CITY OF McALLEN

Mayor James "Jim" Darling
Mayor Pro Tem/Commissioner Veronica Whitacre
Commissioner Javier Villalobos
Commissioner Joaquin J. Zamora

Commissioner J. Omar Quintanilla
Commissioner Tania Ramirez
Commissioner Victor "Seby" Haddad
City Manager Roel "Roy" Rodriguez, P.E.

NOTICE OF SPECIAL JOINT MEETING TO BE HELD BY THE MCALLEN BOARD OF COMMISSIONERS AND THE MCALLEN DEVELOPMENT CORPORATION
MONDAY, NOVEMBER 23, 2020 – 4:00 PM
MCALLEN CITY HALL
CITY COMMISSION CHAMBERS; 3RD FLOOR
1300 HOUSTON AVENUE
MCALLEN TEXAS, 78501

AGENDA

https://zoom.us/j/5087553077?pwd=TjduYjR4U2l3cWU1NjlsZzlsM2hJUT09

Members of the public that wish to listen to the meeting can log in to the virtual Zoom meeting or dial (346) 248-7799 US (Houston) Meeting ID: 508 755 3077 Passcode: 878576.

Individuals that wish to participate in the meeting or comment on an agenda item should call (956) 681-1020 by 3:30 pm. Any individual dialing in acknowledges his or her phone number may be visible to the public.

"At any time during the course of this meeting, the City Commission may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the City Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code."

CALL TO ORDER

JOINT MEETING WITH MCALLEN DEVELOPMENT CORPORATION:

1. Public hearing relating to issuing sales tax revenue bonds and expending bond proceeds to make improvements to and construct related infrastructure for the Anzalduas International Toll Bridge.

2. Discuss and consider a resolution authorizing the issuance of Development Corporation of McAllen, Inc. Sales Tax Revenue Bonds, Series 2021; approving and authorizing the execution of all instruments and procedures related thereto including a purchase contract and a paying agent/registrar agreement; authorizing a sales tax remittance agreement between the corporation and the City of McAllen, Texas; authorizing the preparation and distribution of a preliminary official statement and a final official statement; and delegating authority to certain officials to approve all final terms with respect to the sale of the bonds and other matters related thereto.

3. Discuss and consider a resolution of the City of McAllen, Texas authorizing the Development Corporation of McAllen, Inc. to undertake certain improvements to and construct related infrastructure for the Anzalduas International Toll Bridge; approving the resolution of the corporation issuing its sales tax revenue bonds to finance such project; and approving other matters related thereto including a sales tax remittance agreement between the City and the Corporation.

END OF JOINT MEETING

4. Present questions to staff relating to the November 23, 2020 Regular Meeting Agenda, to be discussed at such meeting.

5. Presentation of FY 2020 Unaudited Budget and Actuals.

6. Presentation on Office of Communications.

7. Subdivision Monthly Report.

8. Status Report on Parks & Recreation Projects.

9. Project Status Report.

10. **EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY), SECTION 551.074 (PERSONNEL MATTERS) AND SECTION 551.087 (ECONOMIC DEVELOPMENT)**

A) Consultation with City Attorney regarding pending litigation Cause No. C-3589-20-H; Roberto Zamora v. City of McAllen. (Section 551.071, T.G.C.)

B) Discussion with City Attorney regarding legal aspects of Legislative Agenda. (Section 551.071, T.G.C.)

C) Discussion and possible lease, sale or purchase of real estate property: Tract 1. (Section 551.072, T.G.C.)

D) Consultation with City Attorney regarding legal aspects of personnel process. (Section 551.071, T.G.C.)

ADJOURNMENT

IF ANY ACCOMMODATION FOR A DISABILITY IS REQUIRED (OR INTERPRETERS FOR THE DEAF), NOTIFY THE CITY SECRETARY'S DEPARTMENT AT 681-1020 FORTY-EIGHT (48) HOURS PRIOR TO THE MEETING DATE. WITH REGARD TO ANY ITEM, THE BOARD OF COMMISSIONERS MAY TAKE VARIOUS ACTIONS INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR A FUTURE DATE OR TIME.

C E R T I F I C A T I O N

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on November 20, 2020 at 2:00 PM and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

/s/
Perla Lara, TRMC/CMC, CPM
City Secretary

CITY OF McALLEN

ITEM SUMMARY

BOARD: City Commission	AGENDA ITEM	1.
	DATE SUBMITTED	11/17/2020
	MEETING DATE	11/23/2020

1. Agenda Item: Public hearing relating to issuing sales tax revenue bonds and expending bond proceeds to make improvements to and construct related infrastructure for the Anzalduas International Toll Bridge.

2. Party Making Request:

3. Applicant:

4. Nature of Request:

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount:	______________	Budgeted Amount:	______________
Under Budget:	______________	Over Budget:	______________
		Amount Remaining:	______________

7. Routing:

Cindy Gonzalez	Created/Initiated - 11/17/2020
Perla Lara	New -
Kevin Pagan	

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney:

11. Manager's Recommendation:

ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM	2.
DATE SUBMITTED	11/17/2020
MEETING DATE	11/23/2020

1. Agenda Item: Discuss and consider a resolution authorizing the issuance of Development Corporation of McAllen, Inc. Sales Tax Revenue Bonds, Series 2021; approving and authorizing the execution of all instruments and procedures related thereto including a purchase contract and a paying agent/registrar agreement; authorizing a sales tax remittance agreement between the corporation and the City of McAllen, Texas; authorizing the preparation and distribution of a preliminary official statement and a final official statement; and delegating authority to certain officials to approve all final terms with respect to the sale of the bonds and other matters related thereto.

2. Party Making Request:

3. Applicant:

4. Nature of Request:

5. Fiscal Impact Summary:

6. Budgeted:

   Bid Amount: ______________ Budgeted Amount: ______________

   Under Budget: ______________ Over Budget: ______________

   Amount Remaining: ______________

7. Routing:

Cindy Gonzalez	Created/Initiated - 11/17/2020
Perla Lara	Approved - 11/17/2020
Kevin Pagan	Final Approval - 11/17/2020

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney:

11. Manager's Recommendation:

RESOLUTION NO. 2020-__

RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO $____________ IN AGGREGATE PRINCIPAL AMOUNT OF *DEVELOPMENT CORPORATION OF McALLEN, INC. SALES TAX REVENUE BONDS, SERIES 2021*; APPROVING AND AUTHORIZING THE EXECUTION OF ALL INSTRUMENTS AND PROCEDURES RELATED THERETO INCLUDING A PURCHASE CONTRACT AND A PAYING AGENT/REGISTRAR AGREEMENT; AUTHORIZING A SALES TAX REMITTANCE AGREEMENT BETWEEN THE CORPORATION AND THE CITY OF McALLEN, TEXAS; AUTHORIZING THE PREPARATION AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT; AND DELEGATING AUTHORITY TO CERTAIN OFFICIALS TO APPROVE ALL FINAL TERMS WITH RESPECT TO THE SALE OF THE BONDS AND OTHER MATTERS RELATED THERETO

Date of Approval: November 23, 2020

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THE STATE OF TEXAS	**§**
COUNTY OF HIDALGO	**§**
DEVELOPMENT CORPORATION OF McALLEN, INC.	**§**

WHEREAS, the City Commission of the **CITY OF MCALLEN, TEXAS** (the "***City***") called an election for the purpose of receiving authority to levy a sales and use tax for the benefit of an industrial development corporation created under authority of the Development Corporation Act of 1979, Article 5190.6, V.A.T.C.S., as amended (the "***Original Act***"), all pursuant to the provisions of Section 4B of the Original Act; and

WHEREAS, at such election held on May 3, 1997, a majority of the citizens of the City voting at said election authorized the City to levy a sales and use tax on the receipts at retail of taxable items within the City at a rate of one-half of one percent (½ of 1%) pursuant to the provisions of Section 4B of the Original Act (the "***Sales Tax***") for the purpose of "*undertak[ing] projects as described in Section 4B of Article 5190.6, including but not limited to* [certain specifically described projects] *in addition to any other projects or expenditures, including maintenance and operation cost of any project, authorized under the provisions of Section 4B, Article 5190.6* . . ."; and

WHEREAS, pursuant to the provisions of the Original Act, the City created the **DEVELOPMENT CORPORATION OF MCALLEN, INC.** (the "***Issuer***"), a nonstock, nonprofit industrial development corporation created to act on behalf of the City to satisfy the public purposes set forth in Section 4B of the Original Act; and

WHEREAS, the City Commission of the City levied the Sales Tax for the benefit of the Issuer, and such tax began to be collected in the City on October 1, 1997; and

WHEREAS, subsequent to the creation of the Issuer, the Original Act was codified by the Legislature and is now found in Chapters 501 - 505 of the Texas Local Government Code (the "***Act***"); and

WHEREAS, Section 4B of the Original Act is now found primarily in Chapter 505, Texas Local Government Code, and Chapters 501, 502 and 505, Texas Local Government Code, are the primary provisions in Texas law under which the Issuer generally is governed; and

WHEREAS, the Corporation, in partnership with the City, finds it in its best interest to fund certain improvements to and related infrastructure for the Anzalduas International Toll Bridge (the "***Anzalduas Bridge***"), which bridge is owned and operated by the City and the cities of Mission and Hidalgo; and

WHEREAS, the improvements to be constructed at the Anzalduas Bridge include the construction of commercial inspection facilities and related infrastructure and technologies to cause the bridge to become a full-service commercial bridge that is able to cross goods both to and from Mexico (the "***Anzalduas Bridge Improvements***"); and

WHEREAS, the Board of Directors of the Issuer hereby find that the Anzalduas Bridge Improvements, by reducing bridge congestion and encouraging more commercial traffic into the City, shall increase tolls at the Azalduas Bridge and shall increase commercial activity within the City, specifically increasing City sales tax revenues and City hotel tax revenues; and

WHEREAS, although the Anzalduas Bridge is located outside the boundaries of the City, the majority, if not all, of the commercial traffic crossing the Anzalduas Bridge, because of the location of the State of Texas' major highways, will necessarily enter the City limits as such commercial traffic transports its goods to its final destination; and

WHEREAS, the Anzalduas Bridge Improvements will be constructed on Federally owned property and immediately after construction, such Anzalduas Bridge Improvements will be donated to the Federal government for the Federal government's use, maintenance and operation, all pursuant to the Federal program entitled "***The Donation Acceptance Project***" authorized pursuant to 6 U.S.C. § 301a; and

WHEREAS, the Board of Directors of the Issuer hereby find that the Anzalduas Bridge cannot become a full-service commercial bridge without the Federal facilities and technologies constituting the Anzalduas Bridge Improvements; and

WHEREAS, Section 501.106(b) of the Act provides that the term "project" as used in the Act, *includes the land, buildings, facilities, infrastructure, and improvements that:*

. . .

