

**ODESSA CITY COUNCIL WORK SESSION**  
**August 6, 2019**  
**5:00 P.M.**  
**CITY HALL**  
**5<sup>th</sup> FLOOR CONFERENCE ROOM**  
**411 WEST 8<sup>TH</sup> STREET**  
**ODESSA, TEXAS. 79760**

***Invocation***

- |  |                    |
|--|--------------------|
| 1. Discuss Golf Course Advisory Board attendance   | Steve Patton       |
| 2. Discuss City of Odessa's participation in UTPB STEM Internship Program  | Vanessa Ramirez    |
| 3. Discuss annexation to the City of Odessa and original Zoning of Light Industrial of Fly J   | Randy Brinlee      |
| 4. Discuss the 2019-2020 Budget for the Emergency Communication District of Ector, County (\$1,045,785)  | Chief Gerke        |
| 5. Discuss 2019 BJA Edward Byrne Memorial Justice Assistance Grant Program (\$91,770)  | Chief Gerke        |
| 6. Discuss the use electronic signature and acceptance of a 2020 STEP Speed, Intersection Traffic Control, and Driving Under Influence Grant (\$25,717)  | Chief Gerke        |
| 7. Discuss an Interlocal Agreement with Ector County for the division of 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) funds.  | Chief Gerke        |
| 8. Discuss TIRZ Bylaws   | Phillip J. Urrutia |
| 9. Discuss the appointment of TIRZ board chair   | Phillip J. Urrutia |
| 10. Discuss Tax Rate   | Cindy Muncy        |
| 11. Discuss Series 2019 Debt Issuance  | Cindy Muncy        |
| 12. Budget Filing Update   | Cindy Muncy        |
| 13. Discussion of TXDOT Projects   | Mayor Turner       |
| 14. Recess for Executive Session:<br>As authorized by the Texas Government Code, Section 551.071 (Consultation with Attorney), the City Council may adjourn into executive session to consider pending or contemplated litigation.<br>Reconvene in Open Session for possible action. |                    |

15. Recess for Executive Session:

As authorized by the Texas Government Code, Section 551.074 (Personnel Matters), to consider the evaluation of applicants for the position of City Attorney including the possible appointment of a new City Attorney.

Reconvene in Open Session for possible action

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

Meeting Date:	08/13/2019	Item Type:
Contact:	Steve Patton	Regular
Department:	Parks And Recreation	Ordinance
Finance Committee Review? Yes		
CAPTION		
Consider a revision to a City Ordinance that adds a section addressing excessive absenteeism by the Citizens' Golf Advisory Committee members.		
SUMMARY OF ITEM		
The Citizens' Golf Advisory Committee met July 18, 2019 and recommend to the City Council an addition to the City Ordinance, Chapter 1, Article 1-7 Boards, Section 1-7-7 (2) Terms of Members; that will address excessive absenteeism by the Citizens' Golf Advisory Committee members. The recommended addition would specify that if a committee member is absent from a scheduled committee meeting more than three (3) times in one year, they would be automatically removed from the Committee.		
FISCAL IMPACT? No		
Comments:		
Supporting Documents:	Other Departments, Boards, Commissions or Agencies:	
	Citizens' Golf Adv Comm Min 7/18/19	
		Golf Adv Comm -71819.pdf

## CITIZENS GOLF ADVISORY COMMITTEE

JULY 18, 2019

Be it remembered that at 11:00 a.m., on this the 18<sup>th</sup> day of July, 2019 there came and was held a regular meeting of the Citizens Golf Advisory Committee of the City of Odessa, at Parks and Recreation Department, 1100 W. 42<sup>nd</sup>, Odessa, Texas.

Members Present: Mark Mounts, Eddy Rebber, Elva Graham, Brad Robinson and Gary Bittick

Members Absent: Rhonda Spykes, Courtney Halcy and Paul Chavez-Ex Officio

Others Present: Steve Patton-Director of Parks; Chris McQuatters / Chase Thatcher – Ratliff Golf Course; and Mary Marvin- Senior Admin. Assistant

A quorum being present, Mark called the meeting to order and the following proceedings were held:

Welcome/Introduction: Chris introduced Sarah Granado- Manager (Linx Bar and Grill, at Ratliff Ranch)

Mark asked for consideration of the May 16, 2019 minutes. Motion was made by Eddy and seconded by Brad to approve the minutes as presented. The motion was approved by unanimous vote.

### DISCUSSION OF THE FOLLOWING ITEMS:

#### **A. Operations:**

Sarah stated that they are working on a new menu for Ratliff's restaurant, and that they have recently lost some employees, so they are shorthanded at this time.

Chris reviewed the monthly reports with the Committee.

No Action Taken

**Maintenance:** Chase stated that they are getting the course ready for the City Championship coming up next weekend. He also added that the pre-emergent order has been delivered, and fertilizer has been ordered.

No Action Taken.

EXTRA: Steve mentioned the Hotel Occupancy Funds were approved by Council, that include Marketing and Advertising. Council and City Manager are reviewing operations Budget. He mentioned that the funds would be allocated October 1, 2019.

**Attendance:** Steve asked for the Committee to review the motion, concerning attendance, recommended by the previous Committee on 3/22/18. (states: that if a member misses three (3) meetings in a calendar year, they are automatically off the Committee). After a brief discussion, Eddy made the motion that the Committee accepts the recommendation made on 3/22/18 concerning attendance to this Committee's meetings, and to forward to City Council for their approval. The motion was seconded by Brad.

- Mark Mounts - Aye
- Eddy Rebber - Aye
- Elva Graham - Aye
- Rhonda Spikes - Absent
- Brad Robinson - Aye
- Gary Bittick - Aye
- Courtney Halcy- Absent

Motion Carried.

NEXT MEETING: The next Citizens' Golf Advisory Committee meeting will be September 19, at 11:00 a.m.

There being no other business to discuss, Brad made the motion to adjourn the meeting, Elva seconded, and the meeting was adjourned at 11:30 a.m.

APPROVED:



Steve Patton  
Director of Parks & Recreation

ATTEST:



Mary Marvin  
Senior Administrative Assistant

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

Meeting Date:	08/13/2019	Item Type:
Contact:	Vanessa Ramirez	Consent
Department:	Public Works	

Finance Committee Review? No

**CAPTION**

Approve the City of Odessa's participation in UTPB STEM Academy's Career and Technology Education Career Prep/Internship Practicum Program.

**SUMMARY OF ITEM**

UTPB STEM Academy offers a Career and Technology Education Career Prep/Internship Practicum Program in Computer Science, Engineering and Biomedical STEM fields. Eligibility for admission to this program is based on Junior and Senior students being on track for high school graduation and committee approval.

This Program is designed to provide students skill-based internships that build upon their considerable skills and allow them to gain real-world experience in the workplace that will help them become truly career-ready.

Internships are:

- Semester/Year Long (September-December, January-May, or September to May)
- Monday-Friday, no more than 10 hours a week
- Based in Odessa/Midland

The City of Odessa Public Works Department is proposing hosting up to 4 UTPB STEM Academy interns for the upcoming school year. Up to three interns on the Engineering pathway would be placed in the City's Engineering Division in Public Works, Utilities and GIS, rotating between the three areas every twelve weeks. One Biomedical pathway intern would be hosted at the City's Family Health Clinic throughout the duration of the Program.

Approval of this item would allow the City to participate in the Program and authorize the City Manager to execute any documents necessary in connection with said participation.

**FISCAL IMPACT? No**

Comments:

Supporting Documents:

Other Departments, Boards, Commissions or Agencies:

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

Meeting Date:	08/13/2019	Item Type:
Contact:	Randy Brinlee	Regular
Department:	Planning	Ordinance; Hearing
Finance Committee Review? No		

**CAPTION**

Open a public hearing to consider approval of the request of PTCAA Texas, LP, owner, for annexation to the City of Odessa and original zoning of Light Industrial (LI) on Lot 1, Block 1, Flying J Addition (northwest corner of the intersection of Kermit Hwy. and W. Loop 338) (Ordinance -- First Approval)

**SUMMARY OF ITEM**

The City Council heard this request for Second Public Hearing on July 9, 2019.

The property involved in this request is located in the northwest corner of the intersection of Kermit Hwy. and W. Loop 338. A commercial/industrial use development (truck stop and related uses) is currently under construction on the site and land use in the general area consists of commercial/industrial use development and vacant land. The applicant and owner of this property is PTCAA Texas, LP and the purpose of the annexation request is to incorporate approximately 7.1 acres into the City of Odessa.

The current area of the city limits is approximately 52 square miles. The total area of this request is approximately 7.1 acres which puts the area of the request within the annexation statutes that allow a maximum annual annexation of up to 30% of the city limits area.

The City of Odessa Comprehensive Plan states the city should strive for orderly city boundaries and utility service area. Annexing properties adjacent to city limits lines would be considered logical boundary extensions of the city limits lines. A service plan for the proposed annexation has been prepared by the Legal Staff in accordance with State law requirements.

An original zoning of Light Industrial (LI) is also being requested for this site. This requested original zoning is compatible with the adjacent land use and is not contrary to the land use plan of the City of Odessa's Comprehensive Master Plan.

The Planning and Zoning Commission gave unanimous approval (4 members present) to this request for annexation and original zoning of Light Industrial (LI).

LEGAL DESCRIPTION OF A  
7.00-ACRE TRACT LOCATED IN  
SECTION 7, BLOCK 42, T-2-S  
T&P RR CO. SURVEY  
ECTOR COUNTY, TEXAS

BEING A 7.00-ACRE TRACT LOCATED IN SECTION 7, BLOCK 42, T-2-S, T&P RR CO. SURVEY, ECTOR COUNTY TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT (Y= 10,651,974.14' AND X= 1,648,441.69') A TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) CONCRETE RIGHT-OF-WAY MONUMENT WITH A BRASS DISC (CONTROL MONUMENT) FOUND AT IN THE NORTH RIGHT-OF-WAY OF STATE HIGHWAY 302;

THENCE NORTH 68°07'46" WEST WITH THE NORTH LINE OF SAID RIGHT-OF-WAY OF STATE HIGHWAY 302, A DISTANCE OF 237.26 FEET TO A TXDOT CONCRETE RIGHT-OF-WAY MONUMENT WITH A BRASS DISC FOUND AT A POINT OF DEFLECTION OF SAID RIGHT-OF-WAY;

THENCE NORTH 62°12'12" WEST WITH THE NORTH LINE OF SAID RIGHT-OF-WAY OF STATE HIGHWAY 302, A DISTANCE OF 355.82 FEET TO A ½" IRON ROD WITH PLASTIC CAP STAMPED "LCA ODESSA TX" SET AT THE WESTERN MOST CORNER OF THIS TRACT, WHENCE A TXDOT CONCRETE RIGHT-OF-WAY MONUMENT WITH A BRASS DISC (CONTROL MONUMENT) FOUND IN THE NORTHERN RIGHT-OF-WAY OF SAID STATE HIGHWAY 302 BEARS NORTH 61°12'12" WEST, A DISTANCE OF 425.56 FEET:

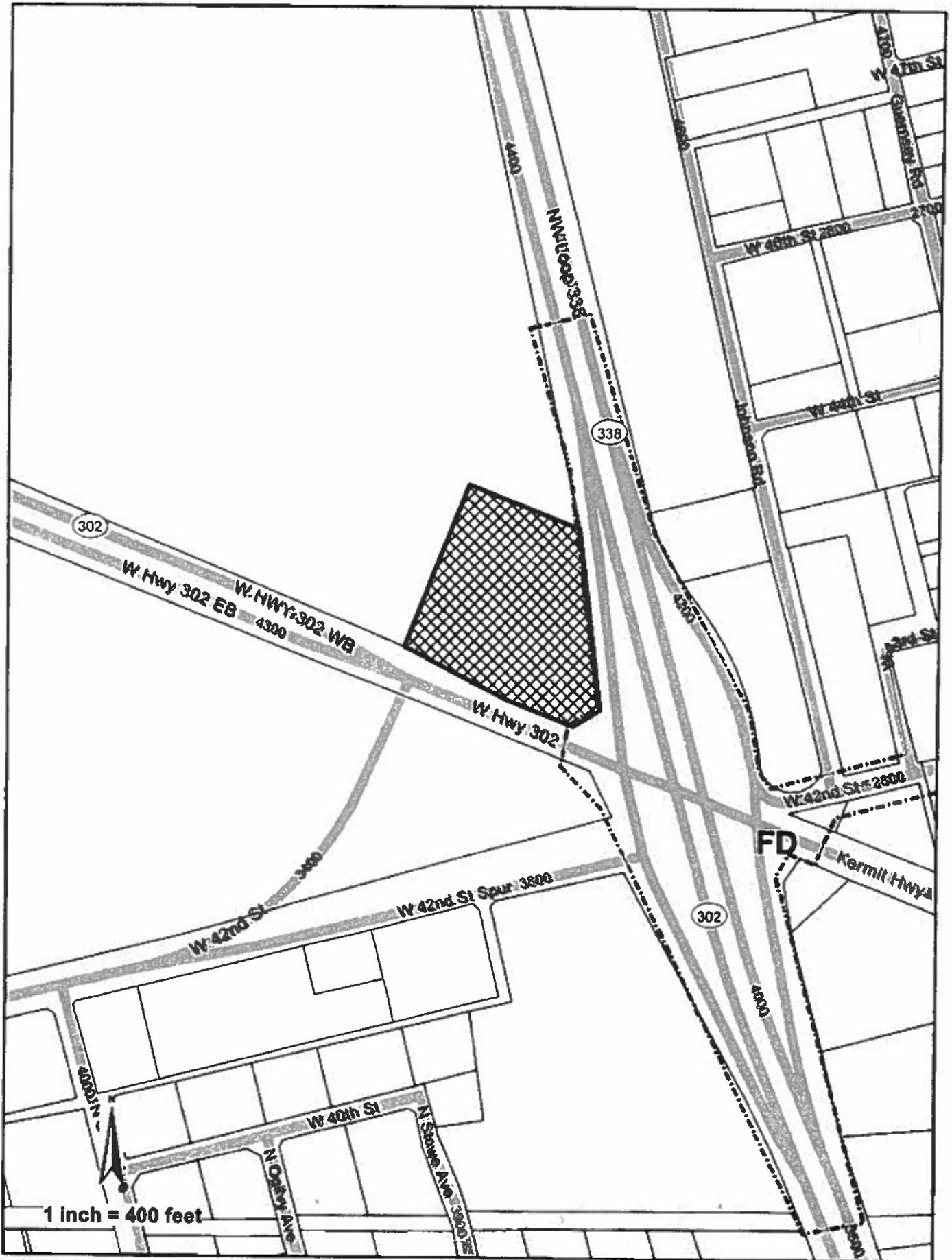
THENCE NORTH 21°52'14" EAST, A DISTANCE OF 552.68 FEET TO A ½" IRON ROD WITH PLASTIC CAP STAMPED "LCA ODESSA TX" SET AT THE NORTHERN MOST CORNER OF THIS TRACT;

THENCE SOUTH 68°07'46" EAST, A DISTANCE OF 376.34 FEET TO A ½" IRON ROD WITH PLASTIC CAP STAMPED "LCA ODESSA TX" SET AT THE NORTHEASTERN MOST CORNER OF THIS TRACT IN THE WESTERN RIGHT-OF-WAY OF LOOP 338, WHENCE A TXDOT CONCRETE RIGHT-OF-WAY MONUMENT (CONTROL MONUMENT) BEARS NORTH 06°30'04" WEST, A DISTANCE OF 177.16 FEET;

THENCE SOUTH 06°30'04" EAST WITH SAID WESTERN RIGHT-OF-WAY OF LOOP 338, A DISTANCE OF 579.62 FEET TO A TXDOT CONCRETE RIGHT-OF-WAY MONUMENT FOUND AT A CUT-BACK CORNER OF THIS TRACT;

THENCE SOUTH 59°12'41" WEST WITH SAID CUT-BACK, A DISTANCE OF 99.90 FEET TO THE POINT OF THE BEGINNING, CONTAINING 7.00 SURFACE ACRES OF LAND.

BEARINGS, DISTANCES AND COORDINATES ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM, 1983 NAD, CENTRAL ZONE, BASED ON THE CITY OF ODESSA GPS CONTROL MONUMENT "OD10" (Y=10,651,640.309' AND X = 1,648,850.721') WITH A THETA ANGLE OF -01°04'29" AND A COMBINED GRID FACTOR OF 0.99986194. ACREAGE STATED IS AVERAGE SURFACE.





CITY OF ODESSA, TEXAS  
ANNEXATION SERVICE PLAN  
(Proposed)

AREA ANNEXED

Consider initiation of annexation to the City of Odessa of approximately 7.00 total acres of land adjacent to city limit lines throughout the city's extraterritorial jurisdiction in Ector County, Texas:

Lot 1, Block 1, FLYING J ADDITION, Ector County, Texas (Pilot Flying J Industrial District)

INTRODUCTION

This service plan has been prepared in accordance with Texas Local Government Code, Sections 43.056. Municipal facilities and services to the annexed area described above will be provided or made available on behalf of the city at the following levels and in accordance with the following schedule:

POLICE PROTECTION & ANIMAL CONTROL

Patrolling, responses to calls, and other police services will be provided within ten (10) days after the effective date of the annexation at the same level as provided throughout the city. For questions call Chief Mike Gerke at 432-335-5767.

FIRE PROTECTION AND PREVENTION

Fire protection and fire prevention services will be provided within ten (10) days after the effective date of the annexation at the same level as provided throughout the city. For questions call Chief John Alvarez at 432-257-0507.

EMERGENCY MEDICAL SERVICES

Emergency medical services will be provided within ten (10) days after the effective date of the annexation on the same basis and at the same level as provided throughout the city. For questions call Chief John Alvarez at 432-257-0507.

SOLID WASTE COLLECTION AND DISPOSAL

Solid waste collection and disposal services could be provided within sixty (60) days after the effective date of the annexation on the same basis and at the same level as provided throughout the city. Providing service "on the same basis" as inside city could in some situations, include lower fees and more frequent pick-ups. For questions call Jesse Rodriguez at 432-335-3509.

MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Pilot Flying J Industrial District – Water lines and sewer lines are currently available. Where service could be provided is subject to application for service through the Billing & Collection Department. Some requests may require the creation of a water or sewer service plan to extend service lines, including

cost participation by the requestor of such services. For questions call Gloria Gonzalez at 432-335-4639.

Maintenance of water and wastewater facilities will be continued to be maintained immediately after the effective date of the annexation on the same basis and at the same level as provided throughout the city. For questions call Gloria Gonzalez at 432-335-4639.

### STREET LIGHTING

Street lighting will be made available on the effective date of the annexation on the same basis and at the same level as provided throughout the city. Currently street lighting throughout the city is planned and installed by the electric service provider Oncor and paid for by city upon request by city to Oncor after staff recommendation or receipt of requests from city residents. For questions call Gloria Gonzalez at 432-335-4639.

