimate deciding factor in ALL cases.

****Nueces County Tier 1 authorization letters will only be issued on a standardized and recognizable letterhead that has been mutually agreed upon.****

ATTACHMENT 2: Evacuation Order Exemption

In the event of an impending hurricane threat, the local Emergency Management Director issuing the mandatory evacuation order shall approve organizations allowed to remain in the impact zone. These organizations approved for exemption may include essential government personnel, first responders and limited private organizations in direct support of critical infrastructure/key resources. These individuals and organizations are considered self sufficient and remain in the evacuation area with the understanding that access to emergency services does not exist. This effort is to be directly coordinated with the local Emergency Operations Center.

Organizations requesting evacuation exemption should have a written plan to include provisions for adequate food, water, shelter and medical needs for a minimum of 72 hours post landfall. Additionally, these organizations should have back up power and emergency communications capabilities such as satellite phones and/or HAM radio.

All organizations authorized to be exempt from the evacuation order should be prepared to provide an updated list of personnel and the location that that they will be sheltered to the EOC and/or Emergency Management Coordinator upon request.

Emergency services personnel will be conducting search and rescue activities immediately post landfall. Citizens that failed to evacuate must remain the priority however they also acknowledge that they must confirm the safety of those personnel considered exempt. For this reason, it is important for exempt organizations to report status to the EOC as soon as possible after landfall.

For purposes of this plan, all exempt personnel should also be classified as either Tier ER or Tier 1 Essential Personnel and carry appropriate credentials. Evacuation exempt organizations must be cognizant that exemption does not constitute the ability to roam freely in the post disaster environment. Established curfews and subsequent orders must be abided by all to ensure safety and security within the impacted area. Any questions regarding this issue should be directed to the local Office of Emergency Management or EOC.

****Nueces County evacuation exemption letters will only be issued on a standardized and recognizable letterhead that has been mutually agreed upon.****

ATTACHMENT 3: Required Agency Credentials

All personnel working in the impact area shall carry proper credentials and identification on their person at all times. Recommended agency identification/credentials are established as follows:

All

- State issued driver's license or identification card
- Proof of deployment orders, mission assignment or other similar documentation authorizing work assignment in the impacted area for the designated incident.

Governmental Employees:

- Agency Photo Identification.
- Designation of "essential" or "disaster personnel" should be prominently displayed.
- Local volunteer personnel such as fire department/emergency services district personnel should possess applicable locally recognized identification as appropriate.

(Local governmental and/or voluntary agencies lacking agency identification should contact the Coastal Bend Council of Governments for details regarding available identification solutions)

Private/VOAD Organizations:

- Agency identification with photo.
- Tier 1 Level Essential Personnel Authorization Letter and/or company designation letter detailing the employee essential function and to the extent possible defining the geographic area where work is to be performed.

Additional

- Employees performing work that requires special credentialing/licensing should be prepared to produce credentials as required by the certifying agency. (TCLEOSE, DSHS license/certification, TCEQ, etc.)

ATTACHMENT 4: Proof of Residency

Tier 3 operators and residents should be prepared to provide appropriate agency credentials and/or proof of residency as appropriate.

Proper identification for resident access should include one or more of the following:

- current state issued driver's license or identification card
- utility bill
- mortgage deed
- property tax documents
- or any governmental document which includes an address or other means that identifies the location of their property.

~~The City of Port Aransas has issued city identification cards to their citizens and essential personnel. (Program no longer available) Other jurisdictions may add similar requirements and will be added to this plan as made available.~~

ATTACHMENT 5: Security Control Point Procedures

Security control points will be established to restrict entry into the impact area as directed by the EMD. The Texas Department of Public Safety will assist in execution of this task at the request of the Emergency Management Director under the direction of the Disaster District Chairman. However, local jurisdictions will be required to maintain the lead in this effort to the extent possible to avoid conflicts.

The number of security control points will be determined by the local jurisdiction and will be event dependant. Staffing and equipment support may need to expand and contact as needed to accommodate the overall vehicle volume. Operational shifts and personnel staffing requirements should be clearly defined including adequate provisions for day and night operations. The operating hours and personnel requirements will be based on curfews and other factors.