> *(2) are undertaken by the corporation if the municipality that authorized the creation of the corporation has, at the time the corporation approves the project as provided by this subtitle:*
>
> > *(A) a population of less than 50,000; or*
> >
> > *(B) an average rate of unemployment that is greater than the state average rate of unemployment during the most recent 12-month period for which data is available that precedes the date the project is approved.*

WHEREAS, the City's 2010 Census population was 129,877; however, according to the Federal Bureau of Labor statistics the average rate of unemployment for the metropolitan area in which the City is located (i.e., the "McAllen-Edinburg-Mission" metropolitan area) was greater than the average rate of unemployment for the State of Texas during the most recent 12-month period for which data is available (i.e., 10.57% for the City versus 6.71% for the State of Texas for the 12-month period beginning on October 1, 2019 and ending on September 30, 2020); accordingly, the provisions of Section 501.106(b) of the Act are available to be used by the Issuer; and

WHEREAS, in accordance with the authority granted under Section 501.106(b) of the Act, the Board of Directors of the Issuer has determined to undertake the construction of the Anzalduas Bridge Improvements by issuing the bonds authorized pursuant to this Resolution; and

WHEREAS, Section 501.054 of the Act provides that a corporation has the powers, privileges, and functions of a nonprofit corporation incorporated under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) or formed under the Texas Nonprofit Corporation Law, as described by Section 1.008, Business Organizations Code. Section 2.101(18) of the Business Organizations Code, applicable to the Issuer, provides that

> Except as otherwise provided by this code, a domestic entity has the same powers as an individual to take action necessary or convenient to carry out its business and affairs. Except as otherwise provided by this code, the powers of a domestic entity include the power to: . . . (18) **make donations for the public welfare** or for a charitable, scientific, or educational purpose. [Emphasis Added]

WHEREAS, the Board of Directors of the Issuer hereby find that the donation of the Anzalduas Bridge Improvements to the Federal government in accordance with The Donation Acceptance Project is for the public welfare as such donation will increase economic activity within the City; and

WHEREAS, pursuant to Section 501.003(2) of the Act, the Federal government is an eligible user of a project financed pursuant to the Act; and

WHEREAS, Section 501.007(c) provides that the grants authorized in connection with a project and authorized by the Issuer in accordance with the Act constitute the making of grants of public money or constitute other actions authorized by Section 52-a, Article III, Texas Constitution; and

WHEREAS, Section 505.160 of the Act provides that "*[a] Type B corporation may undertake a project under this chapter unless, not later than the 60th day after the date notice of the specific project or general type of project is first published, the governing body of the authorizing municipality receives a petition from more than 10 percent of the registered voters of the municipality requesting that an election be held before the specific project or general type of project is undertaken*"; and

WHEREAS, the Issuer caused a notice of its intention to undertake the Anzalduas Bridge Improvements to be published on July 15, 2020, in *Advanced News Journal*, a newspaper of general circulation within the City, and neither the Issuer nor the City received a petition prior to the expiration of the 60th day after the date of publication of such notice from more than 10 percent of the registered voters of the City requesting that an election be held before the Anzalduas Bridge Improvements is undertaken by the Issuer, all in compliance with Section 505.160 of the Act; and

WHEREAS, Section 505.159(a) of the Act provides that "*a Type B corporation shall hold at least one public hearing on a proposed project before spending money to undertake the project*"; and

WHEREAS, the Issuer held a public hearing on the Anzalduas Bridge Improvements on the date hereof, which satisfied the requirement set forth in Section 505.159(a) of the Act; and

WHEREAS, to evidence the obligations of the City to timely transfer to the Issuer the proceeds of the aforesaid Sales Tax to finance the Anzalduas Bridge Improvements, the Board of Directors of the Issuer hereby finds it necessary and desirable to enter into a Sales Tax Remittance Agreement, dated the date hereof, between the City and the Issuer in accordance with the provisions of Section 505.301 of the Act (the "***Transfer Agreement***"); and

WHEREAS, the Board of Directors now deems it necessary to authorize the issuance of a series of bonds for the purpose of financing a portion of the Anzalduas Bridge Improvements; and

WHEREAS, the Issuer now desires to delegate to a "Designated Officer" (as defined in Section 1(a) below) the authority, individually or collectively, to approve all final terms of the bonds authorized to be issued by this Resolution, and to effect the sale of such bonds; and

WHEREAS, the Bonds hereinafter authorized and designated are to be issued and delivered pursuant to the Act, including but not limited to Sections 501.006, 501.201, 505.104 and 505.302 thereof; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DEVELOPMENT CORPORATION OF McALLEN, INC. THAT:

SECTION 1. AUTHORIZATION OF BONDS; DELEGATION OF FINAL TERMS.

(a) Authorization to Issue Sales Tax Revenue Bonds. Sales tax revenue bonds of the Issuer are hereby authorized to be issued and delivered in the aggregate principal amount as designated by the President, Vice President and/or the Executive Director of the Issuer (each a "***Designated Officer***") pursuant to the provisions of Section 1(b) of this Resolution ***FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS TO CONSTRUCT IMPROVEMENTS TO THE ANZALDUAS INTERNATIONAL TOLL BRIDGE, INCLUDING CONSTRUCTION OF COMMERCIAL INSPECTION FACILITIES AND RELATED INFRASTRUCTURE AND TECHNOLOGIES, AND PAYING COSTS OF ISSUANCE.***

(b) Delegation of Final Terms. Each Designated Officer, acting individually or in combination with another Designated Officer, is hereby authorized, appointed, and designated as an officer of the Issuer authorized to act on behalf of the Issuer to effect the sale of the Bonds and establish the terms and details related to the issuance and sale of the Bonds including determining the method of sale (either through a negotiated underwriting, a competitive sale, or a private placement following the receipt of bids), the total aggregate principal amount of Bonds to be issued (but in no event to exceed *$*____________ in aggregate principal amount), the price at which the Bonds will be sold, the date of the Bonds, the aggregate principal amount of each maturity thereof, the due date of each maturity (but in no event later than _________________), the rate of interest to be borne on the principal amount of each such maturity (but in no event to exceed a true interest cost rate for all of the Bonds of ______*%* per annum), the interest payment periods, the dates, price and terms upon and at which the Bonds shall be subject to any mandatory sinking fund redemption provisions for any maturity, and all other matters relating to the issuance, sale and delivery of the Bonds. Each Designated Officer, acting individually or in combination with another Designated Officer for and on behalf of the Issuer, is further authorized to (i) complete and attach *Exhibit A* of this Resolution, (ii) revise and complete the FORM OF BOND set forth in Section 5 of this Resolution, with the final terms of the Bonds approved pursuant to the authority granted herein, (iii) select one or more investment banking firms (which firm or firms shall be identified in *Exhibit A* of this Resolution) to serve as the underwriters for the Bonds (herein referred to as the "***Underwriters***") and (iv) enter into, execute and carry out a Purchase Contract to purchase the Bonds (in the form approved by Bond Counsel for the Issuer) with the Underwriters of the Bonds.

(c) Determination Required by Section 1201.022(a)(3), Texas Government Code. In satisfaction of Section 1201.022(a)(3), Texas Government Code, the Board of Directors hereby determines that the delegation of the authority to each Designated Officer to approve the final terms of the Bonds set forth in this Resolution is, and the decisions made by a Designated Officer pursuant to such delegated authority and incorporated in *Exhibit A* will be, in the Issuer's best interests, and each Designated Officer is hereby authorized to make and include in *Exhibit A* an appropriate finding to that effect.

SECTION 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS AND MATURITIES OF BONDS. Each Bond issued pursuant to this Resolution shall be designated **DEVELOPMENT CORPORATION OF MCALLEN, INC. SALES TAX REVENUE BOND, SERIES 2021**, and initially there shall be issued, sold and delivered hereunder one fully registered bond, numbered T-1 (the "***Initial Bond***"), without interest coupons, dated as of the date determined by a Designated Officer and set forth in *Exhibit A*, and payable on the dates and in the principal amounts determined by a Designated Officer and set forth in *Exhibit A*, with Bonds issued and delivered in substitution for the Initial Bond being in the denomination of $5,000 or any integral multiple thereof, being numbered consecutively from R-1 upward, and being payable to the initial registered owner designated in Section 27 hereof, or to the registered assignee or assignees of said Bonds or any portion or portions thereof (the "***Registered Owner***").

SECTION 3. INTEREST. The Bonds shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BOND set forth in this Resolution to their respective dates of maturity at the rates per annum determined by a Designated Officer as set forth in *Exhibit A* attached hereto. Said interest shall be payable in the manner provided and on the dates stated in the FORM OF BOND set forth in this Resolution.

SECTION 4. CHARACTERISTICS OF THE BONDS.

(a) Registration and Transfer. The Issuer shall keep or cause to be kept at the designated office of a bank, including a commercial bank, or a trust company organized under the laws of the State of Texas, that is selected by a Designated Officer to serve as the paying agent/registrar for the Bonds, which shall be identified in *Exhibit A* attached hereto (the "***Paying Agent/Registrar***"), books or records for the registration of the transfer and exchange of the Bonds (the "***Registration Books***"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers and exchanges under such reasonable regulations as the Issuer and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers and exchanges as herein provided. Attached hereto as *Exhibit B* is a copy of the Paying Agent/Registrar Agreement between the Issuer and the Paying Agent/Registrar which is hereby approved in substantially final form, and the President, Vice President and Secretary of the Issuer are hereby authorized to execute the Paying Agent/Registrar Agreement and approve any changes in the final form thereof.

The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each registered owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. To the extent possible and under reasonable circumstances, all transfers of Bonds shall be made within three business days after request and presentation thereof. The Issuer shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying

Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, exchange and delivery of a substitute Bond or Bonds shall be paid as provided in the FORM OF BOND set forth in this Resolution. Registration of assignments, transfers and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Resolution. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

Except as provided in (c) below, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign the Paying Agent/Registrar's Authentication Certificate, and no such Bond shall be deemed to be issued or outstanding unless such Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all paid Bonds and Bonds surrendered for transfer and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the governing body of the Issuer or any other body or person so as to accomplish the foregoing transfer and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, and said Bonds shall be of type composition printed on paper with lithographed or steel engraved borders of customary weight and strength. Pursuant to Chapter 1201, Texas Government Code, and particularly Subchapter D and Section 1201.067 thereof, the duty of transfer and exchange of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Certificate, the transferred and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which initially were issued and delivered pursuant to this Resolution, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(b) Payment of Principal and Interest. The Issuer hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bonds, all as provided in this Resolution. The Paying Agent/ Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Bonds.

(c) In General. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the registered owners thereof, (ii) may be redeemed prior to their scheduled maturities (notice of which shall be given to the Paying Agent/Registrar by the Issuer at least 45 days prior to any such redemption date), (iii) may be transferred and assigned, (iv) may be exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Bonds shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BOND set forth in this Resolution. The Initial Bond is not required to be, and shall not be, authenticated by the Paying Agent/ Registrar, but on each substitute Bond issued in exchange for the Initial Bond issued under this Resolution the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF BOND. In lieu of the executed Paying Agent/Registrar's Authentication Certificate described above, the Initial Bond delivered on the closing date (as further described in subparagraph (i) below) shall have attached thereto the Comptroller's Registration Certificate substantially in the form set forth in the FORM OF BOND below, 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 Bond has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the Issuer, and has been registered by the Comptroller.