### STREET MAINTENANCE

Responses to calls for information or service related to concerns about public street surface conditions including potholes will be provided immediately after the effective date of the annexation at the same level as provided throughout the city. For questions call Gloria Gonzalez at 432-335-4639.

### FLOODPLAIN MAINTENANCE & REGULATION

Maintenance of drainage ways upon receipt of requests for service according to routine and periodic maintenance schedules will become available immediately after the annexation date on the same basis and at the same level as provided throughout the city. For questions call Gloria Gonzalez at 432-335-4639.

### TRAFFIC CONTROL VIA SIGNS AND SIGNALS

Responses to calls for information or service related to concerns about the need for or condition of existing traffic control devices such as signs or traffic signals will be provided immediately after the effective date of the annexation at the same level as provided throughout the city. For questions call Hal Feldman at 432-335-4189.

### MAINTENANCE OF CITY PARK AND RECREATION FACILITIES

If any city park and recreation facilities are located within the annexed area, they will be maintained on the effective date of the annexation on the same basis and at the same level as similar facilities are maintained throughout the city. For questions call Steve Patton at 432-368-3548.

### PLANNING AND LAND USE ZONING

The annexed land is brought into the city with a designation of Light Industrial (LI). Future development inside the city would require that the land be platted and receive a zoning designation. For questions call Randy Brinlee at 432-335-3216.

## CODE ENFORCEMENT

Responses to calls, and other code enforcement services related to prohibited accumulations of debris, hazardous vegetation, junked vehicles, illegal dumping, or substandard buildings will be provided immediately after the effective date of the annexation at the same level as provided throughout the city. In order to assure same levels of service, the newly annexed areas will be added to an already existing code enforcement district or to a newly created district depending on the location within ten (10) days after the annexation. For questions call Merita Sandoval at 432-335-4819.

## STORMWATER MANAGEMENT

Regulation of run off from construction sites will become effective immediately after the annexation date or continued on the same basis and at the same level as provided throughout the city. For questions call Monica Fuentez at 432-335-3240.

## OTHER SERVICES

Other services that may be provided by the city such as municipal court, and general administration will be made available immediately after the effective date of the annexation on the same basis and at the same level as provided throughout the city. For Municipal Court questions call Elizabeth Martinez at 432-335-5781. For Finance questions call Cindy Muncy at 432-335-5722.

## CAPITAL IMPROVEMENTS

Construction of needed new currently not existing water, sewer, street, and drainage facilities will begin either subject to implementation of current Capital Development Programs or upon special request and subject to the total circumstances within two (2) years after submission of written request by landowners and payment of any development fees and construction costs required by the city in accordance with subdivision regulations and water and sewer extension policies. Construction will be completed within four and one-half (4-1/2) years after request unless the construction process is interrupted by circumstances beyond the control of the city. No impact fees will be charged to any developer or landowner within the annexed area except in conformity with Texas Local Government Code, Ch. 395. Construction of other capital improvements shall be considered by the city in the future as the needs dictate on the same basis as such capital improvements are considered throughout the city and subject to new Capital Development Programs. For questions call Gloria Gonzalez 432-335-4639.

## UNIFORM LEVEL OF SERVICE MAY NOT BE REQUIRED

Nothing in this plan shall require the city to provide a uniform level of full municipal services to each area of the city, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

## TERM

This service plan shall be valid for a term of ten (10) years unless the majority of landowners or registered voters of the area vote by petition submitted to the city for disannexation, then this service plan shall no longer be binding upon the city.

## AMENDMENTS

The service plan may be amended through negotiation at the hearings called and held in the manner provided by Texas Local Government Code, Section 43.0561. On approval by the governing body, the service plan is not subject to amendment or repeal, Texas Local Government Code, Section 43.056.

DRAFT #4



1 inch = 400 feet

**ORDINANCE NO. 2019-\_\_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY OF ODESSA BY ANNEXING LOT 1, BLOCK 1, FLYING J ADDITION (NORTHWEST CORNER OF THE INTERSECTION OF KERMIT HWY. AND W. LOOP 338); ADOPTING A SERVICE PLAN FOR THE AREA; ADDING THE ORIGINAL ZONING CLASSIFICATION OF LIGHT INDUSTRIAL (LI); DIRECTING PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

**WHEREAS**, the owner of the affected property made a written request for voluntary annexation of the aforementioned property to bring the same into the corporate limits of the City of Odessa as a part of agreeing to an Industrial District agreement; and

**WHEREAS**, on July 9, 2019 and July 23, 2019, the City Council held public hearings to consider the annexation of the hereinafter described land and gave an opportunity to all interested persons to be heard concerning said proposed annexation; and

**WHEREAS**, notice of said public hearings was properly published on June 28, 2019 and July 12, 2019, respectively, in The Odessa American, a paper having general circulation in the City of Odessa, Texas; and

**WHEREAS**, one letter has been mailed to affected property owner on June 7, 2019; and

**WHEREAS**, the territory to be annexed lies within the exclusive extraterritorial jurisdiction of the City of Odessa, Texas; and

**WHEREAS**, the requirements for annexation of this area as stated in Chapter 43 of the Texas Local Government Code have been met;

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

**Section 1.** That the boundary limits of the City of Odessa, Texas, are hereby extended so as to include within the corporate limits of the City of Odessa, Texas, Lot 1, Block 1, FLYING J ADDITION (northwest corner of the intersection of Kermit Hwy. and W. Loop 338) being described in Exhibits “A-1” through “A-3”, which exhibits are incorporated herein by reference for all purposes.

**Section 2.** That the updated Service Plan, a copy of which is attached hereto as Exhibit “B”, is approved and adopted as the Service Plan for the areas described in Exhibits “A-1” through “A-3”.

**Section 3.** That Section 4-100 of the City of Odessa Zoning Ordinance No. 80-4 is hereby amended by granting the original zoning classification of Light Industrial (LI) on Lot 1, Block 1, FLYING J ADDITION (northwest corner of the intersection of Kermit Hwy. and W. Loop 338), as described on the attached Exhibit “A-1” and as shown on the attached Exhibits “A-2” and “A-3”. These changes shall be shown on the official zoning district map of the City of Odessa and elsewhere as provided by ordinance.

**Section 4.** That this ordinance be published to the extent required by law.

**Section 5.** That this ordinance shall go into effect September 12, 2019.

The foregoing ordinance was first approved on the \_\_\_ day of \_\_\_, A.D., 2019, by the following vote:

Malcolm Hamilton	___
Dewey Bryant	___
Detra White	___
Tom Sprawls	___
Mari Willis	___
Peggy Dean	___
David R. Turner	___

The foregoing ordinance was adopted on second and final approval on the \_\_\_\_ day of  
\_\_\_\_, A.D., 2019, by the following vote:

Malcolm Hamilton	_____
Dewey Bryant	_____
Detra White	_____
Tom Sprawls	_____
Mari Willis	_____
Peggy Dean	_____
David R. Turner	_____

Approved this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2019.

\_\_\_\_\_  
David R. Turner, Mayor

ATTEST:

\_\_\_\_\_  
Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Landers, Interim City Attorney

Planning and Zoning Commission Memo

DATE OF P&Z MEETING: June 20, 2019

APPLICANT: PTCAA Texas, LP, owner

REQUEST: Annexation and original zoning of Light Industrial (LI)

PROPERTY INVOLVED: Lot 1, Block 1, Flying J Addition (northwest corner of the intersection of Kermit Hwy. and W. Loop 338)

The property involved in this request is located in the northwest corner of the intersection of Kermit Hwy. and W. Loop 338. A commercial/industrial use development (truck stop and related uses) is currently under construction on the site and land use in the general area consists of commercial/industrial use development and vacant land. The applicant and owner of this property is PTCAA Texas, LP and the purpose of the annexation request is to incorporate approximately 7.1 acres into the City of Odessa.

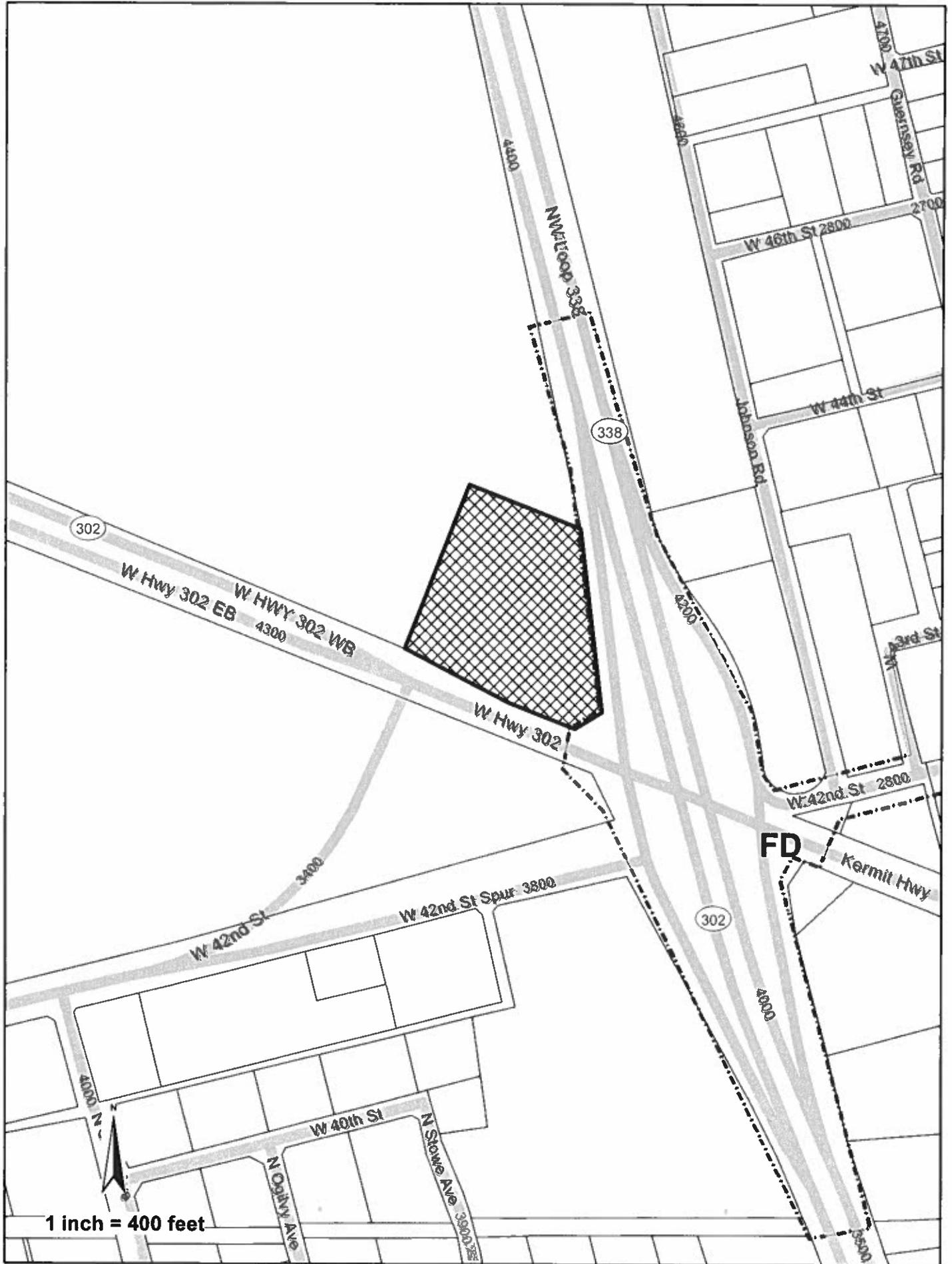
The current area of the city limits is approximately 52 square miles. The total area of the property related to this request is approximately 7.1 acres which puts the area of the request within the annexation statutes that allow a maximum annual annexation of up to 30% of the city limits area.

The City of Odessa Comprehensive Plan states the city should strive for orderly city boundaries and utility service area. Annexing properties adjacent to city limits lines would be considered logical boundary extensions of the city limits lines.

Should the Commission choose to approve this annexation request, a service plan for the proposed annexation has been prepared by the Legal Staff in accordance with State law requirements (see attached copy). The service plan require Commission adoption and accompany the annexation recommendation forwarded to the City Council.

An original zoning of Light Industrial (LI) is also being requested for this site. This requested original zoning is compatible with the adjacent land uses of the site and is not contrary to the land use plan of the City of Odessa's Comprehensive Master Plan.

Based on the preceding analysis, the Planning Staff endorses the annexation request and recommends approval of the original zoning request of Light Industrial (LI) for the property.



1 inch = 400 feet

## LIGHT INDUSTRY

The following uses are allowed in the Light Industry (LI) District:

### PRIMARY RESIDENTIAL USES (14-2-2.1)

Multiple-Family Dwelling (Apartment)  
Boarding or Tourist House  
Mobile or HUD-Manufactured Home Dwelling  
Mobile or HUD-Manufactured Home Park  
RV Park  
Hotel or Motel  
Workforce Housing (by Specific Use Permit)

### ACCESSORY AND INCIDENTAL USES (14-2-2.2)

Accessory Building or Use (Residential)  
Accessory Building or Use (Business or Industry)  
Beauty Shop-One Chair Accessory Use  
Garage or Estate Sale Accessory Use  
Home Occupation  
Off-Street Parking Required for Primary Use  
Off-Street Parking Excess to Minimum Requirement  
Stable, Private  
Swimming Pool (Private)  
Temporary Field Office, Construction Yard or Office (Subject to temporary permit issued by Building Official)

### UTILITY AND SERVICE USES (14-2-2.3)

Electrical Energy Generating Plant  
Electrical Substation (High Voltage Bulk Power)  
Electrical Transmission Line (High Voltage)  
Fire Station or Similar Public Safety Building  
Gas Line and/or Regulating Station  
Library, Public  
Local Utility Line  
Municipal Office Building or City Hall  
Public Building, Shop or Yard of Local, State or Federal Agency  
Wireless Communications Systems  
Radio or Television Transmitting Station  
Sewage Pumping Station  
Sewage Treatment Plant (by Specific Use Permit)  
Storm Water Retention Basin or Pumping Station

(Light Industry -- Cont.)  
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(Utility and Service Uses -- Cont.)

Telephone Business Office  
Telephone Exchange-Switching, Relay or Transmitting Station Only  
Utility Shops, Storage Yards or Building (Private)  
Water Reservoir, Water Well or Pumping Station  
Water Stand Pipe and Elevated Storage Tank  
Water Treatment Plant  
Wind Energy Conversion Center

#### RECREATIONAL AND ENTERTAINMENT USES (14-2-2.4)

Amusement, Commercial (Indoor)  
Amusement, Commercial (Outdoor)  
Carnival or Circus  
Country Club (Private)  
Dance Hall or Night Club  
Fire Arms Range (by Specific Use Permit)  
Golf Course (Commercial)  
Park or Playground (Public)  
Park or Playground (Other than Public)  
Playfield or Stadium (Public)  
Private Club  
Rodeo Grounds  
Roller or Ice Skating Rink  
Sexually Oriented Businesses  
Swim or Tennis Club  
Swimming Pool or Tennis Complex (Commercial)  
Tavern or Lounge  
Theater or Playhouse (Indoor)  
Theater, Drive-In (Outdoor)  
Zoo (Public)  
Zoo (Private)

#### EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES (14-2-2.5)

Art Gallery or Museum  
Cemetery or Mausoleum (by Specific Use Permit)  
Church or Rectory  
College or University  
Convent or Monastery  
Detention Halfway House (by Specific Use Permit)

(Light Industry -- Cont.)  
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(Educational, Institutional, and Special Uses -- Cont.)

Fairgrounds or Exhibition Area  
Fraternal Club or Lodge  
Hospital, Acute Care  
Institution or Center for Alcoholic, Narcotic or Psychiatric Patients  
Institution or Religious, Charitable or Philanthropic Nature  
Institutional Out-Patient Medical Clinic  
Jail or Prison Facility (by Specific Use Permit)  
Kindergarten or Nursery School  
School, Business  
School, Trade, Technical or Commercial

#### AUTOMOTIVE AND TRANSPORTATION RELATED USES (14-2-2.6)

Airport or Landing Field  
Auto Glass, Seat Cover or Muffler Shop  
Auto Laundry or Car Wash  
Auto Painting and Body Rebuilding Shop  
Auto Parts and Accessory Sales (Indoor)  
Auto Storage or Auto Auction  
Bicycle Sales and Service  
Boat Sales or Display  
Gasoline Sales  
Gasoline or Motor Fuel Service Station  
Heliport  
Helistop  
Motorcycle or Scooter Sales or Service  
Motor Freight Terminal  
New Auto Display and Sales (Indoor)  
New or Used Auto Sales (Outdoor Lot)  
Parking Lot or Structure Commercial (Primary Uses)  
Parking Lot or Structure Non-Commercial  
Parking Lot, Trucks and Trailers  
Railroad Freight Terminal  
Railroad Passenger Station  
Railroad Team Track  
Railroad Track or Right-of-Way  
Railroad Yard or Roundhouse  
Repair Garage  
Tire Retreading or Capping  
Truck or Trailer Rental

(Light Industry -- Cont.)