Due to the regional applicability of security control points, the DDC will be a key coordinating entity.

Current evacuation and reentry orders are to be maintained at the DDC.

Recommended equipment for checkpoints:

- . Light towers
- . Barricades
- . Port-o-potties
- . Portable Message Boards
- . Mobile Command Post
- . Pop Up Tents
- . Rehab Items such as food, water and ice
- . Mosquito Spray
- . White Shoe Polish
- . Fuel

Area law enforcement agencies should continue to develop traffic control plans/procedures to support this task and may be added to this document at a later date as appropriate.

ATTACHMENT 6: Emergency Contact Information

Nueces County Judge Neal

Office of Emergency Management

Serving all unincorporated areas of Nueces County and the Cities of Agua Dulce, Bishop, Driscoll and Petronila

Danielle Hale, County EMC

Danielle.hale@co.nueces.tx.us

361-888-0513 Office

361-887-2206 EOC Fax

City of Aransas Pass

Office of Emergency Management

Lynn Pearce, City EMC

lpearce@ap-police.com

361-758-5301 Office

361-???-???? EOC Fax

City of Corpus Christi

Office of Emergency Management

Billy Delgado, City EMC

billyd@cctexas.com

361-826-1100 Office

361-880-3971 EOC Fax

City of Port Aransas

Office of Emergency Management

Rick Adams, City EMC

radams@cityofportaransas.org

361-749-4111 Office

361-749-4723 EOC Fax

City of Robstown

Office of Emergency Management

Ricardo Gonzales, City EMC

Rfd@cityofrobstown.com

361-387-2522 Office

361-387-9353 EOC Fax

ATTACHMENT 7: Implementation Plan

The signatories to this plan will develop a local implementation process. City/County emergency managers will continue to work towards a county-wide solution however may not be available prior to the 2011 Hurricane Season, therefore, local communities should continue to work towards a local implementation process.

The County Judge will approve letters for companies performing business in the unincorporated areas of the County, the other communities that are signatories to the County Emergency Management Plan (Agua Dulce, Driscoll and Petronila), as well as, those with county-wide responsibility such as utility companies and “big box” stores like HEB.

Each City Mayor will have the responsibility to approve letters for companies performing business within the City limits of their community.

A record should be maintained for each of the businesses issued a letter and be maintained locally for future reference if needed.

Possible implementation options may include:

- online auto-fill form accessible through City/County website
- hand filled form accessible at City Hall/Courthouse
- manually entered database of entities being issued forms
- online portal for electronic submission/approval process
- WebEOC board to maintain data

ATTACHMENT 8: Sample City/County Resolution

RESOLUTION ADOPTING THE PROVISIONS OF THE NUECES COUNTY HURRICANE REENTRY PLAN.

WHEREAS, the communities of the Coastal Bend acknowledge the benefit of regional collaboration to prepare and respond to major emergencies and disasters; and,

WHEREAS, the Texas Government Code 418.108 provides for the ability of local Emergency Management Directors to mandate evacuations for the preservation of life and control ingress to and egress from a disaster area; and,

WHEREAS, the Texas Government Code 418.050 directs the Texas Division of Emergency Management to develop a phased reentry plan, this plan is intended to outline local requirements and compliment, not supplant local or state authority; and,

WHEREAS, these communities acknowledge the importance of common terminology to clearly articulate a collaborated message to their citizens, responders and other private and public partners; and,

WHEREAS, Each local government maintains its individual autonomy to call for local evacuations and allow for safe and rapid reentry as allowed by law, however, signatories to this plan will abide by the provisions to the extent possible given the incident in which it is applicable. And,

NOW, THEREFORE, BE IT RESOLVED that the Nueces County Commissioners Court adopts the Nueces County Hurricane Reentry Plan.

DULY ADOPTED BY VOTE OF THE COMMISSIONERS COURT OF NUECES COUNTY, TEXAS ON THE ???TH DAY OF ???, 2011.