(d) Substitute Paying Agent/Registrar. The Issuer covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the Issuer will provide a competent and legally qualified bank, trust company, financial institution, or other entity to act as and perform the services of Paying Agent/Registrar for the Bonds under this Resolution, and that the Paying Agent/Registrar will be one entity and shall be an entity registered with the Securities and Exchange Commission. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 120 days written notice to the Paying Agent/Registrar, to be effective not later than 60 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Resolution. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Resolution, and a certified copy of this Resolution shall be delivered to each Paying Agent/Registrar.

(e) Delivery of Initial Bond. On the closing date, one Initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the initial registered owner named in Section 27 of this Resolution or its designee, executed by manual or facsimile signature of the President or Vice President and the Secretary of the Issuer, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to the initial purchaser or its designee. Upon payment for the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond and deliver to the initial registered owner or its designee one registered definitive Bond for each year of maturity of the Bonds, in the aggregate principal amount of all of the Bonds for such maturity.

SECTION 5. FORM OF BONDS. The form of the Bonds, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas (to appear only on the Initial Bond) shall be, respectively, substantially as follows, with such appropriate variations, omissions, or insertions as are permitted or required by this Resolution:

FORM OF BOND

R- ____

PRINCIPAL AMOUNT
$____________

UNITED STATES OF AMERICA
STATE OF TEXAS
DEVELOPMENT CORPORATION OF McALLEN, INC.
SALES TAX REVENUE BOND, SERIES 2021

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP NO.
____%	August 15, 20__	__________	579086 ___

REGISTERED OWNER:

PRINCIPAL AMOUNT: **DOLLARS**

ON THE MATURITY DATE SPECIFIED ABOVE, ***THE DEVELOPMENT CORPORATION OF McALLEN, INC.*** (the "***Issuer***"), being a nonstock, nonprofit industrial development corporation organized and existing under the laws of the State of Texas, including particularly the Development Corporation Act (which was originally enacted as Article 5190.6, V.A.T.C.S., and was subsequently codified and now appears - as it relates to the Issuer - in Chapters 501, 502, and 505 of the Texas Local Government Code) (collectively, the "Act"), and acting on behalf of the *City of McAllen, Texas* (the "***City***"), hereby promises to pay to the registered owner set forth above or to the assignee or assignees thereof (either being hereinafter called the "***Registered Owner***") the Principal Amount set forth above, and to pay interest thereon (calculated on the basis of a 360-day year composed of twelve 30-day months) from the date of initial delivery of the Series of Bonds of which this Bond is a part (as shown on the records of the Paying Agent/Registrar, defined below) to the Maturity Date specified above, or the date of redemption prior to maturity, at the Interest Rate per annum specified above with interest being payable on _________ 15, 2021, and semiannually on each February 15 and August 15 thereafter; except that if the date of authentication of this Bond is later than any Record Date but on or before the next following interest payment date, such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date (hereinafter defined) but on or before the next following interest payment date, in which case such Principal Amount shall bear interest from such next following interest payment date.

THE PRINCIPAL OF AND INTEREST ON THIS BOND are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity or upon the date fixed for its redemption prior to maturity, at the designated corporate trust office of _________________________, which is the "***Paying Agent/Registrar***" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the Registered Owner hereof on the interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the resolution authorizing the issuance of the Bonds (the "***Resolution***") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at the address of the Registered Owner, as it appeared on the last business day of the month next preceding such date (the "***Record Date***") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. Any accrued interest due upon the redemption of this Bond prior to maturity as provided herein shall be paid to the Registered Owner at the principal corporate trust office of the Paying Agent/Registrar upon presentation and surrender of this Bond for redemption and payment at the principal corporate trust office of the Paying Agent/Registrar (unless the redemption date is a regularly scheduled interest payment date, in which case accrued interest on such redeemed Bond shall be payable in the regular manner described above). The Issuer covenants with the Registered Owner of this Bond that on or before each principal payment date, interest payment date, and accrued interest payment date for this Bond, it will make available to the Paying Agent/Registrar, from the "Debt Service Fund" created by the Resolution, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due. In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "***Special Record Date***") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the special record date by the United States mail, first-class postage prepaid, to the address of each owner of a Bond appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

IF THE DATE FOR THE PAYMENT of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND IS ONE OF A SERIES OF BONDS dated as of January 1, 2018, authorized in accordance with the Constitution and laws of the State of Texas, including particularly the Act, in the original principal amount of ***$__________ FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS TO CONSTRUCT IMPROVEMENTS TO THE ANZALDUAS INTERNATIONAL TOLL BRIDGE, INCLUDING CONSTRUCTION OF COMMERCIAL INSPECTION FACILITIES AND RELATED INFRASTRUCTURE AND TECHNOLOGIES, AND PAYING COSTS OF ISSUANCE***.

ON AUGUST 15, 20__, OR ON ANY DATE THEREAFTER, the Bonds scheduled to mature on and after August 15, 20__ may be redeemed prior to their scheduled maturities, at the option of the Issuer, with funds derived from any available and lawful source, as a whole or in part (provided that a portion of a Bond may be redeemed only in an integral multiple of $5,000), at the redemption price equal to the principal amount to be redeemed plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed, the Issuer shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption.

THE BONDS MATURING on August 15 in the years 20__ and 20__ (collectively, the "***Term Bonds***") are subject to mandatory redemption prior to maturity in part by lot, at a price equal to the principal amount thereof plus accrued interest to the date of redemption, on the dates and in the respective principal amounts shown below:

TERM BONDS MATURING AUGUST 15, 20__		**TERM BONDS MATURING AUGUST 15, 20__**	
Mandatory Redemption Date	**Redemption Amount ($)**	**Mandatory Redemption Date**	**Redemption Amount ($)**

The principal amount of the Term Bonds required to be redeemed pursuant to the operation of such mandatory redemption requirements may be reduced, at the option of the Issuer, by the principal amount of any such Term Bonds which, prior to the date of the mailing of notice of such mandatory redemption, (i) shall have been acquired by the Issuer and delivered to the Paying Agent/Registrar for cancellation, (ii) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the Issuer, or (iii) shall have been redeemed pursuant to the optional redemption provisions described in the preceding paragraph and not theretofore credited against a mandatory redemption requirement.

AT LEAST 30 DAYS PRIOR to the date fixed for redemption, notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first class postage prepaid, to the registered owner of each Bond to be redeemed at its address as it appeared on the day such notice is mailed. The failure to send, mail, or receive such notice in writing, or any defect therein, or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of Bonds, and the publication of notice as described above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. The notice with respect to an optional redemption of Bonds may state (1) that it is conditioned upon the deposit of moneys, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar no later than the redemption date, or (2) that the Issuer retains the right to rescind such notice at any time prior to the scheduled redemption date if the Issuer delivers a certificate of an authorized representative to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is so rescinded. By the date fixed for any such redemption, due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds which are to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given and if due provision for such payment is made, all as provided above, the Bonds which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the registered owner thereof to receive the redemption price plus accrued interest from the Paying Agent/Registrar out of the funds provided for such payment.

ALL BONDS OF THIS SERIES are issuable solely as fully registered Bonds, without interest coupons, in the denomination of any integral multiple of $5,000. As provided in the Resolution, this Bond, or any unredeemed portion hereof, may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred and exchanged for a like aggregate principal amount of fully registered Bonds, without interest coupons, payable to the appropriate registered owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of $5,000 as requested in writing by the appropriate registered owner, assignee or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Resolution. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Bond shall be executed by the Registered Owner or its duly authorized attorney or representative to evidence the assignment hereof. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such transfer, but the one requesting such transfer shall pay any taxes or other governmental charges required to be paid with respect thereto. The Paying Agent/Registrar shall not be required to make transfers of registration of this Bond or any portion hereof (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or, (ii) with respect to any Bond or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date. The Registered Owner of this Bond shall be deemed and treated by the Issuer and the Paying Agent/Registrar as the absolute owner hereof for all purposes, including payment and discharge of liability upon this Bond to the extent of such payment, and the Issuer and the Paying Agent/Registrar shall not be affected by any notice to the contrary.

IN THE EVENT ANY PAYING AGENT/REGISTRAR for the Bonds is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Resolution that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Bonds.

BY BECOMING THE REGISTERED OWNER OF THIS BOND, the Registered Owner thereby acknowledges all of the terms and provisions of the Resolution, agrees to be bound by such terms and provisions, acknowledges that the Resolution is duly recorded and available for inspection in the official minutes and records of the governing body of the Issuer, and agrees that the terms and provisions of this Bond and the Resolution constitute a contract between the Registered Owner hereof and the Issuer.

THE ISSUER HAS RESERVED THE RIGHT, subject to the restrictions stated, and adopted by reference, in the Resolution, to issue additional parity revenue bonds which also may be made payable from, and secured by a first lien on and pledge of, the "Pledged Revenues" (as defined in the Resolution).

IT IS HEREBY CERTIFIED, RECITED, AND COVENANTED that this Bond has been duly and validly authorized, issued, sold, and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance, and delivery of this Bond have been performed, existed, and been done in accordance with law; that this Bond is a special obligation of the Issuer; that neither the State of Texas, the City, nor any political corporation, subdivision, or agency of the State of Texas, nor any member of the Board of Directors of the Issuer, either individually or collectively, shall be obligated to pay the principal of or the interest on this Bond and neither the faith and credit nor the taxing power (except as described below) of the State of Texas, the City, or any other political corporation, subdivision, or agency of the State of Texas is pledged to the payment of the principal of or the interest on this Bond; that the principal of and interest on this Bond, together with other outstanding "Parity Obligations" (as defined in the Resolution) are secured by and payable from a first lien on and pledge of the revenues defined in the Resolution as the "Pledged Revenues", which include the proceeds of a one-half of one percent sales and use tax levied for the benefit of the Issuer by the City pursuant to Chapter 505 of the Act; and that the Registered Owner hereof shall not have the right to demand payment of the principal of or interest on this Bond from any tax proceeds in excess of the aforesaid sales and use tax proceeds levied for the benefit of the Issuer by the City pursuant to Chapter 505 of the Act, or from any other source other than the Pledged Revenues.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed with the manual or facsimile signature of the President or Vice President of the Issuer and countersigned with the manual or facsimile signature of the Secretary of the Issuer, and has caused the official seal of the Issuer to be duly impressed, or placed in facsimile, on this Bond.