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#### RETAIL AND SERVICE TYPE USES (14-2-2.7)

Antique Shop  
Art Supply Store  
Bakery or Confectionery Shop (Retail)  
Bank or Savings and Loan Office  
Book or Stationery Shop  
Cleaning and Pressing, Small Shop and Pick-Up  
Cleaning Plant (Commercial)  
Clinic, Medical or Dental  
Custom Personal Service Shop  
Department, Variety or Discount Store  
Drapery, Needlework, Fabric or Weaving Shop  
Drug Store or Pharmacy  
Florist or Garden Shop  
Food and Beverage Sales  
Furniture or Appliance Store  
Greenhouse or Plant Nursery (Retail Sales)  
Hardware Store  
Household Appliance Service or Repair  
Incidental or Accessory Retail or Service Use  
Key Shop  
Laboratory, Medical or Dental  
Laundry and Cleaning Shop (Self-Service)  
Medical Appliances and Fitting, Sales or Rental  
Mortuary or Funeral Home  
Office, General Business or Professional  
Pawn Shop  
Pet Grooming  
Pet Shop  
Reprographic Service  
Restaurant or Cafeteria (Not Drive-In) (With Dining Room)  
Restaurant or Eating Place (Drive-In Service)  
Retail Shop, Apparel, Gifts, Accessories and Similar Items  
Retail Shop or Store (General Items)  
Sales, Outdoor Temporary  
Studio-Decorator, Artist or Photographer  
Studio, Health, Exercise and Reducing  
Studio-Music, Dance or Drama  
Tool Rental, Domestic, Small Equipment  
Travel Bureau or Travel Consultant

Veterinarian Hospital (Indoor Animal Pens)  
Veterinarian Hospital (Outdoor Animal Pens)  
Veterinarian Office Only (No Animal Pens)

SIGN AND IDENTIFICATION USES (14-2-2.8)  
(see Section 14-10-1)

Advertising Sign (Billboard or Bulletin)  
Apartment or Housing Project Identification Sign  
Apartment or Housing Project Informational Sign  
Construction Sign Temporary  
Development Sign Temporary  
General Business Sign  
Institutional Identification Sign  
Institutional Information Sign  
Name Plate  
Office Identification Sign  
Real Estate Sign (Temporary)

COMMERCIAL TYPE USES (14-2-2.9)

Bakery or Confectionery Plant (Wholesale)  
Bottling Works  
Building Material Sales (Outdoor or Open Shed Storage)  
Building Material and Home Supply Sales (Indoor Storage)  
Cabinet and Upholstery Shop  
Clothing or Similar Light Manufacturing  
Contractor Storage or Equipment Yard  
Heavy Machinery Sales, Storage or Repair  
Laboratory Manufacturing  
Laboratory, Scientific or Research  
Lithographic Shop or Commercial Printer  
Maintenance and Repair Service for Buildings  
Milk Depot, Dairy or Ice Cream Plant  
Mini-Warehouse  
Oil Field Equipment Rental and Storage Yard  
Open Storage of Furniture, Appliances or Equipment  
Paint Shop  
Plumbing Shop  
Pipe or Oil Field Equipment Repair Yard  
Sales Space Contracting (by Specific Use Permit)  
Storage Warehouse  
Trailer or Mobile Home Sales or Rental  
Welding or Machine Shop  
Wholesale Storage and Sales

## AGRICULTURAL TYPE USES (14-2-2.10)

Animal Pound (Public or Private)  
Farm, Garden or Orchard  
Greenhouse or Nursery (Commercial)  
Hatchery, Poultry  
Kennel  
Livestock Auction

## NATURAL RESOURCE STORAGE AND EXTRACTION (14-2-2.11)

Caliche Pit and Caliche Storage (by Specific Use Permit)  
Mining and Storage of Mining Waste (by Specific Use Permit)  
Petroleum or Gas Well (permitted in any district carrying Drill Reservation "DR" suffix subject to Oil and Gas Ordinance)  
Petroleum Storage and Collecting Facilities  
Sand or Gravel Extraction or Storage  
Top Soil, Earth, Clay or Stone Extraction or Storage

## SPECIAL INDUSTRIAL PROCESSES (14-2-2.12)

Asphalt or Concrete Batching Plant (Permanent)  
Asphalt or Concrete Batching Plant (Temporary)  
Cement or Hydrated Lime Plant (by Specific Use Permit)  
Open Salvage Yard for Vehicles, Machinery or Materials (by Specific Use Permit)  
Slaughter House or Meat Packing Plant (by Specific Use Permit)  
Solid Waste Dump or Sanitary Land Fill (by Specific Use Permit)

## GENERAL MANUFACTURING AND INDUSTRIAL USES (14-2-2.13)

Light Manufacturing or Industrial Uses as Defined by Section 14-4-1 Thru 14-4-2

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

Meeting Date:	08/13/2019	Item Type:
Contact:	Chief Mike Gerke	Consent
Department:	Police	

Finance Committee Review? Yes

**CAPTION**

Consider for approval the 2019-2020 Budget for the Emergency Communication District of Ector, County. (-RESOLUTION-)

**SUMMARY OF ITEM**

The Emergency Communication District (Ector County 911) is seeking approval of their 2019-2020 Budget. In 1987, a 911 communication district was created based on state law. They exist to coordinate better phone service and particularly emergency response using 911 and cover the entire state through local districts usually based on county boundaries. Their funding comes from phone companies. The Emergency Communication District of Ector County was created by Chapter 772 of the Health and Safety Code of Texas and serves the City of Goldsmith, the City of Odessa and Ector County. Their board is appointed for 2 year terms by the City of Goldsmith, the City of Odessa, and Ector County. Their budget must be approved by these same entities.

**FISCAL IMPACT? No**

Comments:

Supporting Documents:	Other Departments, Boards, Commissions or Agencies:
 2020 Budget - Approved by Board July 16 2019.pdf	FY

# **2019-2020 Budget**

## **Emergency Communication District of Ector County**

### **Board of Managers:**

**Bennie Cope, Chairman**

**Dale Childers, Vice-Chairman**

**Mike Gerke, Secretary**

**George Anderson**

**Richard Pease**

### **Staff:**

**Kevin Jones, Executive Director**

**Aaron Jones, Operations Manager**

**Bryan Ortiz, Manager Trainee**

**Ruth Nastase, Administrative Assistant**

*As Approved by Board, July 16, 2019*

## Emergency Communication District of Ector County 2019 - 2020 Budget Highlights

The Emergency Communication District of Ector County provides call delivery of essential 911 telephone service to the Public Safety Answering Points (PSAPs) providing public-safety dispatch services for the cities of Odessa and Goldsmith, Texas, and the County of Ector, Texas. This budget reflects revenue and expense projections for maintaining the current system and continued transitioning of NG911.

The total amount budgeted for expenditure during Fiscal Year 2019-2020 is \$1,045,786. Of the total, \$920,786 is operating expenses and \$125,000 is for capital.

Estimated revenue for FY 2020 is \$1,220,000. The proposed expenditure budget is \$174,214 under the total estimated revenue.

Excess revenue will continue to accumulate for the next major modification for the 911 system which is scheduled to occur in the year 2022. These update projects generally cost between 1 to 2 million dollars. Funds are held in reserve to allow for major capital expenses during these five-year system upgrade cycles.

To display the operational and administrative requirements and goals of 9-1-1 emergency telephone service, FY 2020 line item accounts are detailed in the following pages. An attached spreadsheet provides a line item comparison for expenses and estimated revenues for FY 2020 with those of FY 2019.

<b>Summary of Budgeted Accounts</b>	
<b>Personnel</b>	\$ 547,736
<b>Supplies</b>	\$ 7,650
<b>Services</b>	\$ 168,300
<b>Maintenance</b>	\$ 197,100
<b>Capital</b>	\$ 125,000
<b>Total Expense Budget</b>	\$ 1,045,786
<b>Estimated Revenues</b>	\$ 1,220,000
<b>Estimated Profit/Loss</b>	\$ 174,214

**Emergency Communication District of Ector County  
2019-2020 Account Highlights**

<b>Account</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>Account Description</b>
4100	\$ 667,063	\$ 547,736	<i>Personnel:</i> Personnel costs associated with all employees. Associated expenses in regards to Retirement, FICA, Medicare, and Insurance are included. FY 2019 included 1x COLA of \$150,000 for retirees
4213	\$ 3,500	\$ 3,500	<i>Office Supplies:</i> Supplies include office supplies, publication materials, labels, envelopes, and batteries.
4220	\$ 20,000	\$ 4,000	<i>Small Equipment/Furniture/Software:</i> Small tools, equipment, and software necessary to perform routine operations. FY 2019 included in-house computer upgrades.
4223	\$ 150	\$ 150	<i>Postage:</i> Postal expense for office correspondence and mail-outs.
4319	\$ 19,000	\$ 18,000	<i>Professional Services:</i> District's legal advisor and fees to participate in the Texas 9-1-1 Alliance for legal, legislative, and regulatory representation. Includes office network consultation services and contractual maintenance services.
4320	\$ 12,500	\$ 9,500	<i>Accounting Service/Audit:</i> Annual audit and consultation fees to incorporate any recommendations provided by the annual audit and tax law changes.
4341	\$ 4,000	\$ 4,500	<i>Telephone Service:</i> Monthly and long distance service for office and wireless phones.
4351	\$ 12,000	\$ 12,000	<i>Insurance:</i> Property/liability coverage includes: Auto, Errors & Omission, General Liability, Real and Personal Property, and Worker's Compensation <sup>1</sup> .
4361	\$ 58,500	\$ 58,500	<i>Transportation/Membership:</i> Travel related expenses: hotel, airfare, per diem, and related expenses for staff and dispatchers. This also includes all professional membership fees.
4362	\$ 8,500	\$ 7,000	<i>Tuition/Training:</i> Training material, supplemental training/user manuals, and registration fees for training programs. No tuition reimbursement costs anticipated this year.
4375	\$ 8,800	\$ 58,800	<i>Advertising:</i> Public education, legal notices, public information projects and materials used for public information displays presented by either the District or any of the local public safety agencies. FY 2020 will be 50th Anniversary for 911 in Texas, hosted in Odessa.

<b>Account</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>Account Description</b>
4421	\$ 13,000	\$ 12,000	<i>Office Utilities:</i> Utililty costs for building operations (i.e. gas, water, electricity).
4431	\$ 5,000	\$ 5,000	<i>Building Maintenance:</i> Costs associated with building and grounds maintenance.
4441	\$ 12,000	\$ 7,500	<i>Office Equipment Maintenance:</i> Repairs and maintenance on office equipment such as PCs, printers, copier, etc. This includes software maintenance (license renewals).
4451	\$ 2,500	\$ 2,600	<i>Auto Maintenance:</i> Routine gas, oil, washes, and minor repairs to District vehicles.
4481	\$ 170,000	\$ 170,000	<i>E9-1-1 Equipment Maintenance:</i> Recurring 911 system maintenance, wireless fees, and database fees to provide Enhanced 9-1-1 service to PSAPs.
5001	\$ 125,000	\$ 125,000	<i>Capital Expenses:</i> Contingency Fund - \$25,000 TCC Installation & Maintenance - \$50,000 New Vehicle - \$50,000

<sup>1</sup> Account 4351. The approval of this budget reflects the Board of Managers vote to approve being a reimbursement entity regarding Workers Compensation.

## Budget Expenditures & Calculations Expense Categories

	Account	Description	FY 2019	FY 2020
<b><i>Personnel</i></b>				
	4115	Salaries	\$ 326,452	\$ 342,500
	4116	Car Allowance	\$ 5,400	\$ 7,200
	4142	Retirement	\$ 200,291	\$ 53,100
	4143	FICA/Medicare	\$ 15,500	\$ 16,300
	4144	Health/Life Insurance	\$ 116,000	\$ 125,000
	4146	Longevity	\$ 3,420	\$ 3,636
<b><i>Supplies</i></b>				
	4213	Supplies	\$ 3,500	\$ 3,500
	4220	Small Equipment/Furniture	\$ 20,000	\$ 4,000
	4223	Postage	\$ 150	\$ 150
<b><i>Services</i></b>				
	4319	Professional Services	\$ 19,000	\$ 18,000
	4320	Accounting Service / Audit	\$ 12,500	\$ 9,500
	4341	Telephone Service	\$ 4,000	\$ 4,500
	4351	Insurance	\$ 12,000	\$ 12,000
	4361	Transportation/Membership	\$ 58,500	\$ 58,500
	4362	Tuition / Training	\$ 8,500	\$ 7,000
	4375	Advertising	\$ 8,800	\$ 58,800
<b><i>Maintenance</i></b>				
	4421	Office Utilities	\$ 13,000	\$ 12,000
	4431	Building Maintenance	\$ 5,000	\$ 5,000
	4441	Office Equipment Maintenance	\$ 12,000	\$ 7,500
	4451	Automotive Maintenance	\$ 2,500	\$ 2,600
	4481	E9-1-1 Equipment Maintenance	\$ 170,000	\$ 170,000
<b><i>Capital</i></b>				
	5001	Capital Expenses	\$ 125,000	\$ 125,000
<b>Total Budgeted Expenses</b>			<b>\$ 1,141,513</b>	<b>\$ 1,045,786</b>

## Revenue Categories

3224	AT&T Service Fees	\$	130,000	\$	100,000
3225	VoIP Fees	\$	100,000	\$	110,000
3226	Wireless Fees	\$	650,000	\$	680,000
3227	CLEC - Facility Based	\$	150,000	\$	140,000
3228	CLEC - Reseller	\$	20,000	\$	20,000
3229	Pre-Pay Fees	\$	120,000	\$	120,000
3651	Interest Income	\$	25,000	\$	50,000

<b>Total Budgeted Revenues</b>	<b>\$</b>	<b>1,195,000</b>	<b>\$</b>	<b>1,220,000</b>
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<b>Profit/Loss</b>	<b>\$</b>	<b>53,487</b>	<b>\$</b>	<b>174,214</b>
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Summary of Budgeted Accounts			
		2019	2020
	<i>Personnel</i>	\$ 667,063	\$ 547,736
	<i>Supplies</i>	\$ 23,650	\$ 7,650
	<i>Services</i>	\$ 123,300	\$ 168,300
	<i>Maintenance</i>	\$ 202,500	\$ 197,100
	<i>Capital</i>	\$ 125,000	\$ 125,000
<b>Total Expense Budget</b>		<b>\$ 1,141,513</b>	<b>\$ 1,045,786</b>
<b>Estimated Revenues</b>		<b>\$ 1,195,000</b>	<b>\$ 1,220,000</b>
<b>Estimated Profit/Loss</b>		<b>\$ 53,487</b>	<b>\$ 174,214</b>

Budget approval reflects the listed collection rates/fees, current rates are listed, with no changes proposed:

- \$ 0.50 Wireless
- \$ 0.50 Nomadic VoIP
- \$ 0.63 Residential
- \$ 1.71 Business
- \$ 1.71 Trunk

<sup>1</sup>The approval of this budget reflects the Board of Managers approval to remain a reimbursement entity regarding Workers Compensation.

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

Meeting Date:	08/13/2019	Item Type: Consent
Contact:	Chief Mike Gerke	
Department:	Police	

Finance Committee Review? Yes

**CAPTION**

Consider a resolution authorizing the City of Odessa Police Department to apply for and accept; amending the fiscal budget to appropriate awarded funds as additional grant revenue and authorizing the expenditure of awarded grant funds from the 2019 BJA Edward Byrne Memorial Justice Assistance Grant Program. (-RESOLUTION-)

**SUMMARY OF ITEM**

The U.S. Department of Justice announced the Odessa Police Department is eligible to apply for a direct award of \$91,770 under the 2019 BJA Edward Byrne Memorial Justice Assistance Grant (JAG) Program. City Council of the City of Odessa authorizes amending the fiscal year budget appropriating awarded grant funds of \$75,377 as additional grant revenue and authorizes expenditure of awarded grant funds for the purchase of Police Department equipment. City Council of the City of Odessa commits to distribute \$16,393 grant proceeds in accordance with the Interlocal Agreement to Ector County Sheriff's Office. The County will use their funds to pay overtime for their Patrol Officers and Dispatchers. There is no cash match.

Grant Breakdown:  
 \$75,377 Police Department  
 \$16,393 Sheriff's Office  
 \$91,770 Total Grant

**FISCAL IMPACT? Yes**

Fiscal Year:	2019-20	Available Funds	Budget	Est / Actual Cost	Difference
Fund:	Grant	Total Project/Account:	\$0	\$91,770	(\$91,770)
		Less Other Items:	\$0	\$0	\$0
Revenue		This Agenda Item:	\$0	\$91,770	(\$91,770)

**ACTION NEEDED TO AMEND THE BUDGET**

Fiscal Note Attached:	Appropriation Amount:	\$91,770	Transfer Amount:
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Appropriation By: Grant

Comments:

Supporting Documents:

Other Departments, Boards, Commissions or Agencies:



2019 JAG Email

Notification & Allocations.pdf

## Rosa Quiroz

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**From:** OJP Bureau of Justice Assistance <ojp@public.govdelivery.com>  
**Sent:** Thursday, July 25, 2019 6:21 PM  
**To:** Rosa Quiroz  
**Subject:** Fiscal Year (FY) 2019 Local Edward Byrne Memorial Justice Assistance Grant (JAG) Program announcement

The Bureau of Justice Assistance (BJA) is pleased to announce that **FY 2019 Local JAG Program** funding information is now available and appears on the [BJA JAG web page](#).

**Please note that this email is being sent to a large group of potential Local JAG applicants and does not necessarily confirm your jurisdiction's eligibility under the FY 2019 Local JAG Program.**

Eligible jurisdictions under FY 2019 Local JAG are limited to units of local government appearing on the **FY 2019 Local JAG Allocations list** (please see the [BJA JAG web page](#)). Please verify your eligibility, and **if eligible**, review the associated **FY 2019 Local JAG solicitation** and submit an application for funding through the Office of Justice Program's (OJP) **Grants Management System (GMS) by 8:00 p.m. Eastern on Friday, August 23, 2019.**

Applications must be submitted by the stated deadline, regardless of whether the **Certifications and Assurances by Chief Executive (CE) of Applicant Government** has been completed and attached. **BJA will add a withholding of funds special condition to the award for any missing or incomplete items; including the aforementioned CE certification.** Please note that BJA does not anticipate having time to extend the Local JAG deadline for application submission this year.

**This is an unmonitored email account, please do not respond directly.** For questions related to the JAG solicitation, please contact the National Criminal Justice Reference Service (NCJRS) Response Center: toll-free at 1-800-851-3420; via TTY at 301-240-6310 (hearing impaired only); email [grants@ncjrs.gov](mailto:grants@ncjrs.gov); fax to 301-240-5830; or web chat at <https://webcontact.ncjrs.gov/ncjchat/chat.jsp>. The NCJRS Response Center hours of operation are 10:00 a.m. to 6:00 p.m. eastern time, Monday through Friday and 10:00 a.m. to 8:00 p.m. eastern time on the solicitation close date. You may also contact the [State Policy Advisor](#) assigned to your jurisdiction.

**Please contact the GMS Help Desk at 1-888-549-9901 (Option 3) prior to the deadline if you experience any technical difficulties with submission.**

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This email was sent to [rquiroz@odessa-tx.gov](mailto:rquiroz@odessa-tx.gov) using GovDelivery Communications Cloud on behalf of:  
Office of Justice Programs · 810 Seventh Street, NW · Washington, DC 20531 · 202-514-2000

2019 TEXAS LOCAL JAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2019 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the JAG Technical report here:

<https://www.bja.gov/Jag/pdfs/JAG-Technical-Report.pdf> and current JAG Frequently Asked Questions here:

<https://www.bja.gov/Funding/JAGFAQ.pdf>.

Finding your jurisdiction:

(1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.

(2) Direct allocations are listed alphabetically below the shaded, disparate groupings.