SAMUEL L. NEAL, JR.
Nueces County Judge

MIKE PUSLEY
Commissioner, Precinct 1

JOE A. GONZALEZ
Commissioner, Precinct 2

OSCAR ORTIZ
Commissioner, Precinct 3

JOE MCCOMB
Commissioner, Precinct 4

ATTEST:

DIANA T. BARRERA, County Clerk
AUTHORITY

ATTACHMENT 9: Nueces County Hurricane Reentry Registry

To meet the intent of Attachment 7, Nueces County developed a regionally available hurricane reentry registry through the Coastal Bend Coordination and Alert Network (CBCAN) managed by the South Texas Chapter of the Alliance for Community Solutions. The registry was funded through a grant provided by the Coastal Bend Regional Advisory Council to support the timely reentry of medical professionals throughout the area.

The Nueces County Hurricane Reentry Registry was implemented in 2014 to manage Evacuation Exempt organizations and personnel being issued Tier 1 Level Essential Personnel letters under the responsibility of Nueces County Office of Emergency Management. As a security feature, the enhanced letters are issued to the specific individual pre-identified by the authorized organization representative, can be evocated in real-time and is field verifiable. The secure registry is tied to a mass notification system to alert participants of potential or imminent evacuation orders and reentry status. The system also allows for real-time secure information sharing between participating EOCs.

New for 2016 is the issuance of a vehicle placard as an attachment to the letter. The placard color and format is based on the state recommendations in the State Emergency Management Plan Responder Reentry Annex.

Ongoing efforts include the implementation of the regional responder standard identification. In future years, it is desired to remove the requirement to maintain a Tier 1 letter for personnel in possession of the regional ID. Current participants include Nueces County Emergency Services Districts, Refinery Terminal Fire Company and the Nueces County Medical Society.

For additional information, contact the Nueces County Office of Emergency Management, Coastal Bend Council of Governments or the Coastal Bend Regional Advisory Council.

SAMPLE LETTER:

 Nueces County	
Tier 1 Level Essential Personnel <small>This document certifies that Valero Oil Company has been granted permission to provide this authorization letter to the person identified below requiring reentry into Nueces County as defined in the Nueces County Hurricane Reentry Plan. This letter is based solely on the list of recognized critical and essential personnel submitted by Valero Oil Company.</small>	
<small>In addition to possession of this letter, the person listed is required to have and may be required to provide appropriate agency identification and the valid driver's license or photo ID corresponding to the number referenced below. All personnel are expected to abide by all applicable rules and curfews as they are established for specific restricted areas as directed by local officials.</small>	
Acme Utility Company Corpus Christi Operations Center 1234 Main St. Robstown, TX 78401 Access Authorized for: Frank Ashton DL/ID# 45290541 EXPIRES: 6/30/12 Orig Contact: John Adamson Phone: 1-800-VERIFY	 SCAN TO VALIDATE
<small>In the event of attempts to misuse this document, it will immediately be confiscated by designated authorities and returned to the issuing agency.</small>	
Danielle Hale Nueces Co. EMC Phone: (361) 888-0513	<u>Loyd Neal</u> Honorable Loyd Neal County Judge
	6/31/2012 Activated

SAMPLE PLACARD:

		Disaster Response Vehicle Placard
<small>Placard Expiration Date: 6/30/12</small>		
Hurricane "X" NUECES COUNTY		Tier 1
Acme Utility Company		
Frank Ashton	1-800-VERIFY	

SAMPLE ID:

	Level: MD, PEDS, EP
Agency: Nueces County Medical Society	
Jasmin Marsh Physician	
	
R20-CBD 2015-Dec-31	
	

16. EXECUTIVE SESSION(S):

Recess Open Meeting and Retire to Executive Session pursuant to Chapter 551 of the Texas Government Code.

- a. Section 551.071 – Consultation with City Attorney: Legal Matters – Gulf Marine.

Reconvene in Open Meeting to Consider and Act on Findings of Executive Session(s):

- a. Section 551.071 – Consultation with City Attorney: Legal Matters – Gulf Marine.