(signature)	(signature)
Secretary	[Vice] President

(SEAL)

FORM OF REGISTRATION CERTIFICATE OF THE
<u>COMPTROLLER OF PUBLIC ACCOUNTS:</u>

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. _______________

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

Witness my signature and seal this

____

(COMPTROLLER'S SEAL) Comptroller of Public Accounts
of the State of Texas

<u>FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE</u>

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

(To be executed if this Bond is not accompanied by an executed Registration Certificate of the Comptroller of Public Accounts of the State of Texas)

It is hereby certified that this Bond has been issued under the provisions of the Resolution described in the text of this Bond; and that this Bond has been issued in exchange for a Bond which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated __________________________
Paying Agent/Registrar

By __________________________________
Authorized Representative

FORM OF ASSIGNMENT

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto ____

____

/______________________________/____

(Assignee's Social Security or Taxpayer Identification Number)	(Please print or typewrite name and address, including zip code of Transferee)

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

Dated: ____________________________

Signature Guaranteed:

____

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

____

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

INITIAL BOND INSERTIONS

The Initial Bond shall be in the form set forth above except that:

(A) The Initial Bond shall be numbered "T-1".

(B) Immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall be completed with the words "As shown below" and "CUSIP NO. _____" shall be deleted.

(C) The first paragraph shall be deleted and the following shall be inserted:

"ON THE RESPECTIVE MATURITY DATES specified below, the ***DEVELOPMENT CORPORATION OF McALLEN, INC.*** (the "***Issuer***"), being a nonstock, nonprofit industrial development corporation organized and existing under the laws of the State of Texas, including particularly the Development Corporation Act (which was originally enacted as Article 5190.6, V.A.T.C.S., and was subsequently codified and now appears - as it relates to the Issuer - in Chapters 501, 502, and 505 of the Texas Local Government Code) (collectively, the "Act"), and acting on behalf of the *City of McAllen, Texas* (the "***City***"), hereby promises to pay to the registered owner specified above, or registered assigns (hereinafter called the "***Registered Owner***"), the respective Principal Installments specified below, and to pay interest thereon (calculated on the basis of a 360-day year composed of twelve 30-day months) from the date of initial delivery of the Series of Bonds of which this Bond is a part (as shown on the records of the Paying Agent/Registrar, defined below) at the respective Interest Rates per annum specified below, payable on ________ 15, 2021, and semiannually on each February 15 and August 15 thereafter to the respective Maturity Dates specified below, or the date of redemption prior to maturity. The respective Maturity Dates, Principal Installments and Interest Rates for this Bond are set forth in the following schedule:

MATURITY DATE (AUGUST 15)	**PRINCIPAL INSTALLMENT ($)**	**INTEREST RATE (%)**
_______	_______	_______
_______	_______	_______
_______	_______	_______

[Insert principal and interest information from Exhibit A]

SECTION 6. DEFINITIONS. In addition to the capitalized terms defined in the recitals above, as used in this Resolution the following terms shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

"***Act***" shall mean the Development Corporation Act, which was originally enacted as Article 5190.6, V.A.T.C.S., and was subsequently codified and now appears - as it relates to the Issuer - in Chapters 501, 502, and 505 of the Texas Local Government Code, as amended.

"***Additional Obligations***" shall mean those obligations hereafter issued by the Issuer pursuant to Section 19 of this Resolution.

"***Annual Debt Service Requirements***" means, as of the date of calculation, the principal of and interest on all Parity Obligations coming due in an applicable Fiscal Year.

"***Board***" shall mean the Board of Directors of the Issuer.

"***Bonds***" shall mean the **DEVELOPMENT CORPORATION OF MCALLEN, INC. SALES TAX REVENUE BONDS, SERIES 2021**, in the aggregate principal amount of *$*__________, authorized to be issued by this Resolution.

"***City***" shall mean the **CITY OF MCALLEN, TEXAS**.

"***Code***" shall mean the Internal Revenue Code of 1986, as amended.

"***Comptroller***" shall mean the Comptroller of Public Accounts of the State of Texas, and any successor official or officer thereto.

"***Cost***" shall mean with respect to the Project, the cost of acquisition, construction, reconstruction, improvement, and expansion of the Project as provided in the Act, including, without limitation, the cost of the acquisition of all land, rights-of-way, property rights, easements, and interests, the cost of all machinery and equipment, financing charges, interest prior to and during construction, and for one year after completion of construction whether or not capitalized, necessary reserve funds, cost of estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenue, other expenses necessary or incident to determining the feasibility and practicability of acquiring, constructing, reconstructing, improving, and expanding any such Project, administrative expense, and such other expense as may be necessary or incident to the acquisition, construction, reconstruction, improvement, and expansion thereof, the placing of the same in operation, and the financing or refinancing of the Project.

"***Credit Facility***" shall mean a policy of municipal bond insurance, a surety bond or a bank letter or line of credit issued by a Credit Facility Provider, if any, to cause the amount on deposit in the Reserve Fund to satisfy the Required Reserve Amount.

"***Credit Facility Provider***" means (i) with respect to any Credit Facility consisting of a policy of municipal bond insurance or a surety bond, any issuer of policies of insurance insuring the timely payment of debt service on governmental obligations such as the Parity Obligations and provided that a nationally recognized rating agency having an outstanding rating on the Parity Obligations would rate such Parity Obligations fully insured by a standard policy issued by that issuer in its highest rating category for such obligations; and (ii) with respect to any Credit Facility consisting of a letter or line of credit, any bank, provided that a nationally recognized rating agency having an outstanding rating on the Parity Obligations would rate the Parity Obligations in its highest rating category for such obligations if the letter or line of credit proposed to be issued by such bank secured the timely payment of the entire principal amount of the Parity Obligations and the interest thereon.

"***Fiscal Year***" shall mean the fiscal year of the Issuer, being the twelve month period beginning October 1 of each year.

"***Investment Act***" shall mean the Public Funds Investment Act, Chapter 2256, Texas Government Code.

"***Issuer***" shall mean the *Development Corporation of McAllen, Inc.*

"***Parity Obligations***" shall mean, collectively, the Previously Issued Parity Obligations, the Bonds and any Additional Obligations.

"***Paying Agent/Registrar***" shall mean the financial institution so designated in accordance with the provisions of Section 4 of this Resolution.

"***Pledged Revenues***" shall mean the gross revenues received by the Issuer from the Sales Tax plus any interest earnings thereon, less any amounts due or owing to the Comptroller as charges for collection or retention by the Comptroller for refunds and to redeem dishonored checks and drafts, to the extent such charges and retention are authorized or required by law.

"***Previously Issued Parity Obligations***" shall mean (i) the **DEVELOPMENT CORPORATION OF MCALLEN, INC. SALES TAX REVENUE BONDS, TAXABLE SERIES 2016**, dated as of July 1, 2016, and issued in the original aggregate principal amount of *$5,120,000;* (ii) **DEVELOPMENT CORPORATION OF MCALLEN, INC. SALES TAX REVENUE BONDS, TAXABLE SERIES 2017**, dated as of March 15, 2017, and issued in the original aggregate principal amount of *$10,165,000*; and (iii) **DEVELOPMENT CORPORATION OF MCALLEN, INC. SALES TAX REVENUE BONDS, TAXABLE SERIES 2018**, dated as of January 1, 2018, and issued in the original aggregate principal amount of *$5,115,000*.

"***Project***" shall mean the Anzalduas Bridge Improvements.

"***Sales Tax***" shall mean the one-half of one percent sales and use tax levied by the City within the boundaries of the City as they now or hereafter exist, together with any increases in the aforesaid rate if provided and authorized by the laws of the State of Texas, specifically the Act, and collected for the benefit of the Issuer, all in accordance with the Act, including particularly Chapter 505 thereof.

"***Transfer Agreement***" shall mean the *Sales Tax Remittance Agreement*, dated as of November 23, 2020, between the City and the Issuer.

SECTION 7. PLEDGE AND SECURITY INTEREST.

(a) Cumulative Effect of Resolution. The Bonds being issued pursuant to this Resolution are "Additional Obligations" issued pursuant to applicable sections of the resolution authorizing the issuance of the currently outstanding Previously Issued Parity Obligations, and are in all respects on a parity with the currently outstanding Previously Issued Parity Obligations. Sections 7 through 22 of this Resolution substantially restate, and are supplemental to and cumulative of, Sections 7 through 22 of the resolution authorizing the issuance of the most recently issued series of Previously Issued Parity Obligations, so that Sections 7 through 22 of this Resolution are applicable to all Parity Obligations (i.e., the Bonds, all currently outstanding Previously Issued Parity Obligations and any future Additional Obligations) and state all requirements with respect thereto.

(b) Pledge. The Parity Obligations, and any interest payable thereon, are and shall be secured by and payable from a first lien on and pledge of the Pledged Revenues; and the Pledged Revenues are further pledged to the establishment and maintenance of the Debt Service Fund and the Reserve Fund as hereinafter provided. The Parity Obligations are and will be secured by and payable only from the Pledged Revenues, and are not secured by or payable from a mortgage or deed of trust on any real, personal or mixed properties constituting a project financed or refinanced with proceeds of any Parity Obligations.

(c) Security Interest. Chapter 1208, Texas Government Code, applies to the issuance of the Bonds and the pledge of the Pledged Revenues granted by the Issuer under Section 7(b) of this Resolution, and is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the Pledged Revenues granted by the Issuer under Section 7(b) of this Resolution is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code, and enable a filing to perfect the security interest in said pledge to occur.

SECTION 8. REVENUE FUND. There has been created and established, and shall continue to be maintained, on the books of the Issuer, and accounted for separate and apart from all other funds of the Issuer, a special fund entitled the *"Development Corporation of McAllen, Inc. Sales Tax Revenue Fund"* (hereinafter called the "***Revenue Fund***"). All Pledged Revenues shall be credited to the Revenue Fund immediately upon receipt. Monies in said Fund shall be maintained at an official depository bank of the City.

SECTION 9. DEBT SERVICE FUND. For the sole purpose of paying the principal of and interest on the Parity Obligations, as the same come due, there has previously been created and established, and shall continue to be maintained, on the books of the Issuer a separate fund entitled the *"Development Corporation of McAllen, Inc. Sales Tax Revenue Bonds Debt Service Fund"* (hereinafter called the ***"Debt Service Fund***"). Monies in said Fund shall be maintained at an official depository bank of the City.

SECTION 10. RESERVE FUND. There has previously been created and established, and shall continue to be maintained, on the books of the Issuer a separate fund entitled the *"Development Corporation of McAllen, Inc. Sales Tax Revenue Bonds Reserve Fund"* (hereinafter called the "***Reserve Fund***"). As further described in Section 16(a) hereof, no amounts are required to be held on deposit in the Reserve Fund unless the amount of Pledged Revenues collected for the benefit of the Issuer during the most recently completed Fiscal Year is less than *1.35* times the average Annual Debt Service Requirements for all Parity Obligations. Monies in said Fund, if any, shall be maintained at an official depository bank of the City.