(3) Counties that have an asterisk (\*) under the "Direct Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: <https://www.bja.gov/Funding/JAGMOU.pdf>. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
TX	DALLAS COUNTY	County	*	
TX	BALCH SPRINGS CITY	Municipal	\$14,157	
TX	CARROLLTON CITY	Municipal	\$13,989	
TX	DALLAS CITY	Municipal	\$708,535	
TX	DESOTO CITY	Municipal	\$13,412	
TX	DUNCANVILLE CITY	Municipal	\$13,292	
TX	GARLAND CITY	Municipal	\$53,456	
TX	GRAND PRAIRIE CITY	Municipal	\$38,962	
TX	IRVING CITY	Municipal	\$36,991	
TX	LANCASTER CITY	Municipal	\$15,647	
TX	MESQUITE CITY	Municipal	\$40,909	
TX	RICHARDSON CITY	Municipal	\$12,403	\$961,753
TX	DENTON COUNTY	County	*	
TX	DENTON CITY	Municipal	\$25,574	
TX	LEWISVILLE CITY	Municipal	\$17,907	\$43,481
TX	ECTOR COUNTY	County	\$16,393	
TX	ODESSA CITY	Municipal	\$75,377	\$91,770
TX	EL PASO COUNTY	County	\$21,080	
TX	EL PASO CITY	Municipal	\$187,625	\$208,705
TX	GALVESTON COUNTY	County	*	
TX	GALVESTON CITY	Municipal	\$17,426	
TX	TEXAS CITY	Municipal	\$16,152	\$33,578
TX	GRAYSON COUNTY	County	*	
TX	SHERMAN CITY	Municipal	\$10,936	\$10,936
TX	GREGG COUNTY	County	*	
TX	LONGVIEW CITY	Municipal	\$30,478	\$30,478
TX	HARRIS COUNTY	County	\$650,344	
TX	HOUSTON CITY	Municipal	\$1,720,092	\$2,370,436
TX	HARRISON COUNTY	County	*	
TX	MARSHALL CITY	Municipal	\$10,287	\$10,287

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

Meeting Date:	08/13/2019	Item Type:
Contact:	Chief Mike Gerke	Consent
Department:	Police	

Finance Committee Review? Yes

**CAPTION**

Consider a resolution for approval to use electronic signature and accept a 2020 STEP Speed, Intersection Traffic Control, and Driving Under Influence Grant in the amount of \$25,717.27. (-RESOLUTION-)

**SUMMARY OF ITEM**

The Council item is to authorize the City of Odessa Police Department to use electronic signatures and to accept a one year grant from the National Highway Traffic Safety Administration (NHTSA) through the Texas Department of Transportation. The grant will fund \$20,575.08 of overtime costs for Officers to be assigned to work the STEP Speed, ITC (Intersection Traffic Control), and DUI program plus training for traffic safety programs. The required cash match is \$5,142.19 making a total of \$25,717.27. The program will begin 10/01/19 and end 09/30/20.

**FISCAL IMPACT? Yes**

Fiscal Year:	2019-20	Available Funds	Bud get	Est / Actual Cost	Difference
Fund:	Grant	Total Project/Account:	\$0	\$25,717	(\$25,717)
		Less Other Items:	\$0	\$0	\$0
		This Agenda Item:	\$0	\$25,717	(\$25,717)

Fiscal Note Attached: **ACTION NEEDED TO AMEND THE BUDGET**

Appropriation Amount:	\$25,717	Transfer Amount:	
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Appropriation By: Grant

Comments:

Supporting Documents:	Other Departments, Boards, Commissions or Agencies:
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**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

Meeting Date:	08/13/2019	Item Type:
Contact:	Chief Mike Gerke	Consent
Department:	Police	
Finance Committee Review? Yes		
CAPTION		
Consider an Interlocal Agreement with Ector County for the division of 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) funds. (-RESOLUTION-)		
SUMMARY OF ITEM		
The Edward Byrne Memorial Justice Assistance Grant will allow the City of Odessa and Ector County to apply jointly for grant monies (\$91,770) to be used for law enforcement purposes. Part of the grant application requires that we submit an interlocal agreement executed by the City and County pertaining to the use and division of those funds.		
FISCAL IMPACT? No		
Comments:		
Supporting Documents:	Other Departments, Boards, Commissions or Agencies:	

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

Meeting Date:	08/13/2019	Item Type:
Contact:	Phillip J. Urrutia	Regular
Department:	City Manager's Office	

Finance Committee Review? Yes

**CAPTION**

A resolution of the City Council of the City of Odessa, Texas to consider approving the Tax Increment Reinvestment Zone No. 1 ("TIRZ") bylaws, authorizing the City Manager to execute any documents necessary to implement this resolution, and declaring an effective date.

**SUMMARY OF ITEM**

The City Council previously authorized the creation of Tax Reinvestment Zone No. 1, the boundaries of which fall within the downtown revitalization area in Ordinance No. 2018-42. Approval of this agenda item will adopt bylaws for the Downtown TIRZ board, formally known as Reinvestment Zone Number One. The bylaws were drafted by the City's Legal Department and reviewed by TIRZ consultant, Travis James. Reinvestment Zone Number One board members recommended the approval of the bylaws at the July 24, 2019 meeting.

FISCAL IMPACT? No

Comments:

Supporting Documents:	Other Departments, Boards, Commissions or Agencies:
 6r-003 Res Approving TIRZ Bylaws (07.31.19).docx   Exhibit A - TIRZ No. 1  Bylaws.docx  TIRZ MINUTES 7-24-19.doc	

**RESOLUTION NO. 2019R-\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, APPROVING THE TAX REINVESTMENT ZONE NO. 1 BYLAWS; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY TO IMPLEMENT THIS RESOLUTION; AND DECLARING AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Odessa previous authorized the creation and designation of Tax Increment Reinvestment Zone No. 1 ("TIRZ No. 1") on October 9, 2018 in accordance with Chapter 311 of the Tax Code and through Ordinance No. 2018-42; and

**WHEREAS**, it has been determined by the Board of Directors of TIRZ No. 1 that it is necessary to establish bylaws for the Board to be approved by the City Council; and

**WHEREAS**, the Board of Directors of TIRZ No. 1 approved the Bylaws, attached herein as Exhibit "A," for the reinvestment zone on July 24, 2019;

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

**Section 1.** That the Bylaws of the Tax Increment Reinvestment Zone No. 1 shall be approved as provided in the attached Exhibit "A".

**Section 2.** That the City Manager is authorized to execute any documents necessary to implement this resolution.

**Section 3.** That this resolution shall be effective at the time of its adoption.

The foregoing resolution was approved and adopted on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, by the following vote:

Malcolm Hamilton	_____
Dewey Bryant	_____
Detra White	_____
Tom Sprawls	_____
Mari Willis	_____
Peggy Dean	_____
David R. Turner	_____

Approved this the \_\_\_\_ of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
David R. Turner, Mayor

ATTEST:

\_\_\_\_\_  
Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Landers, Interim City Attorney

**REINVESTMENT ZONE NUMBER ONE**  
**ODESSA, TEXAS**  
**BYLAWS**

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**ARTICLE I**

**Purpose and Powers**

**Section 1. Purpose.**

In order to promote the development and redevelopment of a certain area within its jurisdiction, the City of Odessa (the "City") has authorized the creation of Reinvestment Zone Number One, City of Odessa, Texas (Tax Increment Reinvestment Zone) (the "Zone"), as authorized by the Tax Increment Financing Act, Chapter 311, Texas, Tax Code, as amended, (the "Act"), and pursuant to the Act has established a Board of Directors for the Zone ("Board" or "Board of Directors").

**Section 2. Financing Development or Redevelopment in the Zone.**

In order to implement the purposes for which Reinvestment Zone Number One, Odessa, Texas was formed, as set forth in Ordinance No. 2018-42, dated October 9, 2018, creating the Zone, the City may issue obligations to finance all or part of the cost of implementing the "project plan" for the Zone as defined in the Tax Increment Financing Act of the Tax Code, Chapter 311.

**Section 3. Books and Records: Approval of Programs and Financial Statements.**

The Board of Directors shall keep correct and complete books and records of account and shall also keep minutes of its proceedings and the proceedings of committees having any of the authority of the Board of Directors. All books and records of the Zone may be inspected by any director or his agent or attorney for any proper purposes at any reasonable time; and at all times the City Council and the City Manager will have access to the books and records of the Zone. The City Council must approve all programs and expenditures for the Zone and annually review any financial statements of the Zone.

**ARTICLE II**

**Board of Directors**

**Section 1. Powers, Number, and Term of Office.**

- (a) The property and affairs of the Zone shall be managed and controlled by the City Council based on the recommendations of the Board of Directors, subject to restrictions imposed by law, the ordinances creating the Zone, and these bylaws.

- (b) The Board of Directors of the Zone shall consist of ten (10) members, including any members appointed by the participating taxing jurisdictions. Seven (7) members shall be appointed by the City Council. Three (3) members shall be reserved for other participating taxing jurisdictions levying taxes within the zone, each of who may appoint one (1) director. Any participating taxing jurisdiction entitled to appoint a director shall be assigned a Board position number in the order the appointment is received by the City.
- (c) If a taxing jurisdiction waives its right to appoint a member to the Board of Directors, the City Council shall appoint such board member or members in its stead. Any participating taxing jurisdiction, including individual City Council Members, who are deemed to have waived the right to appoint a director to the Board, shall have the position filled by nomination and approval of an eligible person by the City Council as a whole. All members of the Board of Directors shall meet eligibility requirements as set forth in Chapter 311 of the Act.
- (d) The directors appointed to odd-numbered positions shall be appointed for a two-year term, beginning on the effective date of Ordinance No. 2018-42, October 9, 2018. The directors appointed to even-numbered positions shall be appointed to a one-year term, beginning on the effective date of Ordinance 2018-42, October 9, 2018. All subsequent appointments shall be for two (2) year terms.
- (e) A vacancy on the Board of Directors is filled for the unexpired term by appointment of the governing body of the taxing unit that appointed the director who served in the vacant position.
- (f) Each year the City Council shall annually designate one (1) member of the Board of Directors to serve as chairman for a one (1) year term that begins on January 1<sup>st</sup> of the following year. The Board of Directors shall elect from its members a vice chairman to preside in the absence of the chairman or when there is a vacancy in the office of chairman. The Board of Directors may elect other officers as it considers appropriate.
- (g) The Board of Directors shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall prepare, or cause to be prepared and adopt a project plan and a reinvestment zone financing plan for the Zone and submit such plans to the City Council for its approval.
- (h) The City has authorized the Board to exercise all of the City's powers necessary to administer, manage, or operate the Zone and to prepare the project plan and reinvestment zone financing plan, including the power to employ consultants, legal counsel, and financial advisors, or enter into any reimbursement agreements with consultants, legal counsel, and financial advisors, payable solely from the Tax Increment Fund established, subject to the approval of the City Manager or his designee, that may be reasonably

necessary or convenient to assist the Board in the administration, management, or operation of the Zone and the preparation of the project plan and reinvestment zone financing plan.

- (i) Notwithstanding Section (g) above, the Board shall not be authorized to do any of the following without the consent of the City Council: (i) issue bonds; (ii) impose taxes or fees; (iii) exercise the power of eminent domain; (iv) give final approval to the Zone's project plan and reinvestment zone financing plan; (v) give final approval for any project or reimbursement; or (v) spend TIRZ funds in excess of \$50,000.00. The Board may not exercise any power granted to the City by Section 311.008 of the Act without additional authorization from the City.

## **Section 2. Meetings of Directors.**

Regular Meetings of the Board of Directors shall be held at such times and places as shall be designated from time to time by the Board. Additional emergency and special meetings may be called as deemed necessary by the Board of Directors or the City Council. Monthly meetings may be cancelled if the board has no business to discuss. There shall be at least one Regular Meeting held each year.

Emergency meetings of the Board shall be held whenever called by the Chairman or the majority of the directors then in office or upon the advice or request by City Council. The secretary shall give notice to each director of the each Emergency Meeting. Minutes of Emergency Meetings where decisions are made will be kept.

Notice of such regular and special meetings thereof shall be conducted and posted in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.001 et. seq.

## **Section 3. Quorum.**

A majority of the directors fixed by the Ordinance creating the Zone shall constitute a quorum for the consideration of matters pertaining to the purposes of the Zone. The act of a majority of the directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board of Directors, unless the act of a greater number is required by law.

## **Section 4. Conduct of Business.**

At the meeting of the Board of Directors, matters pertaining to the purpose of the Zone shall be considered in such order as from time to time the Board of Directors may determine.

At all meetings of the Board of Directors, the Chairman shall preside, and in the absence of the Chairman, the Vice Chairman shall exercise the power of the Chairman.

The City Secretary, or his/her designee shall act as secretary of all meetings of the Board of Directors, but in the absence of the City Secretary or designee, the presiding officer may appoint any person to act as secretary of the meeting. City staff shall provide notice of meetings and prepare meeting agendas. A copy of the approved minutes shall be submitted to the City Secretary within a reasonable time after approval.

**Section 5. Compensation of Directors.**

Directors shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual reasonable expenses incurred in the performance of their duties hereunder.

**Section 6. Attendance.**

Board members shall make every effort to attend all Regular, Special, and Emergency meetings of the Board and/or Committees. The City Council may replace a City appointee of the Board or request replacement of an appointee from other taxing jurisdictions at any time and for any reason, including non-attendance at meetings.

**ARTICLE III**

**OFFICERS**

**Section 1. Titles and Term of Office.**

The officers of the Zone shall consist of a Chairman, a Vice Chairman, and such other officers as the Board of Directors may from time to time elect or appoint; provided however that the City Council shall, on an annual basis, appoint the Chairman whose term shall end on December 31<sup>st</sup> of each year. Terms of office for officers shall last for one year.

All officers, other than the Chairman, shall be subject to removal from office, with or without cause, at any time by a vote of the majority of the whole Board of Directors. The Chairman shall be subject to removal from office, with or without cause, at any time by a vote of the City Council.

A vacancy in the office of any officer, other than the Chairman, shall be filled by a vote of a majority of the Directors by the second regular meeting after the vacancy has occurred unless otherwise delayed by the Board.

**Section 2. Powers and Duties of the Chairman.**

The Chairman shall be the chief executive officer of the Board of Directors and, subject to the approval of the City Council, he/she shall be in general charge of the properties and affairs of the Zone and shall preside at all meetings of the Board of Directors. The Chairman shall have voting powers and shall be one of the ten (10) board members.

**Section 3. Vice Chairman.**

The Vice Chairman shall be a member of the Board of Directors, shall have such powers and duties as may be assigned to him/her by the Board of Directors, and shall exercise the powers of the Chairman during that officer's absence or inability to act. Any action taken by the Vice Chairman in their performance of the duties of Chairman shall be conclusive evidence of the absence or inability to act of the Chairman at the time such action was taken.

**Section 4. Secretary.**

The City Secretary or their designee shall keep the minutes of all meetings of the Board of Directors and shall maintain the Zone's books, records, documents, and instruments.

### **Section 5. Compensation.**

Officers shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual reasonable expenses incurred in the performance of their duties hereunder.

### **Section 6. Staff.**

Staff functions for the Board of Directors may be performed by the City as directed by the City Manager or his designee. The City shall be reimbursed for the costs for such services performed in connection with the Zone.

## **ARTICLE IV**

### **Provisions Regarding Bylaws**

#### **Section 1. Effective Date.**

The Bylaws shall become effective upon the adoption of the bylaws by the Board of Directors. The adoption of these Bylaws must be approved by City Council, which approval shall, unless specified otherwise, affirm such effective date.

#### **Section 2. Amendments to Bylaws.**

These Bylaws may be amended by majority vote of the Board of Directors, provided that the Board of Directors files with the City Council a written application requesting that the City Council approve such amendment to the Bylaws, specifying in such application, the amendment or amendments proposed to be made. If the City Council finds and determines that it is advisable that the proposed amendment be made, authorizes the same to be made and approves the form of the proposed amendment, the Board of Directors shall proceed to amend the Bylaws.

After consultation with the Board of Directors, the Bylaws may also be amended at any time by the City Council. The City Council can amend the Bylaws without consent or approval from the Board of Directors.

#### **Section 3. Interpretation of Bylaws.**

These bylaws and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein. If any word, phrase, clause, sentence, paragraph, section or other part of these bylaws, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of these bylaws and the application of such word, phrase, clause, sentence, paragraph, section or other part of these bylaws to any other person or circumstance shall not be affected thereby.

## ARTICLE V

### Ethics

#### **Section 1. Conflicts of Interest.**

Any member of the Board who has a professional or financial interest in any specific matter presented before the Board shall recuse himself/herself from the deliberation during that presentation and shall not participate in any action taken on that specific matter.

Board members shall abide by the conflicts of interest laws set out in Section 171 of the Texas Local Government Code. Any member of the Board who has a substantial interest in a matter before the Board, as defined by 171.002 of the Texas Local Government Code, shall file an affidavit so stating with the City Secretary before a vote on the matter is taken as is required by 171.004 of the Texas Local Government Code. Such member shall additionally leave the room for discussion and action on the item in question.

#### **Section 2. Discussions.**

In the interest of fairness, no discussion shall be held by a member or members of the Board with any property owners, applicants, or their representatives attempting to influence any Board Member concerning a proposed project, or any other matter before the Board. All such discussions shall be held at the public meeting called for that purpose so that all members of the Board shall have the full benefit of such discussion.

## ARTICLE VI

### General Provisions

#### **Section 1. Notice and Waiver of Notice.**

Whenever any notice whatsoever is required to be given under the provision of these bylaws, said notice shall be deemed to be sufficient if given by depositing the same in United States Postal Service addressed to the person entitled hereto at his/her post office address, as it appears on the books of the Zone, and such notice shall be deemed to have been given on the day of such mailing. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purposes of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened. A waiver of notice in writing signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

#### **Section 2. Resignations.**

Any director or officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the City Council. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

**Section 2. Approval or Delegation of Power by the City Council.**

To the extent that these bylaws refer to any approval by the City, such approval of delegation shall be evidenced by a certified copy of the minutes, an ordinance, or a resolution.

**ARTICLE VII**

**EFFECTIVE DATE, AMENDMENTS AND TERMINATION**

*Section 6.1 **Effective Date.*** These Bylaws shall become effective upon the occurrence of the following events:

- (1) The approval of these Bylaws by the Board.
- (2) The approval of these Bylaws by the City Council.

*Section 6.2 **Termination.*** These Bylaws and the creation of the Board may be terminated by resolution of the Council.

*Section 6.3 **Amendments to Articles of Incorporation and Bylaws.*** The Bylaws may be amended only with approval of the Councils.

Approved: July 24, 2019

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Tax Increment Reinvestment Zone No. 1

\_\_\_\_\_  
Toby Eoff, *Chairperson*

ATTEST:

\_\_\_\_\_  
Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Landers, Interim City Attorney



**TAX INCREMENT REINVESTMENT ZONE MINUTES  
CITY OF ODESSA, TEXAS**

**JULY 24, 2019**

On July 24, 2019, a Tax Increment Reinvestment Zone (TIRZ) Board meeting of the City of Odessa was held at 4:00 p.m., in the third floor conference room, City Hall, 411 West 8th Street, Odessa, Texas.

Board members present: Jackie Johnson, Raymon "Craig" Stoker, Jason Harrington, Dale Jenkins, Richard Pierce, Toby Eoff, and Gary Johnson.

Board member absent: Gaven Norris.

Others present: Michael Marrero, City Manager; Norma Aguilar-Grimaldo, City Secretary; Gary Landers, Interim City Attorney; Phillip Urrutia, Assistant City Manager; and Atasi Bhavsar, Senior Assistant City Attorney.

**Approval of the TIRZ minutes, June 6, 2019.** Motion was made by Mr. Jenkins and seconded by Mr. Stoker to approve the minutes. The motion was approved by unanimous vote.

**Approval of the TIRZ Bylaws.** Mr. Urrutia thanked the Legal staff for the Bylaws. A correction was made to the date in Section 2. Discussion was held on the amount to spend TIRZ funds without Council approval. Mr. Marrero stated that with the City funds the amount was up to \$50,000 without Council approval. He explained some expenditures. Mr. Landers stated that the TIRZ was a start-up and there were no funds at this time. The funds would be available October 1, 2020. The board agreed to set the amount at \$50,000.