SECTION 11. CONSTRUCTION FUND. There shall be created and established on the books of the Issuer a separate fund entitled the *"Development Corporation of McAllen, Inc. Series 2021 Construction Fund"* (hereinafter called the "***Construction Fund***"). The Construction Fund shall be held by an official depository bank of the City and shall be subject to and charged with a lien in favor of the registered owners of the Bonds until said monies on deposit therein are paid out as herein provided. The proceeds from the sale of the Bonds, other than any accrued interest and capitalized interest, if any (which shall be deposited to the credit of the Debt Service Fund), shall be credited to the Construction Fund. All interest and profits from investments made with moneys in the Construction Fund shall remain on deposit in the Construction Fund and as a part thereof unless the President, Vice President or Executive Director of the Issuer directs that all or a portion of such interest earnings are to be deposited to the Debt Service Fund. All funds on deposit in the

Construction Fund shall be deposited into the Debt Service Fund upon completion of the Project (i.e. until the Project is finally completed).

SECTION 12. APPROVAL OF TRANSFER AGREEMENT; TRANSFER OF SALES TAX REVENUES. (a) The Transfer Agreement as presented the date hereof is hereby approved and the President, Vice President, Secretary, Treasurer and Executive Director of the Issuer are each hereby authorized to execute the Transfer Agreement. Pursuant to the provisions of the Transfer Agreement, the City has agreed to do any and all things necessary to accomplish the transfer of the Sales Tax collected for the benefit of the Issuer to the Revenue Fund on a monthly basis. The Transfer Agreement shall govern matters with respect to the collection of sales taxes from the Comptroller, credits and refunds due and owing to the Comptroller, and other matters with respect to the collection and transfer of the Sales Tax. The City shall maintain the proceeds from the collection of the Sales Tax in an account to be maintained at an official depository bank of the City.

(b) The President, Vice President, Secretary, Treasurer and Executive Director of the Issuer are hereby ordered to do any and all things necessary including mandamus, and any action at law or in equity to accomplish the transfer of monies to the Debt Service Fund in ample time to pay the principal of and interest on the Parity Obligations.

SECTION 13. DEPOSITS OF PLEDGED REVENUES; INVESTMENTS. (a) The Pledged Revenues shall be deposited in the Debt Service Fund and the Reserve Fund, or shall be used to reimburse a Credit Facility Provider in the event a Credit Facility has been drawn upon to pay debt service requirements on any Parity Obligations, when and as required by this Resolution.

(b) Money in any Fund established by this Resolution may, at the option of the Board, be invested in eligible investment securities as described in the Investment Act; provided that all such deposits and investments shall have a par value (or market value when less than par) exclusive of accrued interest at all times at least equal to the amount of money credited to such Funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Money in the Reserve Fund shall not be invested in securities maturing later than five years from the date such investment is made. Such investments shall be valued in terms of current market value as of the last day of each year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Parity Obligations.

SECTION 14. FUNDS SECURED. Money in all Funds created by this Resolution, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the City.

SECTION 15. DEBT SERVICE FUND REQUIREMENTS. (a) Promptly after the delivery of the Bonds the Issuer shall cause to be deposited to the credit of the Debt Service Fund any accrued interest and any capitalized interest received from the sale and delivery of the Bonds, and any such deposit shall be used to pay the interest next coming due on the Bonds.

(b) The Issuer shall transfer or cause to be transferred Pledged Revenues on deposit in the Revenue Fund, and deposit to the credit of the Debt Service Fund the amounts, and at the times, as follows:

(1) Such amounts, in substantially equal monthly installments, deposited on or before the last business day of each month hereafter, as will be sufficient, together with other amounts, if any, then on hand in the Debt Service Fund and available for such purpose, to pay the interest scheduled to accrue and come due on the Bonds on the next succeeding interest payment date.

(2) Such amounts, in substantially equal monthly installments deposited on or before the last business day of each month hereafter, as will be sufficient, together with other amounts, if any, then on hand in the Debt Service Fund and available for such purpose, to pay the principal scheduled to mature and come due on the Bonds on the next succeeding principal payment date.

SECTION 16. RESERVE FUND REQUIREMENTS.

(a) No Funds Initially Deposited to or Maintained in Reserve Fund. No funds shall be required to be deposited and maintained in the Reserve Fund as long as the amount of Pledged Revenues collected for the benefit of the Issuer during the most recently completed Fiscal Year has been greater than 1.35 times the average Annual Debt Service Requirements for all Parity Obligations. In the event, however, that the amount of Pledged Revenues collected for the benefit of the Issuer during the most recently completed Fiscal Year is less than 1.35 times the average Annual Debt Service Requirements for all Parity Obligations, the Issuer shall, subject and subordinate to making the required deposits to the credit of the Debt Service Fund, transfer or cause to be transferred Pledged Revenues on deposit in the Revenue Fund, and deposit to the credit of the Reserve Fund, an amount equal to 1/24th of such deficiency and continue such deposits until the earlier of such time as (i) the Reserve Fund contains the average Annual Debt Service Requirements of the outstanding Parity Obligations (the "***Required Reserve Amount***"), or (ii) the Pledged Revenues in the most recently completed Fiscal Year is equal to not less than 1.35 times the average Annual Debt Service Requirements of all outstanding Parity Obligations.

(b) Use of Funds. Funds on deposit in the Reserve Fund shall be used to (i) pay the principal of and interest on the Parity Obligations at any time when there is not sufficient money available in the Debt Service Fund for such purpose, (ii) pay the principal of or interest on the last maturing Parity Obligations, or (iii) pay Reimbursement Obligations to restore the amount available to be drawn under a Reserve Fund Credit Facility to its original amount. If the amount on deposit in the Reserve Fund consists of cash and investments and a Reserve Fund Credit Facility, all cash and investments in such account shall be liquidated and withdrawn prior to drawing on the Reserve Fund Credit Facility. If more than one Reserve Fund Credit Facility is maintained in an account of the Reserve Fund, any withdrawals on such Reserve Fund Credit Facilities shall be pro rata.

(c) *Right to Withdraw Excess Funds in Reserve Fund*. In the event the amount on deposit in the Reserve Fund exceeds the Required Reserve Amount, the Issuer may withdraw such excess amount from the Reserve Fund and deposit such amount into the Revenue Fund or use it for other lawful purposes.

(d) *Use of Credit Facility*. The Issuer may, in lieu of depositing cash or investments in the Reserve Fund, obtain a Credit Facility in order to cause the amount on deposit therein to equal the Required Reserve Amount. The Credit Facility must (i) be issued for the benefit of all owners of the Parity Obligations, (ii) provide coverage, together with other cash and investments on deposit in the Reserve Fund, for the full amount of the Required Reserve Amount applicable to the series of Parity Obligations for which such Credit Facility was obtained, (iii) upon the demand of the owners or the Paying Agent/Registrar on behalf of the owners, provide for the withdrawal or disbursement of such amounts at the same times as would otherwise be permitted to be withdrawn for the Debt Service Fund, and (iv) be in form and substance approved by nationally recognized bond counsel. If the amount on deposit in the Reserve Fund consists of cash and investments and one or more Credit Facilities, as provided in this subsection, all cash and investments shall be liquidated and withdrawn prior to drawing on any Credit Facility, and all Credit Facility Providers shall be fully reimbursed in accordance with the provisions of the respective Credit Facility (including draws, expenses and accrued interest) prior to restoring any cash balance to the Reserve Fund. If more than one Credit Facility is on deposit in the Reserve Fund, any withdrawals on such Credit Facilities shall be made on a pro rata basis. Should the Issuer be obligated to repay or reimburse a Credit Facility Provider to replenish or restore the full amount of the coverage provided by a Credit Facility, on or before the last business day of each month following a withdrawal on a Credit Facility, the Issuer shall cause approximately equal monthly deposits to be made from Pledged Revenues to the Credit Facility Provider in order to restore the full coverage under such Credit Facility within a period of not greater than 12 months following the month during which a withdrawal was first made on such Credit Facility.

SECTION 17. DEFICIENCIES; EXCESS PLEDGED REVENUES. (a) If on any occasion there shall not be sufficient Pledged Revenues to make the required deposits into the Debt Service Fund and the Reserve Fund, then such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose.

(b) Subject to making the required deposits to the credit of the Debt Service Fund and the Reserve Fund when and as required by this Resolution, or any resolution authorizing the issuance of Additional Obligations, the excess Pledged Revenues may be used by the Issuer for any lawful purpose not inconsistent with the Act.

SECTION 18. PAYMENT. On or before **________** 15, 2021, and semiannually on or before each February 15 and August 15 thereafter while any of the Parity Obligations are outstanding and unpaid, the Issuer shall make available to the paying agents therefor, out of the Debt Service Fund, and the Reserve Fund (if necessary), money sufficient to pay such interest on and such principal of the Parity Obligations as shall become due on such dates, respectively, at maturity or by redemption prior to maturity. The aforesaid paying agents shall destroy all paid Parity Obligations, and furnish the Issuer with an appropriate certificate of cancellation or destruction.

SECTION 19. ADDITIONAL BONDS. (a) The Issuer shall have the right and power at any time and from time to time and in one or more series or issues, to authorize, issue and deliver additional parity revenue bonds (herein called "***Additional Obligations***"), in accordance with law, in any amounts, for purposes of financing or refinancing projects under the provisions of the Act, or for the purpose of refunding any Parity Obligations or other obligations of the Issuer incurred in connection with the financing of projects under the provisions of the Act. Such Additional Obligations, if and when authorized, issued and delivered in accordance with this Resolution, shall be secured by and made payable equally and ratably on a parity with the Parity Obligations then outstanding from a first lien on and pledge of the Pledged Revenues.

(b) The Debt Service Fund and the Reserve Fund established by this Resolution shall secure and be used to pay all Parity Obligations in accordance with the terms of this Resolution. However, each resolution under which Additional Obligations are issued shall provide and require that, in addition to the amounts required by the provisions of this Resolution and the provisions of any other resolution or resolutions authorizing Additional Obligations to be deposited to the credit of the Debt Service Fund, the Issuer shall deposit to the credit of the Debt Service Fund at least such amounts as are required for the payment of all principal and interest on said Additional Obligations then being issued, as the same come due; and that the aggregate amount to be accumulated and maintained in the Reserve Fund shall be increased (if and to the extent necessary, and subject to the provisions of Section 16(a) hereof relating to certain times during which no amounts are required to be on deposit in the Reserve Fund) to an amount not less than the average annual principal and interest requirements of all Parity Obligations which will be outstanding after the issuance and delivery of the then proposed Additional Obligations; and that the required additional amount, if any, shall be so accumulated by the deposit in the Reserve Fund of all or any part of said required additional amount in cash immediately after the delivery of the then proposed Additional Obligations, or, at the option of the Issuer, by the deposit of said required additional amount (or any balance of said required additional amount not deposited in cash as permitted above) in monthly installments, made on or before the last business day of each month following the delivery of the then proposed Additional Obligations, of not less than 1/60th of said required additional amount (or 1/60th of the balance of said required additional amount not deposited in cash as permitted above).

(c) All calculations of average annual principal and interest requirement made pursuant to this Section shall be made as of and from the date of the Additional Obligations then proposed to be issued.

(d) No installment, series or issue of Additional Obligations shall be issued or delivered unless:

(i) The President, Vice President or Executive Director of the Issuer signs a written certificate to the effect that the Issuer is not in default as to any covenant, condition or obligation in connection with all outstanding Parity Obligations, and the resolutions authorizing same, and that the Debt Service Fund and the Reserve Fund each contains the amount then required to be therein;

(ii) The chief financial officer of the Issuer or the City signs a written certificate to the effect that, during either the next preceding year, or any twelve consecutive calendar month period ending not more than ninety days prior to the date of the then proposed Additional Obligations, the Pledged Revenues were, in his or her opinion, at least equal to 2.25 times the maximum annual principal and interest requirements (computed on a Fiscal Year basis) of all Parity Obligations to be outstanding after the issuance of then proposed Additional Obligations;

(iii) The respective governing bodies of the Issuer and the City by official action approves the issuance of the Bonds, as required by the Act; and

(iii) The Issuer receives the written consent of a Credit Facility Provider in the event a Credit Facility provided by such Credit Facility Provider has been drawn upon and such Credit Facility Provider has not been fully reimbursed for costs related to such withdrawal.

The foregoing notwithstanding, the Issuer may issue Additional Obligations, all or a portion of the proceeds of which are to be used to refund all of the outstanding Parity Obligations, without the necessity of satisfying the provisions of clause (ii) of this subsection.

(e) Any installment, series or issue of Additional Obligations may be issued in such a manner that such Additional Obligations would qualify as obligations described by Section 103(a) of the Code, without regard as to whether any other obligations of the Issuer then outstanding were so issued.

SECTION 20. GENERAL COVENANTS. The Issuer further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) Performance. It will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Resolution, each resolution authorizing the issuance of Additional Obligations, and in each and every Parity Obligation; it will promptly pay or cause to be paid the principal of and interest on every Parity Obligation, on the dates and in the places and manner prescribed in such resolutions and Parity Obligations; and it will, at the times and in the manner prescribed, deposited or cause to be deposited the amounts required to be deposited into the Debt Service Fund and the Reserve Fund; and any registered owner of the Parity Obligations may require the Issuer, its officials and employees to carry out, respect or enforce the covenants and obligations of this Resolution, or any resolution authorizing the issuance of Additional Obligations, by all legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the Issuer, its officials and employees, or by the appointment of a receiver in equity.

(b) Legal Authority. It is a duly created and existing industrial development corporation, and is duly authorized under the laws of the State of Texas, including the Act, to create and issue the Parity Obligations; that all action on its part for the creation and issuance of the Parity Obligations has been duly and effectively taken, and that the Parity Obligations in the hands of the registered owners thereof are and will be valid and enforceable special obligations of the Issuer in accordance with their terms.

(c) Further Encumbrance. It, while the Parity Obligations are outstanding and unpaid, will not additionally encumber the Pledged Revenues in any manner, except as permitted in this Resolution in connection with Additional Obligations, unless said encumbrance is made junior and subordinate in all respects to the liens, pledges, covenants and agreements of this Resolution; but the right of the Issuer to issue revenue bonds payable from a subordinate lien on the Pledged Revenues, in accordance with the provisions of the Act, is specifically recognized and retained.

(d) <u>Collection of Sales Tax</u>. For so long as any Parity Obligations remain outstanding, the Issuer covenants and agrees that it will take all steps necessary in any action at law or in equity to cause the Sales Tax, at its current rate (½ of 1%) or at a higher rate if legally permitted, to be levied and collected continuously throughout the boundaries of the City, as such boundaries may be changed from time to time, in the manner and to the maximum extent legally permitted; and to cause no reduction, abatement or exemption in the Sales Tax until all the Parity Obligations have been paid in full or until they are lawfully defeased in accordance with this Resolution. The Issuer further covenants and agrees that, if, subsequent to the issuance of any Parity Obligations, the City is authorized by applicable law to impose and levy the Sales Tax on any items or transactions that are not subject to the Sales Tax on the date this Resolution was adopted, then the Issuer will use its best efforts to cause the City to take such action as may be required by applicable law to subject such items or transactions to the Sales Tax.

(e) <u>Records</u>. It will keep proper books of record and account in which full, true and correct entries will be made of all dealings, activities and transactions relating to the Project, the Pledged Revenues and the Funds created or maintained pursuant to this Resolution, and all books, documents and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any bondholders.

SECTION 21. DEFEASANCE OF PARITY OBLIGATIONS. (a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "***Defeased Bond***") within the meaning of this Resolution, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "***Future Escrow Agreement***") for such payment (1) lawful money of the United States of America sufficient to make such payment and/or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until all Defeased Bonds shall have become due and payable. Thereafter, the Issuer will have no further responsibility with respect to amounts available to the Paying Agent/Registrar for the payment of such Defeased Parity Obligation, including any insufficiency therein caused by the failure of the escrow agent under such Future Escrow Agreement to receive payment when due on the Defeasance Securities. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes or revenues herein levied and pledged as provided in this Resolution, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding any other provision of this Resolution to the contrary, it is hereby provided that any determination not to redeem Defeased Bonds that is made in conjunction with the payment arrangements specified in subsection (a)(i) or (ii) of this Section shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the Issuer expressly reserves the right to call the Defeased Bonds for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Bonds immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the Issuer be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the Issuer, or deposited as directed in writing by the Issuer. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Bonds may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in subsection (a)(i) or (ii) of this Section. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Bonds, with respect to which such money has been so deposited, shall be remitted to the Issuer or deposited as directed in writing by the Issuer.

(c) The term "***Defeasance Securities***" means (i) direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date of the purchase thereof are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date on the date the governing body of the Issuer adopts or approves the proceedings authorizing the financial arrangements are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, and (iv) any other then authorized securities or obligations under applicable state law that may be used to defease obligations such as the Parity Obligations.

(d) Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Resolution.

(e) In the event that the Issuer elects to defease less than all of the principal amount of Bonds of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Bonds by such random method as it deems fair and appropriate.

(f) Notwithstanding the foregoing, no defeasance shall be deemed to occur until all costs (including draws, expenses and accrued interest) due to a Credit Facility Provider for a draw on a Credit Facility have been paid in full.

SECTION 22. RESOLUTION A CONTRACT; AMENDMENTS. (a) This Resolution shall constitute a contract with the registered owners of the Parity Obligations, binding on the Issuer and its successors and assigns, and shall not be amended or repealed by the Issuer as long as any Parity Obligations remain outstanding except as permitted in this Section.

(b) The Issuer may, with notice to each Credit Facility Provider but without the consent of or notice to any registered owners, amend, change, or modify this Resolution (i) as may be required by the provisions hereof, (ii) as may be required for the purpose of curing any ambiguity, inconsistency, or formal defect or omission herein, or (iii) in connection with any other change (other than any change described in clauses (i) through (iv) of the first sentence in subsection (c) below) with respect to which the Issuer receives written confirmation from each rating agency then maintaining a rating on the Parity Obligations at the request of the Issuer that such amendment would not cause such rating agency to withdraw or reduce its then current rating on the Parity Obligations.

(c) In addition, the Issuer may, with the written consent of each Credit Facility Provider and the registered owners of at least a majority in aggregate principal amount of the Parity Obligations then outstanding affected thereby, amend, change, modify, or rescind any provisions of this Resolution; provided that without the consent of all of the registered owners affected, no such amendment, change, modification, or rescission shall (i) extend the time or times of payment of the principal of and interest on the Parity Obligations, reduce the principal amount thereof or the rate of interest thereof, (ii) give any preference to any Parity Obligations over any other Parity Obligation, (i) extend any waiver of default to subsequent defaults, or (iv) reduce the aggregate principal amount of Parity Obligations required for consent to any such amendment, change, modification, or rescission.

(d) Whenever the Issuer shall desire to make any amendment or addition to or rescission of this Resolution requiring consent of each Credit Facility Provider and/or the registered owners of the Parity Obligations, the Issuer shall cause notice of the amendment, addition, or rescission to be sent by first class mail, postage prepaid, to (i) each Credit Facility Provider, and (ii) the registered owners (if the registered owners of all Parity Obligations or at least a majority in aggregate principal amount of the Parity Obligations are required to consent) at the respective addresses shown on the Registration Books. Whenever at any time within one year after the date of the giving of such notice, the Issuer shall receive an instrument or instruments in writing executed by each Credit Facility Provider and the registered owners of all or a majority (as the case may be) in aggregate principal amount of the Parity Obligations then outstanding affected by any such amendment, addition, or rescission requiring the consent of the registered owners, which instrument or instruments shall refer to the proposed amendment, addition, or rescission described in such notice and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice, thereupon, but not otherwise, the Issuer may adopt such amendment, addition, or rescission in substantially such form, except as herein provided.

(e) No Registered Owner may thereafter object to the adoption of any amendment, addition, or rescission which is accomplished pursuant to and in accordance with the provisions of this Section, or to any of the provisions thereof, and such amendment, addition, or rescission shall be fully effective for all purposes.

SECTION 23. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS.

(a) *Replacement Bonds*. In the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) *Application for Replacement Bonds*. Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made by the registered owner thereof to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the registered owner applying for a replacement bond shall furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the registered owner shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the registered owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) *No Default Occurred*. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) *Charge for Issuing Replacement Bonds*. Prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the registered owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen, or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Resolution equally and proportionately with any and all other Bonds duly issued under this Resolution.

(e) *Authority for Issuing Replacement Bonds*. In accordance with Chapter 1201, Texas Government Code, as amended, this Section shall constitute authority for the issuance of any such replacement bond without necessity of further action by the governing body of the Issuer or any other body or person, and the duty of the replacement of such bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 4 of this Resolution, for Bonds issued in conversion and exchange for other Bonds.

SECTION 24. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND BOND INSURANCE, IF OBTAINED. The President of the Issuer is hereby authorized to have control of each Bond issued hereunder and all necessary records and proceedings pertaining to each Bond pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of each Bond said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate on each Bond, and the seal of said Comptroller shall be impressed, or placed in facsimile, on each Bond. The approving legal opinion of the Issuer's Bond Counsel and the assigned CUSIP numbers may, at the option of the Issuer, be printed on each Bond or on any Bonds issued and delivered in conversion of and exchange or replacement of any Bond, but neither shall have any legal effect, and shall be solely for the convenience and information of the registered owners of the Bonds. In addition, the printer of the Bonds is hereby directed to print on the Bonds the form of bond counsel's opinion relating thereto, and is hereby authorized to print on the Bonds an appropriate statement of insurance supplied by a municipal bond insurance company providing insurance, if any, covering all or any part of the Bonds.

SECTION 25. COMPLIANCE WITH RULE 15C2-12.

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

"***EMMA***" means the Electronic Municipal Market Access system being established by the MSRB.

"***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 defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

"***MSRB***" means the Municipal Securities Rulemaking Board.