Motion was made by Gary Johnson and seconded by Jackie Johnson to approve the bylaws with changers. The motion was approved by unanimous vote.

**Recommendation of appointment of a TIRZ Chairperson.** The chairperson's term was for one year and the Council would appoint a chairperson with the recommendation of the TIRZ board.

Motion was made by Mr. Pierce and seconded by Mr. Gary Johnson to recommend Toby Eoff as the Chairperson. The motion was approved by unanimous vote.

**Public Works update.** Hal Feldman, Traffic Engineer, provided an update around downtown. He reported that Starbucks would open soon. The Ector Theater would open in January. Oncor was working with the electrical lines underground. The paving of Jackson and 5<sup>th</sup> Street would be done on July 29. He reviewed the upcoming demolitions of buildings. Mr. Marrero reported that there was a financial feasibility study for the Norma's Cafe location. There was a possibility of a mixed use of retail and housing on that site. Mr. Feldman stated that the streets were more pedestrian friendly as the sidewalks were enhanced for safety. He provided possible options of parking configurations for Grant St. Mr. Marrero stated that Grant was a State road. If they City took over it would be from 2<sup>nd</sup> St. to Kermit Highway and that had long-term maintenance. He stated that the City would work to meet TxDot's needs and accomplish needs of the City. The goal was to maximize

the sidewalks and maintain the traffic flow. The parking meters would remain for parking turn over.

**Downtown Odessa, Inc. update.** Lawanna Lambert, Downtown Odessa Director, stated Downtown Odessa's mission and provided an overview. She identified each Downtown event throughout the year. Events included the Downtown Address, Night of Light, Fandango, Winter Fest and Parade of Lights. She discussed the economic development for downtown. She reviewed the changes and additions of new business that included an outdoor bar, Health Heart Center, Starbucks and Torchy's Tacos. Downtown future business possibilities included art gallery, restaurants, bars, condominiums, townhomes, loft living and street clothes. Discussion for businesses included a jewelry store, quick service restaurants, Panera Bread, Marco's Pizza and La Madeline. A grant program was created to benefit businesses in Downtown. The two programs were the façade grant and infrastructure grant. She reviewed the map for the grant process. The businesses that received grants were reviewed. The Downtown Master Plan was adopted in 2016. The plan was collective input from the community. She highlighted the footprint of Downtown. The master plan would change as downtown evolved. She discussed the overlay zone and the building design standards. The standards provided regulations and an urban theme for Downtown.

There was no other business, the meeting adjourned at 5:06 p.m.

ATTEST:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

Meeting Date:	08/13/2019	Item Type:
Contact:	Phillip J. Urrutia	Regular Ordinance
Department:	City Manager's Office	

Finance Committee Review? Yes

**CAPTION**

A resolution of the City Council of the City of Odessa, Texas, accepting the recommendation of the Board of Directors for the Tax Increment Reinvestment Zone No. 1 of Toby Eoff as chairperson; authorizing the City Manager to execute any necessary documents; and declaring an effective date.

**SUMMARY OF ITEM**

The City Council previously authorized the creation of the Tax Reinvestment Zone No. 1 ("TIRZ No. 1") within Ordinance No. 2018-48, which authorizes City Council to annually designate one (1) member of the Board of Directors to serve as chairman for a one (1) year term that begins on January 1<sup>st</sup> of the following year.

Given the newly created reinvestment zone, there is a need to appoint a chairman for the remainder of the calendar year. On July 24, 2019, the Board of Directors recommended Toby Eoff as chairperson and seek Council's approval of this recommendation.

FISCAL IMPACT? No

Comments:

Supporting Documents:	Other Departments, Boards, Commissions or Agencies:
 4r-006 TIRZ Chairperson appointment 7.31.19.docx	
 TIRZ MINUTES 7-24-19.doc	

**RESOLUTION NO. 2019R-\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, ACCEPTING THE RECOMMENDATION OF THE BOARD OF DIRECTORS FOR THE TAX REINVESTMENT ZONE NO. 1 OF TOBY EOFF AS CHAIR PERSON; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS; AND DECLARING AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Odessa previously authorized the creation and designation of Tax Increment Reinvestment Zone No. 1 ("TIRZ No. 1") on October 9, 2018 in accordance with Chapter 311 of the Tax Code and through Ordinance No. 2018-42 and 2018-48; and

**WHEREAS**, City Ordinance No. 2018-48 authorizes City Council to annually designate one (1) member of the Board of Directors to serve as chairman for a one (1) year term that begins on January 1<sup>st</sup> of the following year;

**WHEREAS**, the Board of Directors recommended Toby Eoff as chairperson on July 24, 2019 at their regularly called meeting;

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS:**

**Section 1.** That the City Council of the City of Odessa accepts the recommendation given by the Board to appoint Toby Eoff as Chairperson of the Tax Increment Reinvestment Zone No. 1.

**Section 2.** That the City Manager is authorized to execute any documents necessary to implement this resolution.

**Section 3.** That this resolution shall be effective at the time of its adoption.

The foregoing resolution was approved and adopted on the \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, by the following vote:

Malcolm Hamilton	_____
Dewey Bryant	_____
Detra White	_____
Tom Sprawls	_____
Mari Willis	_____
Peggy Dean	_____
David R. Turner	_____

Approved this the \_\_\_ of \_\_\_\_\_, A.D., 20\_\_\_\_.

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David R. Turner, Mayor

ATTEST:

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Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

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Gary Landers, Interim City Attorney



**TAX INCREMENT REINVESTMENT ZONE MINUTES  
CITY OF ODESSA, TEXAS**

**JULY 24, 2019**

On July 24, 2019, a Tax Increment Reinvestment Zone (TIRZ) Board meeting of the City of Odessa was held at 4:00 p.m., in the third floor conference room, City Hall, 411 West 8th Street, Odessa, Texas.

Board members present: Jackie Johnson, Raymon "Craig" Stoker, Jason Harrington, Dale Jenkins, Richard Pierce, Toby Eoff, and Gary Johnson.

Board member absent: Gaven Norris.

Others present: Michael Marrero, City Manager; Norma Aguilar-Grimaldo, City Secretary; Gary Landers, Interim City Attorney; Phillip Urrutia, Assistant City Manager; and Atasi Bhavsar, Senior Assistant City Attorney.

**Approval of the TIRZ minutes, June 6, 2019.** Motion was made by Mr. Jenkins and seconded by Mr. Stoker to approve the minutes. The motion was approved by unanimous vote.

**Approval of the TIRZ Bylaws.** Mr. Urrutia thanked the Legal staff for the Bylaws. A correction was made to the date in Section 2. Discussion was held on the amount to spend TIRZ funds without Council approval. Mr. Marrero stated that with the City funds the amount was up to \$50,000 without Council approval. He explained some expenditures. Mr. Landers stated that the TIRZ was a start-up and there were no funds at this time. The funds would be available October 1, 2020. The board agreed to set the amount at \$50,000.

Motion was made by Gary Johnson and seconded by Jackie Johnson to approve the bylaws with changers. The motion was approved by unanimous vote.

**Recommendation of appointment of a TIRZ Chairperson.** The chairperson's term was for one year and the Council would appoint a chairperson with the recommendation of the TIRZ board.

Motion was made by Mr. Pierce and seconded by Mr. Gary Johnson to recommend Toby Eoff as the Chairperson. The motion was approved by unanimous vote.

**Public Works update.** Hal Feldman, Traffic Engineer, provided an update around downtown. He reported that Starbucks would open soon. The Ector Theater would open in January. Oncor was working with the electrical lines underground. The paving of Jackson and 5<sup>th</sup> Street would be done on July 29. He reviewed the upcoming demolitions of buildings. Mr. Marrero reported that there was a financial feasibility study for the Norma's Cafe location. There was a possibility of a mixed use of retail and housing on that site. Mr. Feldman stated that the streets were more pedestrian friendly as the sidewalks were enhanced for safety. He provided possible options of parking configurations for Grant St. Mr. Marrero stated that Grant was a State road. If they City took over it would be from 2<sup>nd</sup> St. to Kermit Highway and that had long-term maintenance. He stated that the City would work to meet TxDot's needs and accomplish needs of the City. The goal was to maximize

the sidewalks and maintain the traffic flow. The parking meters would remain for parking turn over.

**Downtown Odessa, Inc. update.** Lawanna Lambert, Downtown Odessa Director, stated Downtown Odessa's mission and provided an overview. She identified each Downtown event throughout the year. Events included the Downtown Address, Night of Light, Fandango, Winter Fest and Parade of Lights. She discussed the economic development for downtown. She reviewed the changes and additions of new business that included an outdoor bar, Health Heart Center, Starbucks and Torchy's Tacos. Downtown future business possibilities included art gallery, restaurants, bars, condominiums, townhomes, loft living and street clothes. Discussion for businesses included a jewelry store, quick service restaurants, Panera Bread, Marco's Pizza and La Madeline. A grant program was created to benefit businesses in Downtown. The two programs were the façade grant and infrastructure grant. She reviewed the map for the grant process. The businesses that received grants were reviewed. The Downtown Master Plan was adopted in 2016. The plan was collective input from the community. She highlighted the footprint of Downtown. The master plan would change as downtown evolved. She discussed the overlay zone and the building design standards. The standards provided regulations and an urban theme for Downtown.

There was no other business, the meeting adjourned at 5:06 p.m.

ATTEST:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

Meeting Date:	08/13/2019	Item Type:
Contact:	Cindy Muncy	Regular
Department:	City Manager's Office	Resolution
Finance Committee Review? Yes		
CAPTION		
Consider a Proposal to Establish a Maximum Tax Rate of \$0.476601 for Fiscal Year 2019 (Resolution)		
SUMMARY OF ITEM		
<p>This item proposes a maximum Tax Rate of \$0.476601 per \$100 valuation for fiscal year 2019. The proposed rate is higher than the effective rate of \$0.394648, lower than the rollback tax rate of \$0.483886, and represents no change compared to last year's adopted tax rate of \$0.476601.</p> <p>Due to the proposed tax rate being greater than the effective tax rate, public hearings will be held on August 27, 2019 and September 10, 2019, in compliance with the truth-in-taxation requirements.</p> <p>The final vote on the proposed tax rate will occur on September 24, 2019.</p>		
FISCAL IMPACT? No		
Comments:		
Supporting Documents:	Other Departments, Boards, Commissions or Agencies:	
 Establishing Proposed Tax Rate 2019-20.pdf	2r-587	

**RESOLUTION NO. 2019R-\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, ESTABLISHING A PROPOSED TAX RATE OF 47.6601 CENTS PER \$100 VALUATION FOR FY 2019-20; CONSIDERING A PROPOSAL TO SET A TAX RATE GREATER THAN THE EFFECTIVE TAX RATE AS ESTABLISHED UNDER SECTION 26.06 OF THE PROPERTY TAX CODE; AND DECLARING AN EFFECTIVE DATE.

**WHEREAS**, the City plans to adopt a tax rate of 47.6601 cents per \$100 valuation for 2019-20, the same compared to last year's tax rate; and

**WHEREAS**, the law requires certain notices and procedures under such circumstances; and

**WHEREAS**, the final vote on the proposed tax rate is scheduled for September 24, 2019;

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

**Section 1.** That the City of Odessa is establishing a proposed tax rate of 47.6601 cents per \$100 valuation which is the same compared to last year's tax rate.

**Section 2.** That the individual taxes paid may increase or decrease, depending on the change in the taxable value of the property in relation to the change in taxable value of all other property.

**Section 3.** That this resolution shall be effective at the time of its adoption.

The foregoing resolution was approved and adopted on the 13th day of August, A.D., 2019, by the following vote:

Malcolm Hamilton	___
Dewey Bryant	___
Detra White	___
Tom Sprawls	___
Mari Willis	___
Peggy Dean	___
David R. Turner	___

Approved the 13th day of August, A.D., 2019.

\_\_\_\_\_  
David R. Turner, Mayor

ATTEST:

\_\_\_\_\_  
Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Landers, Interim City Attorney

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

Meeting Date:	08/13/2019	Item Type:
Contact:	Cindy Muncy	Regular
Department:	City Manager's Office	Ordinance

Finance Committee Review? Yes

**CAPTION**

Consider and take action on an Ordinance authorizing the issuance of City of Odessa, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2019 in an aggregate principal amount not to exceed \$93,000,000; levy a tax and providing for the payment there of; authorizing the execution and delivery of a purchase contract relating to said bonds; authorizing the execution and delivery of a paying agent/registrar agreement; authorizing the approval of an official statement; and enacting other provisions relating thereto. (First and Final Approval-Ordinance)

**SUMMARY OF ITEM**

This item will authorize the issuance of Certificates not to exceed \$93,000,000 principal amount of Combination Tax and Revenue Certificates of Obligation for the purposes of paying contractual obligations to be incurred for the following purposes, (a)(i) construction of improvements to the city parks, (ii) construction of drainage improvements, (iii) construction of paving, curb and gutter improvements, and (iv) construction of street improvements (collectively), the "Project"; and to pay for professional services of attorneys, financial advisors and other professionals in connection with the Project and issuance of the Certificates.

A report from George Williford of Hilltop Securities, our financial advisors, will be presented with the financial details on the proposed certificate sale,

The current tax rate of 47.6601 cents will not be increased in order to fund the repayment of these Certificates.

**FISCAL IMPACT? Yes**

Fiscal Year:	Available Funds	Budget	Est / Actual Cost	Difference
Fund:	Total Project/Account:	\$0	\$0	\$0
	Less Other Items:	\$0	\$0	\$0
	This Agenda Item:	\$0	\$0	\$0

Fiscal Note Attached: **ACTION NEEDED TO AMEND THE BUDGET**

Appropriation Amount:	Transfer Amount:
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Appropriation By:

Comments:

Supporting Documents:	Other Departments, Boards, Commissions or Agencies:
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ORDINANCE NO. 2019-\_\_

AUTHORIZING THE  
ISSUANCE OF

CITY OF ODESSA, TEXAS  
COMBINATION TAX AND REVENUE  
CERTIFICATES OF OBLIGATION,  
SERIES 2019

Adopted: August 13, 2019

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**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AWARDED THE SALE AND AUTHORIZING THE ISSUANCE OF CITY OF ODESSA, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019; LEVYING A TAX IN PAYMENT THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT; APPROVING THE OFFICIAL STATEMENT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ENACTING OTHER PROVISIONS RELATING THERETO;**

**WHEREAS**, under the provisions of Subchapter C, Chapter 271, Texas Local Government Code, as amended, the City of Odessa, Texas (the "City"), is authorized to issue certificates of obligation for the purposes specified in this Ordinance and for the payment of all or a portion of the contractual obligations for professional services, including that of engineers, attorneys, and financial advisors in connection therewith, and to sell the same for cash as herein provided; and

**WHEREAS**, the City is authorized to provide that such obligations will be payable from and secured by the levy of a direct and continuing ad valorem tax against all taxable property within the City, in combination with all or a part of certain surplus revenues of the City's waterworks and sewer system remaining after payment of any obligations of the City payable in whole or in part from a lien or pledge of such revenues that would be superior to the obligations to be authorized herein as authorized by Chapter 1502, Texas Government Code; and

**WHEREAS**, the City Council has found and determined that it is necessary and in the best interests of the City and its citizens that it issue such certificates of obligation authorized by this Ordinance; and

**WHEREAS**, pursuant to a resolution heretofore passed by this governing body, notice of intention to issue certificates of obligation of the City payable as provided in this Ordinance was published in a newspaper of general circulation in the City in accordance with the laws of the State of Texas; and

**WHEREAS**, no petition of any kind has been filed with the City Secretary, any member of the City Council or any other official of the City, protesting the issuance of such certificates of obligation; and

**WHEREAS**, this City Council is now authorized and empowered to proceed with the issuance of said certificates of obligation and to sell the same for cash; and

**WHEREAS**, the meeting at which this Ordinance is considered 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 by Chapter 551, Texas Government Code, as amended;

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

## ARTICLE I

### DEFINITIONS AND OTHER PRELIMINARY MATTERS

#### Section 1.01. Definitions.

Unless otherwise expressly provided or unless the context clearly requires otherwise in this Ordinance, the following terms shall have the meanings specified below:

“Business Day” means any day which is not a Saturday, Sunday or legal holiday, or day on which banking institutions in the State of Texas or the city in which the Designated Payment/Transfer Office is located are generally authorized or obligated by law or executive order to close.

“Certificate” means any of the Certificates.

“Certificates” means the City’s obligations authorized to be issued by Section 3.01 of this Ordinance and designated as “City of Odessa, Texas Combination Tax and Revenue Certificates of Obligation, Series 2019.”

“City” means the City of Odessa, Texas.

“City Secretary” means, on any date, the duly appointed and acting City Secretary as appointed by the City Council.

“Closing Date” means the date of the initial delivery of and payment for the Certificates.

“Code” means the Internal Revenue Code of 1986, as amended, and, with respect to a specific section thereof, such reference shall be deemed to include (a) the Regulations promulgated under such section, (b) any successor; provision of similar import hereafter enacted, (c) any corresponding provision of any subsequent Internal Revenue Code and (d) the regulations promulgated under the provisions described in (b) and (c).

“Dated Date” means the date of the Certificates designated in Section 3.02(a).

“Designated Payment/Transfer Office” means (i) with respect to the initial Paying Agent/Registrar named herein, its office in Dallas, Texas, or at such other location designated by the Paying Agent/Registrar and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

“DTC” means The Depository Trust Company of New York, New York, or any successor securities depository.

“DTC Participant” means brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

“Event of Default” means any event of default as defined in Section 10.01 of this Ordinance.

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

“Fiscal Year” means such fiscal year as shall from time to time be set by the City Council.

“Initial Certificate” means the Initial Certificate authorized by Section 3.04 of this Ordinance.

“Interest and Sinking Fund” means the interest and sinking fund established by Section 2.02 of this Ordinance.

“Interest Payment Date” means the date or dates on which interest on the Certificates is scheduled to be paid until their respective dates of maturity or prior redemption, such dates being March 1 and September 1, commencing March 1, 2020.

“MSRB” means the Municipal Securities Rulemaking Board.

“Net Revenues” means the gross revenues of the System less the expenses of operation and maintenance as said expenses are defined by Chapter 1502, Texas Government Code, as amended.

“Owner” means the person who is the registered owner of a Certificate or Certificates, as shown in the Register.

“Paying Agent/Registrar” means initially U.S. Bank, National Association, Dallas, Texas, or any successor thereto as provided in this Ordinance.

“Prior Lien Bonds” means any and all bonds or other obligations of the City presently outstanding or that may be hereafter issued, payable from and secured by a first lien on and pledge of the Net Revenues or by a lien on and pledge of the Net Revenues subordinate to a first lien and pledge of such Net Revenues but superior to the lien and pledge of the Surplus Revenues made for the Certificates.

“Project” means the purposes for which the Certificates are issued as set forth in Section 3.01.