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

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

(b) Annual Reports. The Issuer shall provide annually to the MSRB through EMMA financial information and operating data with respect to the Issuer of the general type included in the final Official Statement authorized by this Resolution, being the information described in *Exhibit C* hereto. Any financial statements so to be provided shall be (1) prepared in accordance with the accounting principles described in *Exhibit C* hereto, or such other accounting principles as the Issuer may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the Issuer commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the Issuer shall provide (1) unaudited financial statements for such fiscal year within such required time, and (2) audited financial statements for the applicable fiscal year to the MSRB through EMMA when and if the audit report on such statements become available.

If the Issuer changes its fiscal year, it will notify the MSRB through EMMA of the date of the new fiscal year end prior to the next date by which the Issuer otherwise would be required to provide financial information and operating data pursuant to this paragraph (b).

The financial information and operating data to be provided pursuant to this paragraph (b) 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 through EMMA or filed with the SEC.

(c) Event Notices.

The Issuer shall file notice of the following events with respect to the Bonds to the MSRB through EMMA in a timely manner and not more than 10 business days after occurrence of the event:

1. Principal and interest payment delinquencies;

2. Non-payment related defaults, if material;

3. Unscheduled draws on debt service reserves reflecting financial difficulties;

4. Unscheduled draws on credit enhancements reflecting financial difficulties;

5. Substitution of credit or liquidity providers, or their failure to perform;

6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701–TEB), or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

7. Modifications to rights of the holders of the Bonds, if material;

8. Certificate of Obligation calls, if material, and tender offers;

9. Defeasances;

10. Release, substitution, or sale of property securing repayment of the Bonds, if material;

11. Rating changes;

12. Bankruptcy, insolvency, receivership or similar event of the Issuer;

13. The consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

14. Appointment of a successor or additional trustee or the change of name of a trustee, if material;

15. Incurrence of a Financial Obligation of the Issuer, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Issuer, any of which affect security holders, if material; and

16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the Issuer, any of which reflect financial difficulties.

For these purposes, (a) any event described in the immediately preceding paragraph 12 is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the Issuer 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 Issuer, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers of the Issuer in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Issuer, and (b) the Issuer intends the words used in the immediately preceding paragraphs 15 and 16 and the definition of Financial Obligation in this Section to mean 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 (i) or (ii). The term Financial Obligation shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

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

(d) <u>Limitations, Disclaimers, and Amendments</u>. The Issuer shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the Issuer remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the Issuer in any event will give notice of any deposit made in accordance with Section 21 of this Resolution that causes Bonds no longer to be outstanding.

The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The Issuer undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the Issuer's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The Issuer does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

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

No default by the Issuer in observing or performing its obligations under this Section shall comprise a breach of or default under this Resolution for purposes of any other provision of this Resolution.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the Issuer under federal and state securities laws.

The provisions of this Section may be amended by the Issuer from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the Issuer, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Resolution that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the Issuer (such as nationally recognized bond counsel) determined that such amendment will not materially impair the interest of the holders and beneficial owners of the Bonds. The Issuer may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds. If the Issuer so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with paragraph (b) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided.

(e) <u>Format, Identifying Information, and Incorporation by Reference</u>. All financial information, operating data, financial statements, and notices required by this Section to be provided to the MSRB shall be provided in an electronic format and be accompanied by identifying information prescribed by the MSRB.

Financial information and operating data to be provided pursuant to subsection (b) of this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document) available to the public on the MSRB's Internet Web site or filed with the SEC.

SECTION 26. COVENANTS REGARDING TAX-EXEMPTION OF INTEREST ON THE BONDS.

(a) Covenants. The Issuer covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Bonds as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "***Code***"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds of the Bonds or the projects financed therewith are so used, such amounts, whether or not received by the Issuer, with respect to such private business use, do not, under the terms of this Resolution or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of $5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Bonds, other than investment property acquired with --

(A) proceeds of the Bonds invested for a reasonable temporary period of 90 days or less until such proceeds are needed for the purpose for which the Bonds are issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section l.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(7) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage); and

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

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (9), a "***Rebate Fund***" is hereby established by the Issuer for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The Issuer understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Bonds. It is the understanding of the Issuer that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Bonds, the Issuer will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Bonds, the Issuer agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of such intention, the Issuer hereby authorizes and directs the President and Vice President of the Issuer to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the

Issuer, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds.

(d) Allocation of, and Limitation on, Expenditures for the Project. The Issuer covenants to account for the expenditure of sale proceeds and investment earnings to be used for the Project on its books and records in accordance with the requirements of the Internal Revenue Code. The Issuer recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Resolution is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the Issuer recognizes that in order for proceeds to be expended under the Internal Revenue Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Bonds, or (2) the date the Bonds are retired. The Issuer agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Bonds. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The Issuer covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless any action taken in connection with such disposition will not adversely affect the tax-exempt status of the Bonds. For purpose of the foregoing, the Issuer may rely on an opinion of nationally-recognized bond counsel that the action taken in connection with such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(f) Written Procedures. Unless superseded by another action of the Issuer, to ensure compliance with the covenants contained herein regarding private business use, remedial actions, arbitrage and rebate, the Board of Directors hereby adopts and establishes the instructions attached hereto as *Exhibit D* as the Issuer's written procedures.

(g) Reimbursement. This Resolution is intended to satisfy the official intent requirements set forth in section 1.150-2 of the Treasury Regulations.

SECTION 27. SALE OF BONDS. The Bonds are hereby authorized to be sold and shall be delivered to the Underwriters selected by a Designated Officer and identified in *Exhibit A* attached hereto at a price determined by a Designated Officer and as set forth in *Exhibit A* attached hereto, and pursuant to the terms and provisions of a Purchase Contract between the Issuer and the Underwriters in the form approved by a Designated Officer, which each Designated Officer is individually hereby authorized and directed to execute and deliver. The Issuer will initially deliver the Bonds to the

Underwriters, which shall be registered in the name requested by the Underwriters and set forth in *Exhibit A* attached hereto.

SECTION 28. APPROVAL OF OFFICIAL STATEMENT. Each Designated Officer is hereby authorized to approve the form and content of an Official Statement relating to the Bonds and any addenda, supplement, or amendment thereto, and to approve the distribution of the Official Statement in the reoffering of the Bonds by the initial purchaser in final form, with such changes therein or additions thereto as the officer of the Issuer executing the same may deem advisable, such determination to be conclusively evidenced by his or her execution thereof. The preparation, distribution and use of a Preliminary Official Statement for the Bonds is also hereby approved.

SECTION 29. AUTHORITY AND APPROVAL FOR OFFICERS TO EXECUTE DOCUMENTS AND APPROVE CHANGES. The President, Vice President, Secretary, Treasurer and Executive Director of the Issuer are hereby authorized to execute, deliver, attest and affix the seal of the Issuer to all documents and instruments necessary and appropriate in connection with the issuance, sale and delivery of the Bonds, including, without limitation, the Paying Agent/Registrar Agreement, and the Transfer Agreement. In addition, prior to the initial delivery of the Bonds, the President, Vice President, Secretary, Treasurer and Executive Director of the Issuer, and Bond Counsel to the Issuer are hereby authorized and directed to approve any technical changes or corrections to this Resolution or to any instruments authorized and approved by this Resolution necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Resolution and as described in the Official Statement, (ii) obtain a rating from any of the national bond rating agencies or satisfy any requirements of the provider of a municipal bond insurance policy, if any, or (iii) obtain the approval of the Bonds by the Attorney General's office. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 30. INTERESTED PARTIES. Nothing in this Resolution expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the Issuer and the registered owners of the Bonds, any right, remedy or claim under or by reason of this Resolution or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Resolution contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer and the registered owners of the Bonds.

SECTION 31. REMEDIES IN EVENT OF DEFAULT. In addition to all the rights and remedies provided by the laws of the State of Texas, it is specifically covenanted and agreed particularly that in the event the Issuer (i) defaults in the payment of the principal, premium, if any, or interest on the Bonds, (ii) defaults in the deposits and credits required to be made to the Debt Service Fund, or (iii) defaults in the observance or performance of any other of the covenants, conditions or obligations set forth in this Resolution and the continuation thereof for 30 days after the Issuer has received written notice of such defaults, the Holders of any of the Bonds shall be entitled to seek a writ of mandamus issued by a court of proper jurisdiction compelling and requiring the governing body of the Issuer and other officers of the Issuer to observe and perform any covenant, condition or obligation prescribed in this Resolution. Notwithstanding the foregoing, the Insurer shall have the right to direct all remedies upon an event of default, and the Insurer shall be recognized as the registered owner of the Bonds for the purposes of exercising all rights and privileges available to the Bondholders.

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

SECTION 32. INCORPORATION OF RECITALS. The findings and preambles set forth in this Resolution are hereby incorporated into this Resolution and made a part hereof for all purposes.

SECTION 33. EFFECTIVE DATE. Pursuant to the provisions of Section 1201.028, Texas Government Code, this Resolution shall become effective immediately after it is approved by the Board of Directors.

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PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE DEVELOPMENT CORPORATION OF McALLEN, INC. AT A MEETING ON THE 23rd DAY OF NOVEMBER, 2020, AT WHICH MEETING A QUORUM WAS PRESENT.

____
President
Development Corporation of McAllen, Inc.

ATTEST:

____
Secretary
Development Corporation of McAllen, Inc.

(Issuer Seal)

** ** ** ** **

EXHIBIT A

FORM OF APPROVAL CERTIFICATE

CERTIFICATE APPROVING THE FINAL TERMS OF THE BONDS

I, the Executive Director of the **DEVELOPMENT CORPORATION OF MCALLEN, INC.** (the "***Issuer***"), pursuant to authority granted by the Board of Directors of the Issuer in Section 1(b) of a resolution approved by the Board of Directors on November 23, 2020, relating to the issuance of the Bonds defined below (the "***Resolution***"), hereby certify as follows:

1. **GENERAL**. This Certificate is given in connection with the issuance by the Issuer of the **DEVELOPMENT CORPORATION OF MCALLEN, INC. SALES TAX REVENUE BONDS, SERIES 2021** (the "***Bonds***") which, pursuant to the Resolution, have been authorized by the Board of Directors.

2. **DEFINITIONS**. All capitalized terms used in this Certificate which are not otherwise defined herein shall have the same meanings as set forth in the Resolution.

3. **DATED DATE AND AGGREGATE PRINCIPAL AMOUNT**. The Bonds shall be dated January 1, 2018, and shall be issued in the aggregate principal amount of ***$__________***.

5. **PRINCIPAL AMOUNTS AND INTEREST RATES**. The Bonds shall (i) mature on ***August 15*** in each of the years and in the respective principal amounts, and (ii) bear interest from the date of initial delivery of the Bonds to the initial purchaser named in paragraph 8 hereof to their respective date of maturity or prior redemption at the respective interest rates, all as set forth below:

DEVELOPMENT CORPORATION OF MCALLEN, INC.
SALES TAX REVENUE BONDS, SERIES 2021

MATURITY DATE (8/15)	PRINCIPAL AMOUNT ($)	INTEREST RATE (%)	MATURITY DATE (8/15)	PRINCIPAL AMOUNT ($)	INTEREST RATE (%)

The true interest cost rate on the Bonds is equal to _________%, which is less than the maximum true interest cost rate of __________% approved by the Board of Directors in the Resolution.