“Purchase Contract” means the purchase agreement between the City and the Underwriters providing for the sale of the Certificates approved in Section 7.01.

“Record Date” means the fifteenth calendar day of the month next preceding an Interest Payment Date.

“Register” means the bond register specified in Section 3.06(a) of this Ordinance.

“Regulations” means the applicable proposed, temporary or final Treasury Regulations promulgated under the Code or, to the extent applicable to the Code, under the Internal Revenue Code of 1954, as such regulations may be amended or supplemented from time to time.

“Representative” means the representative of the Underwriters, if any, named in the Purchase Contract.

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

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

“Special Payment Date” means the Special Payment Date prescribed by Section 3.03(b) of this Ordinance.

“Special Record Date” means the Special Record Date prescribed by Section 3.03(b) of this Ordinance.

“Surplus Revenues” means the Net Revenues of the System in an amount equal to \$1,000 remaining after payment of all debt service, reserve, and other requirements in connection with the City’s Prior Lien Bonds.

“System” as used in this Ordinance means the City’s waterworks and sewer system, including all present and future additions, extensions, replacements, and improvements thereto.

“Unclaimed Payments” means money deposited with the Paying Agent/Registrar for the payment of principal of or interest on the Certificates as the same come due and payable or money set aside for the payment of Certificates duly called for redemption prior to maturity.

“Underwriter” means the underwriter or underwriters designated in the Purchase Contract approved in Section 7.01.

Section 1.02. Findings.

The declarations, determinations and findings declared, made and found in the preamble to this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Section 1.03. Table of Contents, Titles and Headings.

The table of contents, titles and headings of the Articles and Sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.04. Interpretation.

(a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) Any action required to be taken on a date which is not a Business Day shall be taken on the next succeeding Business Day and have the same effect as if taken on the date so required.

(c) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein to sustain the validity of this Ordinance.

(d) Article and section references shall mean references to articles and sections of this Ordinance unless otherwise designated.

ARTICLE II

SECURITY FOR THE CERTIFICATES; INTEREST AND SINKING FUND

Section 2.01. Tax Levy.

(a) Pursuant to the authority granted by the Texas Constitution and laws of the State of Texas, there shall be levied and there is hereby levied for the current year and for each succeeding year thereafter while any of the Certificates or any interest thereon is outstanding and unpaid, an ad valorem tax on each one hundred dollars valuation of taxable property within the City, at a rate sufficient, within the limit prescribed by law, to pay the debt service requirements of the Certificates, being (i) the interest on the Certificates, and (ii) a sinking fund for their redemption at maturity or a sinking fund of two percent per annum (whichever amount is the greater), when due and payable, full allowance being made for delinquencies and costs of collection.

(b) The ad valorem tax thus levied shall be assessed and collected each year against all property appearing on the tax rolls of the City most recently approved in accordance with law, and the money thus collected shall be deposited as collected to the Interest and Sinking Fund.

(c) Said ad valorem tax, the collections therefrom, and all amounts on deposit in or required hereby to be deposited to the Interest and Sinking Fund are hereby pledged and committed irrevocably to the payment of the principal of and interest on the Certificates when and as due and payable in accordance with their terms and this Ordinance.

(d) The amount of taxes to be provided annually for the payment of principal of and interest on the Certificates shall be determined in the manner provided in this Section 2.01.

(e) The City's annual budget shall reflect (i) the amount of debt service requirements to become due on the Certificates in the next succeeding Fiscal Year, (ii) the amount on deposit in the Interest and Sinking Fund, as of the date such budget is prepared (after giving effect to any

payments required to be made during the remainder of the then current Fiscal Year), and (iii) the amount of Surplus Revenues estimated and budgeted to be available for the payment of such debt service requirements on the Certificates during the next succeeding Fiscal Year.

(f) The amount required to be provided in the succeeding Fiscal Year from ad valorem taxes shall be the amount, if any, the debt service requirements to be paid on the Certificates in the next succeeding Fiscal Year exceeds the sum of (i) the amount shown to be on deposit in the Interest and Sinking Fund (after giving effect to any payments required to be made during the remainder of the then current Fiscal Year) at the time the annual budget is prepared, and (ii) the Surplus Revenues shown to be budgeted and available for payment of said debt service requirements.

(g) Following the final approval of the annual budget of the City, the governing body of the City shall, by ordinance, levy an ad valorem tax at a rate sufficient to produce taxes in the amount determined in paragraph (b) above, to be utilized for purposes of paying the principal of and interest on the Certificates in the next succeeding Fiscal Year.

(h) The City hereby covenants and agrees that the Surplus Revenues are hereby irrevocably pledged equally and ratably to the payment of the principal of and interest on the Certificates, as the same become due.

#### Section 2.02. Interest and Sinking Fund.

(a) The City hereby establishes a special fund or account to be designated the “City of Odessa, Texas Combination Tax and Revenue Certificates of Obligation, Series 2019, Interest and Sinking Fund” (the “Interest and Sinking Fund”), said fund to be maintained at an official depository bank of the City separate and apart from all other funds and accounts of the City.

(b) Money on deposit in or required by this Ordinance to be deposited to the Interest and Sinking Fund shall be used solely for the purpose of paying the interest on and principal of the Certificates when and as due and payable in accordance with their terms and this Ordinance.

### ARTICLE III

#### AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE CERTIFICATES

#### Section 3.01. Authorization.

The City’s certificates of obligation to be designated “City of Odessa, Texas Combination Tax and Revenue Certificates of Obligation, Series 2019,” are hereby authorized to be issued and delivered in accordance with the laws of the State of Texas, specifically Subchapter C, Chapter 271, Texas Local Government Code. The Certificates shall be issued in the aggregate principal amount of \$\_\_\_\_\_, for the purpose of paying contractual obligations to be incurred for the following purposes, to wit: (a)(i) constructing and equipping fire stations, and the acquisition of land and rights-of-way in connection therewith; (ii) constructing, improving and equipping police facilities, including a multipurpose building and an animal shelter; (iii) constructing, improving and equipping parks and recreational

facilities, and the acquisition of land and rights-of-way in connection therewith; (iv) constructing and improving streets, including related sidewalk, curb, gutter, drainage, street lighting, landscaping and public safety improvements, and the acquisition of land and rights-of-way in connection therewith; (v) constructing, improving and equipping administrative facilities; and (vi) constructing drainage improvements (collectively, the “Project”); and (b) to pay for professional services of attorneys, financial advisors and other professionals in connection with the Project and the issuance of the Certificates.

Section 3.02. Date, Denomination, Maturities and Interest.

(a) The Certificates shall be dated August 15, 2019. The Certificates shall be in fully registered form, without coupons, in the denomination of \$5,000 or any integral multiple thereof, and shall be numbered separately from one upward or such other designation acceptable to the City and the Paying Agent/Registrar, except the Initial Certificate, which shall be numbered T-1.

(b) The Certificates shall mature on March 1 in the years and in the principal amounts and shall bear interest at the per annum rates set forth in the following schedule:

<u>Certificates</u>					
<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2020	\$ _____	_____ %	2030	\$ _____	_____ %
2021			2031		
2022			2032		
2023			2033		
2024			2034		
2025			2035		
2026			2036		
2027			2037		
2028			2038		
2029			2039		

(c) Interest shall accrue and be paid on each Certificate respectively until its maturity or prior redemption, from the later of the Closing Date or the most recent Interest Payment Date to which interest has been paid or provided for at the rates per annum for each respective maturity specified in the schedule contained in subsection (b) above. Such interest shall be payable semiannually on each Interest Payment Date until maturity or prior redemption. Interest on the Certificates shall be calculated on the basis of a 360-day year composed of 12 months of thirty (30) days each.

Section 3.03. Medium, Method and Place of Payment.

(a) The principal of and interest on the Certificates shall be paid in lawful money of the United States of America.

(b) Interest on the Certificates shall be payable to the Owners as shown in the Register at the close of business on the Record Date; provided, however, that in the event of

nonpayment of interest on a scheduled Interest 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 date 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 Owner of a Certificate appearing in the Register at the close of business on the last Business Day next preceding the date of mailing of such notice.

(c) Interest on each Certificate shall be paid by check, dated as of the Interest Payment Date, and mailed on or before such Interest Payment Date, by first class United States mail, postage prepaid, by the Paying Agent/Registrar to each Owner at the address of each Owner as it appears in the Register, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the Owner; provided, however, that such Owner shall bear all risk and expense of such other customary banking arrangements.

(d) The principal of each Certificate shall be paid to the Owner thereof on the due date (whether at the maturity date or the date of prior redemption thereof) upon presentation and surrender of such Certificate at the Designated Payment/Transfer Office.

(e) If the date for the payment of the principal of or interest on the Certificates is not a Business Day, the date for such payment shall be the next succeeding Business Day, and payment on such date shall have the same force and effect as if made on the original date payment was due and no additional interest shall be due by reason of nonpayment on the date on which such payment is otherwise stated to be due and payable.

(f) Unclaimed Payments of amounts due hereunder shall be segregated in a special account and held in trust, uninvested by the Paying Agent/Registrar, for the account of the Owner of the Certificates to which such Unclaimed Payments pertain. Subject to Title 6 of the Texas Property Code, any Unclaimed Payments remaining unclaimed by the Owners entitled thereto for three years after the applicable payment or redemption date shall be applied to the next payment or payments on the Certificates thereafter coming due and, to the extent any such money remains three years after the retirement of all outstanding Certificates, such money shall be paid to the City to be used for any lawful purpose. Thereafter, neither the City, the Paying Agent/Registrar nor any other person shall be liable or responsible to any holders of such Certificates for any further payment of such unclaimed moneys or on account of any such Certificates, subject to Title 6 of the Texas Property Code.

#### Section 3.04. Execution and Registration of Certificates.

(a) The Certificates shall be executed on behalf of the City by the Mayor and the City Secretary, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Certificates shall have the same effect as if each of the Certificates had been signed manually and in person by each of said officers, and such facsimile seal on the Certificates shall have the same effect as if the official seal of the City had been manually impressed upon each of the Certificates.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Certificates ceases to be such officer before the authentication of such Certificates or before the delivery thereof, such manual or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Certificate shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Paying Agent/Registrar. It shall not be required that the same officer or authorized signatory of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Certificates. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Certificate delivered at the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided herein, manually executed by the Comptroller of Public Accounts of the State of Texas, or by his duly authorized agent, which certificate shall be evidence that the Initial Certificate has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and that it has been registered by the Comptroller of Public Accounts of the State of Texas.

(d) On the Closing Date, one Initial Certificate representing the entire principal amount of all Certificates, payable in stated installments to the Underwriter or its designee, executed by the manual or facsimile signature of the Mayor and City Secretary of the City, approved by the Attorney General, and registered and manually signed by the Comptroller of Public Accounts, will be delivered to the Underwriter or its designee. Upon payment for the Initial Certificate, the Paying Agent/Registrar shall cancel the Initial Certificate and deliver to DTC on behalf of the Underwriter one registered definitive Certificate for each year of maturity of the Certificates in the aggregate principal amount of all Certificates for such maturity bearing interest at the same per annum rate, registered in the name of Cede & Co., as nominee of DTC.

#### Section 3.05. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Certificate is registered as the absolute owner of such Certificate for the purpose of making and receiving payment of the principal thereof and for the further purpose of making and receiving payment of the interest thereon, and for all other purposes (except interest will be paid to the person in whose name such obligation is registered on the Record Date or Special Record Date, as applicable), whether or not such Certificate is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the Owner of a Certificate shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Certificate to the extent of the sums paid.

#### Section 3.06. Registration, Transfer and Exchange.

(a) So long as any Certificates remain outstanding, the City shall cause the Paying Agent/Registrar to keep at the Designated Payment/Transfer Office a register (the "Register") in

which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Certificates in accordance with this Ordinance.

(b) The ownership of a Certificate may be transferred only upon the presentation and surrender of the Certificate at the Designated Payment/Transfer Office with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar. No transfer of any Certificate shall be effective until entered in the Register.

(c) The Certificates shall be exchangeable upon the presentation and surrender thereof at the Designated Payment/Transfer Office for a Certificate or Certificates of the same maturity and interest rate and in any denomination or denominations of any integral multiple of \$5,000 and in an aggregate principal amount equal to the unpaid principal amount of the Certificates presented for exchange. The Paying Agent/Registrar is hereby authorized to authenticate and deliver Certificates exchanged for other Certificates in accordance with this Section.

(d) Each exchange Certificate delivered by the Paying Agent/Registrar in accordance with this Section shall constitute an original contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such exchange Certificate is delivered.

(e) No service charge shall be made to the Owner for the initial registration, subsequent transfer, or exchange for a different denomination of any of the Certificates. The Paying Agent/Registrar, however, may require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer or exchange of an Certificate.

(f) Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer, or exchange any Certificate called for redemption, in whole or in part, within forty-five (45) calendar days prior to the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled principal balance of a Certificate.

#### Section 3.07. Cancellation.

All Certificates paid or redeemed before scheduled maturity in accordance with this Ordinance, and all Certificates in lieu of which exchange Certificates or replacement Certificates are authenticated and delivered in accordance with this Ordinance, shall be cancelled and proper records shall be made regarding such payment, redemption, exchange or replacement. The Paying Agent/Registrar shall dispose of cancelled Certificates in accordance with the Securities Exchange Act of 1934.

#### Section 3.08. Temporary Certificates.

(a) Following the delivery and registration of the Initial Certificate and pending the preparation of definitive Certificates, the proper officers of the City may execute and, upon the City's request, the Paying Agent/Registrar shall authenticate and deliver, one or more temporary Certificates that are printed, lithographed, typewritten, mimeographed or otherwise produced, in

any authorized denomination, substantially of the tenor of the definitive Certificates in lieu of which they are delivered, without coupons, and with such appropriate insertions, omissions, substitutions and other variations as the officers of the City executing such temporary Certificates may determine, as evidenced by their signing of such temporary Certificates.

(b) Until exchanged for Certificates in definitive form, such Certificates in temporary form shall be entitled to the benefit and security of this Ordinance.

(c) The City, without unreasonable delay, shall prepare, execute and deliver to the Paying Agent/Registrar the Certificates in definitive form; thereupon, upon the presentation and surrender of the Certificates in temporary form to the Paying Agent/Registrar, the Paying Agent/Registrar shall cancel the Certificates in temporary form and shall authenticate and deliver in exchange therefor Certificates of the same maturity and series, in definitive form, in the authorized denomination, and in the same aggregate principal amount, as the Certificates in temporary form surrendered. Such exchange shall be made without the making of any charge therefor to any Owner.

### Section 3.09. Replacement Certificates.

(a) Upon the presentation and surrender to the Paying Agent/Registrar of a mutilated Certificate, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Certificate to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(b) In the event that any Certificate is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Certificate has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction or theft of such Certificate;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar to save it and the City harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that is authorized to be imposed; and

(iv) satisfies any other reasonable requirements imposed by the City and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Certificate, a bona fide purchaser of the original Certificate in lieu of which such replacement Certificate was issued presents for payment such original Certificate, the City and the Paying Agent/Registrar shall be entitled to

recover such replacement Certificate from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Certificate has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, instead of issuing a replacement Certificate, may pay such Certificate if it has become due and payable or may pay such Certificate when it becomes due and payable.

(e) Each replacement Certificate delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such replacement Certificate is delivered.

#### Section 3.10. Book-Entry Only System.

The definitive Certificates shall be initially issued in the form of a separate typewritten fully registered Certificate for each of the maturities thereof bearing interest at the same per annum rate. Upon initial issuance, the ownership of such Certificates shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.11 hereof, all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Certificates 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 DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Certificates. 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 DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any notice with respect to the Certificates, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown in the Register of any amount with respect to principal of or interest on the Certificates. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Register as the absolute owner of such Certificate for the purpose of payment of principal of and interest on the Certificates, for the purpose of all matters with respect to such Certificate, for the purpose of registering transfer with respect to such Certificate, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Certificates only to or upon the order of the respective owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of and interest on the Certificates to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Register, shall receive a Certificate evidencing the obligation of the City to make payments of amounts due 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., the word “Cede & Co.” in this Ordinance shall refer to such new nominee of DTC.

Section 3.11. Successor Securities Depository; Transfer Outside Book-Entry Only System.

In the event that the City or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the representation letter of the City to DTC, and that it is in the best interest of the beneficial owners of the Certificates that they be able to obtain certificated Certificates, or in the event DTC discontinues the services described herein, the City or the Paying Agent/Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Certificates and transfer one or more separate Certificates to DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

Section 3.12. Payments to Cede & Co.

Notwithstanding any other provision of this Ordinance to the contrary, so long as any Certificates are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Certificates, and all notices with respect to such Certificates, shall be made and given, respectively, in the manner provided in DTC’s then current operational procedures.

## ARTICLE IV

### REDEMPTION OF CERTIFICATES BEFORE MATURITY

Section 4.01. Limitation on Redemption.

The Certificates shall be subject to redemption before their scheduled maturity only as provided in this Article IV.

Section 4.02. Optional Redemption.

(a) The City reserves the option to redeem Certificates maturing on and after March 1, 20\_\_, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof before their respective scheduled maturity dates, on March 1, 20\_\_ or on any date thereafter, such redemption date or dates to be fixed by the City, at a price equal to the principal amount of the Certificates so called for redemption plus accrued interest to the date of redemption.

(b) If less than all of the Certificates are to be redeemed pursuant to an optional redemption, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot the Certificates, or portions thereof, within such maturity or maturities and in such principal amounts for redemption.

(c) The City, at least forty-five (45) days before the redemption date, unless a shorter period shall be satisfactory to the Paying Agent/Registrar, shall notify the Paying Agent/Registrar of such redemption date and of the principal amount of Certificates to be redeemed.

Section 4.03. Mandatory Sinking Fund Redemption.

(a) The Certificates stated to mature on March 1, 20\_\_ (the "Term Certificates") are subject to scheduled mandatory redemption and will be redeemed by the City, in part at a price equal to the principal amount thereof, without premium, plus accrued interest to the redemption date, out of moneys available for such purpose in the Interest and Sinking Fund, on March 1 in the years and in the respective principal amounts as set forth in the following schedule:

Term Certificate Maturing March 1, 20\_\_

<u>Redemption Date</u> <u>(March 1)</u>	<u>Principal</u> <u>Amount</u>
20__	\$ _____
20__	
20__	
20__	
20__*	

(\*) Stated maturity.

(b) At least forty-five (45) days prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, a principal amount of Term Certificates equal to the aggregate principal amount of such Term Certificates to be redeemed, shall call such Term Certificates for redemption on such scheduled mandatory redemption date, and shall give notice of such redemption, as provided in Section 4.05.

(c) The principal amount of the Term Certificates required to be redeemed on any redemption date pursuant to subparagraph (a) of this Section 4.03 shall be reduced, at the option of the City, by the principal amount of any Term Certificates which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Section 4.04. Partial Redemption.

(a) A portion of a single Certificate of a denomination greater than \$5,000 may be redeemed, but only in a principal amount equal to \$5,000 or any integral multiple thereof. If such a Certificate is to be partially redeemed, the Paying Agent/Registrar shall treat each \$5,000 portion of the Certificate as though it were a single Certificate for purposes of selection for redemption.

(b) Upon surrender of any Certificate for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.06 of this Ordinance, shall authenticate and deliver an exchange Certificate or Certificates in an aggregate principal amount equal to the unredeemed portion of the Certificate so surrendered, such exchange being without charge, notwithstanding any provision of Section 3.06 to the contrary.

Section 4.05. Notice of Redemption to Owners.

(a) The Paying Agent/Registrar shall give notice of any redemption of Certificates by sending notice by United States mail, first class, postage prepaid, not less than 30 days before the date fixed for redemption, to the Owner of each Certificate (or part thereof) to be redeemed, at the address shown in the Register at the close of business on the Business Day next preceding the date of mailing such notice.

(b) The notice shall state the redemption date, the redemption price, the place at which the Certificates are to be surrendered for payment, and, if less than all the Certificates outstanding are to be redeemed, an identification of the Certificates or portions thereof to be redeemed.

(c) The City reserves the right to give notice of its election or direction to redeem Certificates under Section 4.02 conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date, or (ii) that the City retains the right to rescind such notice at any time on or prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Certificates subject to a conditional notice of redemption where redemption has been rescinded shall remain Outstanding, and the rescission shall not constitute an Event of Default. Further, in the case of a conditional notice of redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an Event of Default.

(d) Any notice so mailed shall be conclusively presumed to have been duly given, whether or not the registered owner receives such notice. Notice having been so given and subject, in the case of an optional redemption, to any rights or conditions reserved by the City in

the notice, the Certificates called for redemption shall become due and payable on the specified redemption date, and notwithstanding that any obligation or portion thereof has not been surrendered for payment, interest on such obligation or portion thereof shall cease to accrue.

Section 4.06. Payment Upon Redemption.

(a) Before or on each redemption date, the City shall deposit with the Paying Agent/Registrar money sufficient to pay all amounts due on the redemption date and the Paying Agent/Registrar shall make provision for the payment of the Certificates to be redeemed on such date by setting aside and holding in trust an amount from the Interest and Sinking Fund or otherwise received by the Paying Agent/Registrar from the City and shall use such funds solely for the purpose of paying the principal of, and accrued interest on the Certificates being redeemed.

(b) Upon presentation and surrender of any Certificate called for redemption at the Designated Payment/Transfer Office of the Paying Agent/Registrar on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of, redemption premium, if any, and accrued interest on such Certificate to the date of redemption from the money set aside for such purpose.

Section 4.07. Effect of Redemption.

(a) Notice of redemption having been given as provided in Section 4.05 of this Ordinance, and subject to the provisions of Section 4.05(c), the Certificates or portions thereof called for redemption shall become due and payable on the date fixed for redemption and, unless the City fails to make provision for the payment of the principal thereof or accrued interest thereon, such Certificates or portions thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Certificates are presented and surrendered for payment on such date.

(b) If the City shall fail to make provision for payment of all sums due on a redemption date, or rescinds the notice of redemption, then any Certificate or portion thereof called for redemption shall continue to bear interest at the rate stated on the Certificate until due provision is made for the payment of same by the City.

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar.

U.S. Bank, National Association, Dallas, Texas, is hereby appointed as the initial Paying Agent/Registrar for the Certificates.

Section 5.02. Qualifications.

Each Paying Agent/Registrar shall be a commercial bank, a trust company organized under the laws of the State of Texas, or any other entity duly qualified and legally authorized to serve as and perform the duties and services of paying agent and registrar for the Certificates.

Section 5.03. Maintaining Paying Agent/Registrar.

(a) At all times while any Certificates are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.02 of this Ordinance. The Mayor is hereby authorized and directed to execute an agreement with the Paying Agent/Registrar specifying the duties and responsibilities of the City and the Paying Agent/Registrar in substantially the form presented at this meeting, the form, terms and provisions of which are hereby approved. The signature of the Mayor shall be attested by the City Secretary.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement, provided no such resignation shall be effective until a successor Paying Agent/Registrar has accepted the duties of Paying Agent/Registrar for the Certificates.

Section 5.04. Termination.

The City, upon not less than sixty (60) days' notice, reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated written notice of such termination, provided, that such termination shall not be effective until a successor Paying Agent/Registrar has been appointed and has accepted the duties of Paying Agent/Registrar for the Certificates.

Section 5.05. Notice of Change to Owners.

Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by first class United States mail, postage prepaid, at the address in the Register, stating the effective date of the change and the name and mailing address of the replacement Paying Agent/Registrar.

Section 5.06. Agreement to Perform Duties and Functions.

By accepting the appointment as Paying Agent/Registrar and executing the Paying Agent/Registrar Agreement, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed thereby.

Section 5.07. Delivery of Records to Successor.

If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Certificates to the successor Paying Agent/Registrar.

## ARTICLE VI

### FORM OF THE CERTIFICATES

#### Section 6.01. Form Generally.

(a) The Certificates, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas to accompany the Initial Certificate, the Certificate of the Paying Agent/Registrar, and the Assignment form to appear on each of the Certificates, (i) shall be substantially in the form set forth in this Article, with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the City or by the officers executing such Certificates, as evidenced by their execution thereof.

(b) Any portion of the text of any Certificates may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Certificates.

(c) The definitive Certificates shall be typewritten, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Certificates, as evidenced by their execution thereof.

(d) The Initial Certificate submitted to the Attorney General of the State of Texas may be typewritten and photocopied or otherwise reproduced.

#### Section 6.02. Form of the Certificates.

The form of the Certificates, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, to accompany the Initial Certificate, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Certificates, shall be substantially as follows:

(a) Form of Certificates.

REGISTERED  
No. \_\_\_\_\_

REGISTERED  
\$ \_\_\_\_\_

United States of America  
State of Texas

CITY OF ODESSA, TEXAS  
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION  
SERIES 2019

INTEREST RATE:      MATURITY DATE:      CLOSING DATE:      CUSIP NUMBER:  
\_\_\_\_\_ %              March 1, \_\_\_\_\_, 2019              \_\_\_\_\_

The City of Odessa, Texas (the "City"), located in the Counties of Ector, and Midland, State of Texas, for value received, hereby promises to pay to

\_\_\_\_\_ or registered assigns, on the Maturity Date specified above, the sum of

\_\_\_\_\_ DOLLARS

unless this Certificate shall have been sooner called for redemption and the payment of the principal hereof shall have been paid or provided for, and to pay interest on such principal amount from the later of the Closing Date specified above or the most recent interest payment date to which interest has been paid or provided for until payment of such principal amount has been paid or provided for, 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 to be paid semiannually on March 1 and September 1, commencing March 1, 2020.

The principal of this Certificate shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Certificate at the designated office in Dallas, Texas, of U.S. Bank, National Association, as Paying Agent/Registrar (the "Designated Payment/Transfer Office"), or, with respect to a successor paying agent/registrar, at the Designated Payment/Transfer Office of such successor. Interest on this Certificate is payable by check dated as of the interest payment date, and will be mailed on or before such interest payment date, by first class United States mail, postage prepaid, by the Paying Agent/Registrar to the registered owner at the address shown on the registration books kept by the Paying Agent/Registrar, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the person to whom interest is to be paid; provided, however, that such person shall bear all risk and expense of such other customary banking arrangements. For the purpose of the payment of interest on this Certificate, the registered owner shall be the person in whose name this Certificate is registered at the close of business on the "Record Date," which shall be the fifteenth calendar day of the month next preceding such interest payment date; provided, however, that in the event of nonpayment of interest on a

scheduled interest 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 date shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) Business Days (as hereinafter defined) prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each registered owner of an Certificate appearing on the books of the Paying Agent/Registrar at the close of business on the last Business Day next preceding the date of mailing of such notice.

If the date for the payment of the principal of or interest on this Certificate is not a Business Day, the date for such payment shall be the next succeeding day which is not a Saturday, Sunday or legal holiday, or day on which banking institutions in the State of Texas or the city in which the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are generally authorized or obligated by law or executive order to close (a "Business Day"), and payment on such date shall for all purposes be deemed to have been made on the original date payment was due.

This Certificate is one of a series of fully registered obligations specified in the title hereof issued in the aggregate principal amount of \$ \_\_\_\_\_ (herein referred to as the "Certificates"), dated as of August 15, 2019, issued pursuant to a certain ordinance of the City (the "Ordinance") for the purpose of paying contractual obligations to be incurred for authorized public improvements (the "Project"), as described in the Ordinance, and to pay the contractual obligations for professional services of attorneys, financial advisors and other professionals in connection with the Project and the issuance of the Certificates.

The City has reserved the option to redeem the Certificates maturing on or after March 1, 20\_\_ in whole or in part before their respective scheduled maturity dates, on March 1, 20\_\_ or on any date thereafter, at a price equal to the principal amount of the Certificates so called for redemption plus accrued interest to the date fixed for redemption. If less than all of the Certificates are to be redeemed, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot the Certificates, or portions thereof, within such maturity and in such principal amounts, for redemption.

[The Certificates stated to mature on March 1, 20\_\_ (the "Term Certificates") are subject to scheduled mandatory redemption and will be redeemed by the City, in part at a price equal to the principal amount thereof, without premium, plus accrued interest to the redemption date, out of moneys available for such purpose in the Interest and Sinking Fund, on March 1 in the years and in the respective principal amounts as set forth in the Ordinance.

At least forty-five (45) days prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, a principal amount of Term Certificates equal to the aggregate principal amount of such Term Certificates to be redeemed and shall call such Term Certificates for redemption on such scheduled mandatory redemption date.

The principal amount of the Term Certificates required to be redeemed on any mandatory sinking fund redemption date shall be reduced, at the option of the City, by the principal amount of any Term Certificates which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to an optional redemption and not previously credited to a mandatory sinking fund redemption.]

Notice of such redemption or redemptions shall be given by first class mail, postage prepaid, not less than thirty (30) days before the date fixed for redemption, to the registered owner of each of the Certificates to be redeemed in whole or in part. Notice having been so given, the Certificates or portions thereof designated for redemption shall become due and payable on the redemption date specified in such notice; and, from and after such date, notwithstanding that any of the Certificates or portions thereof so called for redemption shall not have been surrendered for payment, interest on such Certificates or portions thereof shall cease to accrue.

In the Ordinance, the City reserves the right, in the case of an optional redemption, to give notice of its election or direction to redeem Certificates conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date, or (ii) that the City retains the right to rescind such notice at any time on or prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Certificates subject to a conditional notice of redemption and such redemption has been rescinded shall remain Outstanding, and the rescission of such redemption shall not constitute an Event of Default. Further, in the case of a conditional notice of redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an Event of Default. Any notice so mailed shall be conclusively presumed to have been duly given, whether or not the registered owner receives such notice. Notice having been so given and subject, in the case of an optional redemption, to any rights or conditions reserved by the City in the notice, the certificates called for redemption shall become due and payable on the specified redemption date, and notwithstanding that any obligation or portion thereof has not been surrendered for payment, interest on such obligation or portion thereof shall cease to accrue.

As provided in the Ordinance, and subject to certain limitations therein set forth, this Certificate is transferable upon surrender of this Certificate for transfer at the Designated Payment/Transfer Office of the Paying Agent/Registrar with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar; thereupon, one or more new fully registered Certificates of the same stated maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer or exchange any Certificate called for redemption where such redemption is scheduled to occur within forty-five (45) calendar days of the transfer or exchange date; provided, however, such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Certificate.

The City, the Paying Agent/Registrar, and any other person may treat the person in whose name this Certificate is registered as the owner hereof for the purpose of receiving payment as herein provided (except interest shall be paid to the person in whose name this Certificate is registered on the "Record Date" or "Special Record Date," as applicable) and for all other purposes, whether or not this Certificate be overdue, and neither the City, nor the Paying Agent/Registrar nor any other person shall be affected by notice to the contrary.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this Certificate and the series of which it is a part is duly authorized by law and that all acts, conditions and things required to be done precedent to and in the issuance of the Certificates have been properly done and performed and have happened in regular and due time, form and manner, as required by law; and that ad valorem taxes upon all taxable property in the City have been levied for and pledged to the payment of the debt service requirements of the Certificates, within the limit prescribed by law; that, in addition to said taxes, further provisions have been made for the payment of the debt service requirements of the Certificates by pledging to such purpose Surplus Revenues, as defined in the Ordinance, derived by the City from the operation of its waterworks and sewer system in an amount limited to \$1,000; that when so collected, such taxes and Surplus Revenues shall be appropriated to such purposes; and that the total indebtedness of the City, including the Certificates, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City has caused this Certificate to be executed by the manual or facsimile signature of the Mayor of the City and countersigned by the manual or facsimile signature of the City Secretary of the City, and the official seal of the City has been duly impressed or placed in facsimile on this Certificate.

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City Secretary  
City of Odessa, Texas

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Mayor  
City of Odessa, Texas

[SEAL]

(b) Form of Comptroller's Registration Certificate.

The following Comptroller's Registration Certificate may be deleted from the definitive Certificates if such certificate on the Initial Certificate is fully executed.

REGISTRATION CERTIFICATE OF  
COMPTROLLER OF PUBLIC ACCOUNTS

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

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

Witness my hand and seal of office at Austin, Texas, \_\_\_\_\_.

\_\_\_\_\_  
Comptroller of Public Accounts  
of the State of Texas

[SEAL]

(c) Form of Certificate of Paying Agent/Registrar.

The following Certificate of Paying Agent/Registrar may be deleted from the Initial Certificate if the executed Comptroller's Registration Certificate appears thereon.

CERTIFICATE OF PAYING AGENT/REGISTRAR

The records of the Paying Agent/Registrar show that the Initial Certificate of this series of certificates of obligation was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas, and that this is one of the Certificates referred to in the within-mentioned Ordinance.

U.S. BANK, NATIONAL ASSOCIATION,  
as Paying Agent/Registrar

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized Signatory

(d) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto (print or typewrite name, address and Zip Code of transferee):

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

Dated: \_\_\_\_\_

Signature Guaranteed By:

\_\_\_\_\_  
Authorized Signatory

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Certificate in every particular and must be guaranteed in a manner acceptable to the Paying Agent/Registrar.

(e) The Initial Certificate shall be in the form set forth in paragraphs (a), (b) and (d) of this Section, except for the following alterations:

(i) immediately under the name of the Certificate, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As Shown Below" and the words "CUSIP NUMBER" deleted; and

(ii) in the first paragraph of the Certificate, the words "on the Maturity Date specified above the sum of \_\_\_\_\_ DOLLARS," shall be deleted and the following will be inserted: "on March 1 in each of the years, in the principal installments and bearing interest at the per annum rates in accordance with the following schedule:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
(Information to be inserted from schedule in Section 3.02 of this Ordinance)		

Section 6.03. CUSIP Registration.

The City may secure identification numbers through the CUSIP Service Bureau Division of Standard & Poor's Corporation, New York, New York, and may authorize the printing of such numbers on the face of the Certificates. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Certificates shall be of no significance or effect as regards the

legality thereof and neither the City nor the attorneys approving said Certificates as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Certificates.

Section 6.04. Legal Opinion.

The approving legal opinion of Bracewell LLP, Bond Counsel, may be printed on the reverse side of or attached to each Certificate over the certification of the City Secretary of the City, which may be executed in facsimile.

Section 6.05. Statement of Insurance.

A statement relating to a municipal bond insurance policy, if any, to be issued for the Certificates may be printed on or attached to each Certificate.

ARTICLE VII

SALE AND DELIVERY OF CERTIFICATES; OFFICIAL STATEMENT;  
DEPOSIT OF PROCEEDS

Section 7.01. Sale of Certificates.

(a) The Certificates are hereby officially sold and awarded to and shall be delivered to the Underwriter at the price of \$\_\_\_\_\_ (representing the par amount of the Certificates, plus [net] premium received from the sale of the Certificates in the amount of \$\_\_\_\_\_, less an underwriting discount in the amount of \$\_\_\_\_\_), on the terms specified in the Purchase Contract. The form, terms and provisions of the Purchase Contract are hereby approved and the Mayor is hereby authorized and directed to execute and deliver such Purchase Contract. It is hereby officially found, determined and declared that the terms of this sale are the most advantageous reasonably obtainable. The Certificates shall initially be registered in the name of the Underwriter or its designee.

(b) All officers of the City are authorized to execute such documents, certificates and receipts, and to make such elections with respect to the tax-exempt status of the Certificates, as they may deem appropriate in order to consummate the delivery of the Certificates. Further, in connection with the submission of the record of proceedings for the Certificates to the Attorney General of the State of Texas for examination and approval of such Certificates, the appropriate officer of the City is hereby authorized and directed to issue a check of the City payable to the Attorney General of the State of Texas as a nonrefundable examination fee in the amount required by Chapter 1202, Texas Government Code (such amount to be the lesser of (i) 1/10th of 1% of the principal amount of the Certificates or (ii) \$9,500.

(c) The obligation of the Underwriter to accept delivery of the Certificates is subject to the Underwriter being furnished with the final, approving opinion of Bond Counsel to the City, which opinion shall be dated and delivered the Closing Date.

Section 7.02. Deposit of Proceeds.

Proceeds from the sale of the Certificates shall, promptly upon receipt by the City, be applied as follows:

(a) Certificate proceeds in the amount of \$ \_\_\_\_\_ shall be used for the purposes set forth in Section 3.01.

(b) Certificate proceeds in the amount of \$ \_\_\_\_\_ shall be used to pay the costs of issuance provided that any amount remaining after the payment of paying costs of issuance shall be deposited for the purposes described in subsection (a) above.

(c) Any Certificate proceeds not used for the purposes described in subsections (a) and (b) above shall be deposited to the Interest and Sinking Fund.

Section 7.03. Control and Delivery of Certificates.

(a) The Mayor of the City is hereby authorized to have control of the Initial Certificate and all necessary records and proceedings pertaining thereto pending investigation, examination and approval of the Attorney General of the State of Texas, registration by the Comptroller of Public Accounts of the State of Texas and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller of Public Accounts of the State of Texas, delivery of the Certificates shall be made to the Underwriter under and subject to the general supervision and direction of the Mayor, against receipt by the City of all amounts due to the City under the terms of sale.

(c) In the event the Mayor or City Secretary is absent or otherwise unable to execute any document or take any action authorized herein, the Mayor Pro Tem and the Assistant City Secretary, respectively, shall be authorized to execute such documents and take such actions, and the performance of such duties by the Mayor Pro Tem and the Assistant City Secretary shall for the purposes of this Ordinance have the same force and effect as if such duties were performed by the Mayor and City Secretary, respectively.

Section 7.04. Official Statement.

The form and substance of the Preliminary Official Statement, and any addenda, supplement or amendment thereto, and the final Official Statement (the "Official Statement") presented to and considered at this meeting, are hereby in all respects approved and adopted, and the Preliminary Official Statement is hereby deemed final as of its date (except for the omission of pricing and related information) within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended. The Mayor and City Secretary of the City are hereby authorized and directed to execute the same and deliver appropriate numbers of copies thereof to the Underwriter. The Official Statement as thus approved and delivered, with such appropriate variations as shall be approved by the Mayor of the City and the Underwriter, may be used by the Underwriter in the public offering and sale thereof. The use and distribution of the Preliminary Official Statement in the public

offering of the Certificates by the Underwriter is hereby ratified, approved and confirmed. The City Secretary is hereby authorized and directed to include and maintain a copy of the Official Statement and any addenda, supplement or amendment thereto thus approved among the permanent records of this meeting. The use and distribution of the Official Statement and the preliminary public offering of the Certificates by the Underwriter is hereby ratified, approved and confirmed.

## ARTICLE VIII

### INVESTMENTS

#### Section 8.01. Investments.

(a) Money in the Interest and Sinking Fund created by this Ordinance, at the option of the City, may be invested in such securities or obligations as permitted under applicable law as in effect on the date of the investment.

(b) Any securities or obligations in which money in the Interest and Sinking Fund is so invested shall be kept and held in trust for the benefit of the Owners and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the Interest and Sinking Fund.

#### Section 8.02. Investment Income.

(a) Interest and income derived from investment of the Interest and Sinking Fund shall be credited to such Fund.

(b) Interest and income derived from the investment of funds deposited pursuant to Section 7.03 hereof shall be credited to the fund or account where deposited until completion of the Project; thereafter, to the extent such interest and income are present, such interest and income shall be deposited to the Interest and Sinking Fund.

## ARTICLE IX

### PARTICULAR REPRESENTATIONS AND COVENANTS

#### Section 9.01. Payment of the Certificates.

On or before each Interest Payment Date for the Certificates and while any of the Certificates are outstanding and unpaid, there shall be made available to the Paying Agent/Registrar, out of the Interest and Sinking Fund, money sufficient to pay such interest on and principal of the Certificates as will accrue or mature on the applicable Interest Payment Date, maturity date or date of prior redemption. Such transfer of funds shall be made in such manner as will cause immediately available funds to be deposited with the Paying Agent/Registrar not later than the close of business on the Business Day next preceding the date of payment for the Certificates.

Section 9.02. Other Representations and Covenants.

(a) The City will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Certificate; the City will promptly pay or cause to be paid the principal of and interest on each Certificate on the dates and at the places and manner prescribed in such Certificate; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Certificates; all action on its part for the creation and issuance of the Certificates has been duly and effectively taken; and the Certificates in the hands of the Owners thereof are and will be valid and enforceable obligations of the City in accordance with their terms.

Section 9.03. Provisions Concerning Federal Income Tax.

(a) General. The City intends that the interest on the Certificates be excludable from gross income for purposes of federal income tax purposes pursuant to sections 103 and 141 through 150, inclusive, of the Code. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that if taken or omitted, respectively, would (i) cause the interest on the Certificates to be includable in gross income, as defined in section 61 of the Code, for federal income tax purposes or (ii) result in the violation of or failure to satisfy any applicable provision of section 103 and 141 through 150, inclusive, of the Code. In particular, the City covenants and agrees to comply with each requirement of Sections 9.03 through 9.12, inclusive; provided, however, that the City will not be required to comply with any particular requirement of Sections 9.03 through 9.13, inclusive, if the City has received an opinion of nationally recognized bond counsel (“Counsel’s Opinion”) that (i) such noncompliance will not adversely affect the excludability of interest on the Certificates from gross income for federal income tax purposes or (ii) compliance with some other requirement specified in the Counsel’s Opinion will satisfy the applicable requirements of the Code, in which case compliance with such other requirement will constitute compliance with the corresponding requirement specified in this Section 9.03.

(b) No Private Use or Payment and No Private Loan Financing. The City covenants and agrees that it will make such use of the proceeds of the Certificates, including interest or other investment income derived from proceeds of the Certificates, regulate the use of property financed, directly or indirectly, with such proceeds, and take such other and further action as may be required so that the Certificates will not be “private activity bonds” within the meaning of section 141 of the Code. Moreover, the City will certify, through an authorized officer, employee or agent, that, based upon all facts and estimates known or reasonably expected to be in existence on the date the Certificates are delivered, the proceeds of the Certificates will not be used in a manner that would cause the Certificates to be “private activity bonds” within the meaning of section 141 of the Code.

(c) No Federal Guarantee. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that, if taken or omitted, respectively,

would cause the Certificates to be “federally guaranteed” within the meaning of section 149(b) of the Code, except as permitted by section 149(b)(3) of the Code.

(d) No Hedge Bonds. The City covenants and agrees not to take any action, or knowingly omit to take any action, that, if taken or omitted, respectively, would cause the Certificates to be “hedge bonds” within the meaning of section 149(g) of the Code.

(e) No-Arbitrage. The City covenants and agrees that it will make such use of the proceeds of the Certificates including interest or other investment income derived from proceeds of the Certificates, regulate investments of proceeds of the Certificates, and take such other and further action as may be required so that the Certificates will not be “arbitrage bonds” within the meaning of section 148(a) of the Code. Moreover, the City will certify, through an authorized officer, employee or agent, that, based upon all facts and estimates known or reasonably expected to be in existence on the date the Certificates are delivered, the proceeds of the Certificates will not be used in a manner that would cause the Certificates to be “arbitrage bonds” within the meaning of section 148(a) of the Code.

(f) Arbitrage Rebate. If the City does not qualify for an exception to the requirements of section 148(f) of the Code relating to the required rebated to the United States, the City will take all steps necessary to comply with the requirement that certain amounts earned by the City on the investment of the “gross proceeds” of the Certificates (within the meaning of section 148(f)(6)(B) of the Code), be rebated to the federal government. Specifically, the City will (i) maintain records regarding the investment of the gross proceeds of the Certificates as may be required to calculate the amount earned on the investment of the gross proceeds of the Certificates separately from records of amounts on deposit in the funds and accounts of the City allocable to other bond issues of the City or moneys that do not represent gross proceeds of any bonds of the City, (ii) determine at such times as are required by the applicable Regulations, the amount earned from the investment of the gross proceeds of the Certificates that is required to be rebated to the federal government, and (iii) pay, not less often than every fifth anniversary date of the delivery of the Certificates or on such other dates as may be permitted under the applicable Regulations, all amounts required to be rebated to the federal government. Further, the City will not indirectly pay any amount otherwise payable to the federal government pursuant to the foregoing requirements to any person other than the federal government by entering into any investment arrangement with respect to the gross proceeds of the Certificates that might result in a reduction in the amount required to be paid to the federal government because such arrangement results in a smaller profit or a larger loss than would have resulted if the arrangement had been at arm’s length and had the yield on the issue not been relevant to either party.

(g) Information Reporting. The City covenants and agrees to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Certificates are issued, an information statement concerning the Certificates, all under and in accordance with section 149(e) of the Code.

(h) Record Retention. The City will retain all pertinent and material records relating to the use and expenditure of the proceeds of the Certificates until three years after the last Certificate is redeemed or paid at maturity, or such other period as authorized by subsequent

guidance issued by the Department of Treasury, if applicable. All records will be kept in a manner that ensures their complete access throughout the retention period. For this purpose, it is acceptable that such records are kept either as hardcopy books and records or in an electronic storage and retrieval system, provided that such electronic system includes reasonable controls and quality assurance programs that assure the ability of the City to retrieve and reproduce such books and records in the event of an examination of the Certificates by the Internal Revenue Service.

(i) Registration. The Certificates will be issued in registered form.

(j) Deliberate Actions. The City will not take a deliberate action (as defined in section 1.141-2(d)(3) of the Regulations) that causes the Certificates to fail to meet any requirement of section 141 of the Code after the issue date of the Certificates unless an appropriate remedial action is permitted by section 1.141-12 of the Regulations, the City takes such remedial action and the City receives a Counsel's Opinion that such remedial action cures any failure to meet the requirements of section 141 of the Code.

(k) Continuing Obligation. Notwithstanding any other provision of this Ordinance, the City's obligations under the covenants and provisions of this Section 9.03 will survive the defeasance and discharge of the Certificates for as long as such matters are relevant to the excludability of interest on the Certificates from gross income of interest for federal income tax purposes.

## ARTICLE X

### DEFAULT AND REMEDIES

#### Section 10.01. Events of Default.

Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Certificates when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, which default materially and adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of sixty (60) days after notice of such default is given by any Owner to the City.

#### Section 10.02. Remedies for Default.

(a) Upon the happening of any Event of Default, then any Owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights of the Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific

performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies.

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

Section 10.03. Remedies Not Exclusive.

(a) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Certificates or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Certificates shall not be available as a remedy under this Ordinance.

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

ARTICLE XI

DISCHARGE

Section 11.01. Discharge.

The Certificates may be refunded, discharged or defeased in any manner permitted by applicable law.

ARTICLE XII

CONTINUING DISCLOSURE UNDERTAKING

Section 12.01. Annual Reports.

(a) The City shall provide annually to the MSRB, (i) within six (6) months after the end of each Fiscal Year of the City ending in or after 2019, financial information and operating data with respect to the City of the general type included in the Official Statement, being the tables described in Exhibit A hereto, and (ii) if not provided as part such financial information and operating data, audited financial statements of the City, when and if available. Any financial statements so to be provided shall be (i) prepared in accordance with the accounting principles described in Exhibit A or such other accounting principles as the City may be required to employ, from time to time, by State law or regulation, and (ii) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within 12 months after any such fiscal year end, then the City shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such financial statements becomes available.

(b) If the City changes its Fiscal Year, it will notify the MSRB of the change (and of the date of the new Fiscal Year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

(c) The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

#### Section 12.02. Event Notices.

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

- (i) principal and interest payment delinquencies;
- (ii) nonpayment related defaults, if material;
- (iii) unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) substitution of credit or liquidity providers, or their failure to perform;
- (vi) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Certificates, or other material events affecting the tax status of the Certificates;
- (vii) modifications to rights of Owners, if material;
- (viii) bond calls, if material and tender offers;
- (ix) defeasance;
- (x) release, substitution, or sale of property securing repayment of the Certificates, if material;
- (xi) rating changes;
- (xii) bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
- (xiii) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of

business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

(xiv) appointment of a successor or additional paying agent/registrar or the change of name of a paying agent/registrar, if material;

(xv) incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and

(xvi) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

For these purposes, (A) any event described in the immediately preceding clause (xii) in this Section is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets of business of the City, and (B) the City intends the words used in the immediately preceding clauses (xv) and (xvi) in this Section and in the definition of Financial Obligation in Section 1.01 to have the meanings ascribed to them in SEC Release No. 34-83885 dated August 20, 2018.

(b) The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Section 12.01 of this Ordinance by the time required by such Section.

#### Section 12.03. Limitations, Disclaimers and Amendments.

(a) The City shall be obligated to observe and perform the covenants specified in this Article for so long as, but only for so long as, the City remains an “obligated person” with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Article XI that causes Certificates no longer to be Outstanding.

(b) The provisions of this Article are for the sole benefit of the Owners and beneficial owners of the Certificates, and nothing in this Article, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Article and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects or hereby undertake to update

any information provided in accordance with this Article or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

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

(c) No default by the City in observing or performing its obligations under this Article shall comprise a breach of or default under the Ordinance for purposes of any other provisions of this Ordinance.

(d) Nothing in this Article is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(e) The provisions of this Article may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (i) the provisions of this Article, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (ii) either (A) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provisions of this Ordinance that authorizes such an amendment) of the Outstanding Certificates consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Owners and beneficial owners of the Certificates. The provisions of this Article may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent underwriters of the initial public offering of the Certificates from lawfully purchasing or selling Certificates in such offering. If the City so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 12.02 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

## ARTICLE XIII

### AMENDMENTS TO ORDINANCE

Section 13.01. Amendments to Ordinance. The City may, without the consent of or notice to the Owners, from time to time and at any time amend this Ordinance in any manner not detrimental to the interests of the Owners, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the written consent of the Owners of a majority in aggregate principal amount of the Certificates then outstanding, amend, add to or rescind any of the provisions of this Ordinance; provided, that, without the consent of the Owners of all Certificates then outstanding, no such amendment, addition, or rescission shall:

1. affect the rights of the Owners of less than all of the Certificates then outstanding;
2. make any change in the maturities of the Certificates;
3. reduce the rate of interest borne by any of the Certificates;
4. reduce the amount of the principal payable on the Certificates;
5. modify the terms of payment of principal of or interest on the Certificates or impose any conditions with respect to such payment; or
6. change the minimum percentage of the principal amount of Certificates necessary for consent to such amendment.

Certificates owned or held by or for the account of or for the benefit of the City shall not be deemed to be outstanding for the purpose of amending this Ordinance.

ARTICLE XIV

EFFECTIVE IMMEDIATELY

Section 14.01. Effective Immediately.

This Ordinance shall become effective immediately upon its adoption at this meeting pursuant to Section 1201.028, Texas Government Code.

APPROVED this 16<sup>th</sup> day of August, 2019, by the following vote:

Malcom Hamilton \_\_\_\_\_

Dewey Bryant \_\_\_\_\_

Detra White \_\_\_\_\_

Tom Sprawls \_\_\_\_\_

Peggy Dean \_\_\_\_\_

Approved this the 16<sup>th</sup> day of August, 2019.

\_\_\_\_\_  
David R. Turner, Mayor

ATTEST:

\_\_\_\_\_  
Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Landers, Interim City Attorney

## EXHIBIT A

### DESCRIPTION OF ANNUAL DISCLOSURE OF FINANCIAL INFORMATION

The following information is referred to in Article XII of this Ordinance.

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

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

1. The portions of the financial statements of the City appended to the Official Statement as Appendix B, but for the most recently concluded Fiscal Year.
2. Statistical and financial data set forth in Tables numbered 1 through 6 and 8 through 15, each inclusive.

#### **Accounting Principles**

The accounting principles referred to in such Article are the accounting principles described in the notes to the financial statements referred to in Paragraph 1 above.

# **2019 Certificates of Obligation Debt Issuance:**

Public Safety, Quality of Life Improvements,  
Infrastructure, & Public Facility Improvements

## **Odessa Fire Rescue**

Odessa Fire Rescue is seeking funds for the construction of two new fire stations to meet the safety requirements of our growing city and its citizens. Debt issuance will allow for the construction of a new station #6 with additional Fire and EMS apparatus bays to serve the City at a central location.

Station #6 is the oldest station Odessa, approaching 60 years old. Modern fire equipment, staff expansion and new safety equipment are pressed for room as this station cannot be expanded due to lot size limitations. This location will also allow the Fire Marshal's office and Fire Training Division to expand as more inspectors and trainers are needed due to the demand for their services from new development and increased incidents in the response area.

Station #9 would be a new station in the north portion of Odessa. This would be the first additional station added by the City of Odessa in over 30 years. Station #9 will help to serve the new 2,100 homes built in this area with possible expansion of up to 1,550 more homes in the future by current developers.

Fire Administration staff has consulted with professional architects for cost estimates, site plans and preliminary design of the stations, and the total estimated cost for both stations is \$24,000,000.

# **2019 Certificates of Obligation Debt Issuance:**

Public Safety, Quality of Life Improvements,  
Infrastructure, & Public Facility Improvements

## **Odessa Police Department**

Odessa Police Department is requesting funds for the construction of additional office/training areas and a new animal shelter. During Phase I of this project, Odessa Police constructed a facility on the west side of their campus as a vehicle storage facility and forensic investigation area in 2017. Phase II will add space for current officer training as well as new recruit training. Odessa Police Department created a police academy in 2010 as a way to funnel officers to the department and this new construction will provide dedicated space to the academy for training. The space will also provide preparation areas for specialized police units such as SWAT, Bomb Squad, and Hostage Negotiation teams, which the department has not previously had.

The funds will also allow for the construction of a new animal shelter to replace the current 40 plus year old structure which was originally set up as an animal 'pound'. The building has gas heaters, evaporative coolers and poor drainage for cleaning. The new facility would have current standard HVAC systems for both the animals and staff as well as proper drainage for cleaning. The proposed shelter will increase capacity for dog and cat housing as well as needed isolation rooms for ill animals. The facility will also have upgraded medical care areas for housed animals and adoption areas for citizens to interact with animals prior to adoption. Police Administration staff has consulted with professional architects for cost estimates, site plans and preliminary design for both Phase II of the multipurpose building and the animal shelter. The total estimated cost for both items is \$14,100,000.

# **2019 Certificates of Obligation Debt Issuance:**

Public Safety, Quality of Life Improvements,  
Infrastructure, & Public Facility Improvements

## **Odessa Parks & Recreation**

Odessa Parks & Recreation is seeking funding to address multiple park improvements within the City. The funding will be directed to rehabilitate one of Odessa's most used parks, Floyd Gwin. This park is one of the largest parks with amenities such as a pool, community center/gym, basketball courts, tennis courts, baseball fields, play structures and picnic areas. Many of these offerings are original to the park and are approaching 40 years without update. The funding will be used to update the amenities of the park with a master plan from a professional architect along with citizen input.

Other funding will be used to provide updates to other City parks within the system of 30 plus parks. The estimated cost for these projects is \$9,100,000.

# **2019 Certificates of Obligation Debt Issuance:**

Public Safety, Quality of Life Improvements,  
Infrastructure, & Public Facility Improvements

## **Odessa Public Works**

Odessa Public Work's is seeking funding to upgrade and rebuild roads and construct drainage improvements within the City of Odessa. The department, in conjunction with a transportation master plan, have identified roads needing the most attention and the funding will be directed to rebuilding those roads, including related sidewalk, curb, gutter, drainage, street lighting and landscaping improvements.

The projects include the following:

- Widening of Faudree, Hwy 191 to Yukon
- East Channel Drainage Improvements
- Various improvements on downtown roads including lighting, sidewalks, curbs, gutters, drainage, landscaping, public safety improvements, parking and site upgrades
- Funding for reconstruction of other projects as detailed within transportation master plan
- Study and design of: Dawn from 87th Street to Yukon, 56th Street from Faudree to E. Loop 338 and S. Dixie from I-20 to S. Loop 338.
- TxDot Road fund participation for future projects

City Engineers and staff as well as outside consultants have reviewed these projects and estimated the costs to be \$42,925,000.

# **2019 Certificates of Obligation Debt Issuance:**

Public Safety, Quality of Life Improvements,  
Infrastructure, & Public Facility Improvements

## **City of Odessa Offices**

The City of Odessa is requesting funds for additional city offices. Currently, multiple departments within the City of Odessa are working in limited space and are low on office space for use. With the growth of the City population, staff has grown as well to meet the needs of our citizens.

The City is in possession of property downtown that can be reconstructed for office needs. This funding will allow for housing up to 60 employees with modular furniture being utilized. The space will also allow for future city department growth.

Following consultations with architects, the costs for this project including furnishings is estimated at \$2,875,000.

**DISCLOSURE: The foregoing information represents the City's current expectation of the projects and costs associated with the projects that the proceeds from the Certificates of Obligation will be used for. The City reserves the right to prioritize the projects based on costs and circumstances at the time of actual construction of the projects.**