6. **INTEREST ON BONDS**. As provided in Section 3 of the Resolution and in the FORM OF BOND contained in Section 5 of the Resolution, interest on the Bonds shall be payable on each February 15 and August 15, commencing on ________ 15, 2021, until stated maturity or prior redemption.

7. **OPTIONAL REDEMPTION**. The Bonds maturing on and after August 15, 20__, may be redeemed prior to their scheduled maturities, at the option of the Issuer on August 15, 20__, or on any date thereafter at the redemption price equal to par plus accrued interest to the date fixed for redemption.

8. **MANDATORY SINKING FUND REDEMPTION**.

The Bonds maturing on August 15 in the years 20__ and 20__ (collectively, the "***Term Bonds***") are subject to mandatory redemption prior to maturity in part by lot, at a price equal to the principal amount thereof plus accrued interest to the date of redemption, on the dates and in the respective principal amounts shown below:

TERM BONDS MATURING AUGUST 15, 20__		**TERM BONDS MATURING AUGUST 15, 20__**	
Mandatory Redemption Date	**Redemption Amount ($)**	**Mandatory Redemption Date**	**Redemption Amount ($)**

9. **INITIAL PURCHASERS AND PURCHASE PRICE**.

The following firms have been selected to serve as the Underwriters of the Bonds:

The Bonds shall be sold to the Underwriters as the initial purchasers thereof pursuant to a negotiated underwriting and shall be purchased at a price equal to ***$________*** (which amount is equal to par, less Underwriters' discount of ***$______________***), and no accrued interest. The Initial Bond shall be registered in the name of _________________**.**

10. **SELECTION OF PAYING AGENT/REGISTRAR**.

_________________________, has been selected to serve as the initial Paying Agent/Registrar for the Bonds.

11. **DETERMINATION REQUIRED BY SECTION 1201.022(A)(3), TEXAS GOVERNMENT CODE**. In satisfaction of Section 1201.022(a)(3), Texas Government Code, as authorized by Section 1(c) of the Resolution, and upon consultation with the Issuer's Financial Advisor, the undersigned

hereby determines that the final terms of the Bonds as set forth in this Certificate are in the Issuer's best interests.

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APPROVED BY THE EXECUTIVE DIRECTOR OF THE DEVELOPMENT CORPORATION OF MCALLEN, INC. ON THE_____ DAY OF _________, 20__ IN ACCORDANCE WITH SECTION 1(b) OF THE RESOLUTION.

____
Executive Director
Development Corporation of McAllen, Inc.

Signature Page to Certificate Approving Final Terms of the
Development Corporation of McAllen, Inc. Sales Tax Revenue Bonds, Series 2021

EXHIBIT B

FORM OF PAYING AGENT/REGISTRAR AGREEMENT

THE PAYING AGENT/REGISTRAR AGREEMENT IS OMITTED AT THIS POINT AS IT APPEARS IN EXECUTED FORM ELSEWHERE IN THIS TRANSCRIPT

EXHIBIT C

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 25 of this Resolution.

Annual Financial Statements and Operating Data

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

1. The annual audited financial statements of the Issuer or the unaudited financial statements of the Issuer in the event audited financial statements are not completed within six (6) months after the end of any fiscal year.

2. All quantitative financial information and operating data with respect to the Issuer of the general type included in the Official Statement under Tables 1 through__.

Accounting Principles

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

<u>EXHIBIT D</u>

**WRITTEN PROCEDURES RELATING TO
CONTINUING COMPLIANCE WITH FEDERAL TAX COVENANTS**

A. <u>Arbitrage</u>. With respect to the investment and expenditure of the proceeds of the Bonds, the chief financial officer of the Issuer (the "***Responsible Person***") will:

(i) instruct the appropriate person or persons that the construction, renovation or acquisition of the facilities financed with the Bonds must proceed with due diligence and that binding contracts for the expenditure of at least 5% of the proceeds of the Bonds will be entered into within six (6) months of the date of delivery of the Bonds (the "***Issue Date***");

(ii) monitor that at least 85% of the proceeds of the Bonds to be used for the construction, renovation or acquisition of any facilities are expended within three (3) years of the Issue Date;

(iii) restrict the yield of the investments to the yield on the Bonds after three (3) years of the Issue Date;

(iv) monitor all amounts deposited into a sinking fund or funds (e.g., the Interest and Sinking Fund), to assure that the maximum amount invested at a yield higher than the yield on the Bonds does not exceed an amount equal to the debt service on the Bonds in the succeeding 12 month period plus a carryover amount equal to one-twelfth of the principal and interest payable on the Bonds for the immediately preceding 12-month period;

(v) ensure that no more than 50% of the proceeds of the Bonds are invested in an investment with a guaranteed yield for four years or more;

(vi) maintain any official action of the Issuer (such as a reimbursement resolution) stating its intent to reimburse with the proceeds of the Bonds any amount expended prior to the Issue Date for the acquisition, renovation or construction of the facilities;

(vii) ensure that the applicable information return (e.g., IRS Form 8038-G, 8038-GC, or any successor forms) is timely filed with the IRS; and

(viii) assure that, unless excepted from rebate and yield restriction under section 148(f) of the Code, excess investment earnings are computed and paid to the U.S. government at such time and in such manner as directed by the IRS (A) at least every 5 years after the Issue Date and (B) within 30 days after the date the Bonds are retired.

B. <u>Private Business Use</u>. With respect to the use of the facilities financed or refinanced with the proceeds of the Bonds the Responsible Person will:

(i) monitor the date on which the facilities are substantially complete and available to be used for the purpose intended;

(ii) monitor whether, at any time the Bonds are outstanding, any person, other than the Issuer, the employees of the Issuer, the agents of the Issuer or members of the general public has any contractual right (such as a lease, purchase, management or other service agreement) with respect to any portion of the facilities;

(iii) monitor whether, at any time the Bonds are outstanding, any person, other than the Issuer, the employees of the Issuer, the agents of the Issuer or members of the general public has a right to use the output of the facilities (e.g., water, gas, electricity);

(iv) monitor whether, at any time the Bonds are outstanding, any person, other than the Issuer, the employees of the Issuer, the agents of the Issuer or members of the general public has a right to use the facilities to conduct or to direct the conduct of research;

(v) determine whether, at any time the Bonds are outstanding, any person, other than the Issuer, has a naming right for the facilities or any other contractual right granting an intangible benefit;

(vi) determine whether, at any time the Bonds are outstanding, the facilities are sold or otherwise disposed of; and

(vii) take such action as is necessary to remediate any failure to maintain compliance with the covenants contained in the Resolution related to the public use of the facilities.

C. Record Retention. The Responsible Person will maintain or cause to be maintained all records relating to the investment and expenditure of the proceeds of the Bonds and the use of the facilities financed or refinanced thereby for a period ending three (3) years after the complete extinguishment of the Bonds. If any portion of the Bonds is refunded with the proceeds of another series of tax-exempt obligations, such records shall be maintained until the three (3) years after the refunding obligations are completely extinguished. Such records can be maintained in paper or electronic format.

D. Responsible Person. The Responsible Person shall receive appropriate training regarding the Issuer's accounting system, contract intake system, facilities management and other systems necessary to track the investment and expenditure of the proceeds and the use of the facilities financed or refinanced with the proceeds of the Bonds. The foregoing notwithstanding, the Responsible Person is authorized and instructed to retain such experienced advisors and agents as may be necessary to carry out the purposes of these instructions.

ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM	3.
DATE SUBMITTED	11/17/2020
MEETING DATE	11/23/2020

1. Agenda Item: Discuss and consider a resolution of the City of McAllen, Texas authorizing the Development Corporation of McAllen, Inc. to undertake certain improvements to and construct related infrastructure for the Anzalduas International Toll Bridge; approving the resolution of the corporation issuing its sales tax revenue bonds to finance such project; and approving other matters related thereto including a sales tax remittance agreement between the City and the Corporation.

2. Party Making Request:

3. Applicant:

4. Nature of Request:

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount:	____________	Budgeted Amount:	____________
Under Budget:	____________	Over Budget:	____________
		Amount Remaining:	____________

7. Routing:

Cindy Gonzalez	Created/Initiated - 11/17/2020
Perla Lara	New -
Kevin Pagan	

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney:

11. Manager's Recommendation:

RESOLUTION NO. 2020-__

RESOLUTION OF THE CITY OF McALLEN, TEXAS AUTHORIZING THE DEVELOPMENT CORPORATION OF McALLEN, INC. TO UNDERTAKE CERTAIN IMPROVEMENTS TO AND CONSTRUCT RELATED INFRASTRUCTURE FOR THE ANZALDUAS INTERNATIONAL TOLL BRIDGE; APPROVING THE RESOLUTION OF THE CORPORATION ISSUING ITS SALES TAX REVENUE BONDS TO FINANCE SUCH PROJECT; AND APPROVING OTHER MATTERS RELATED THERETO INCLUDING A SALES TAX REMITTANCE AGREEMENT BETWEEN THE CITY AND THE CORPORATION

STATE OF TEXAS §
COUNTY OF HIDALGO §
CITY OF McALLEN §

WHEREAS, the City Commission of the **CITY OF MCALLEN, TEXAS** (the "***City***") called an election for the purpose of receiving authority to levy a sales and use tax for the benefit of an industrial development corporation created under authority of the Development Corporation Act of 1979, Article 5190.6, V.A.T.C.S., as amended (the "***Original Act***"), all pursuant to the provisions of Section 4B of the Original Act; and

WHEREAS, at such election held on May 3, 1997, a majority of the citizens of the City voting at said election authorized the City to levy a sales and use tax on the receipts at retail of taxable items within the City at a rate of one-half of one percent (½ of 1%) pursuant to the provisions of Section 4B of the Original Act (the "***Sales Tax***") for the purpose of "*undertak[ing] projects as described in Section 4B of Article 5190.6, including but not limited to* [certain specifically described projects] *in addition to any other projects or expenditures, including maintenance and operation cost of any project, authorized under the provisions of Section 4B, Article 5190.6 . . .*"; and

WHEREAS, pursuant to the provisions of the Original Act, the City created the **DEVELOPMENT CORPORATION OF MCALLEN, INC.** (the "***Issuer***"), a nonstock, nonprofit industrial development corporation created to act on behalf of the City to satisfy the public purposes set forth in Section 4B of the Original Act; and

WHEREAS, the City Commission of the City levied the Sales Tax for the benefit of the Issuer, and such tax began to be collected in the City on October 1, 1997; and

WHEREAS, subsequent to the creation of the Issuer, the Original Act was codified by the Legislature and is now found in Chapters 501 - 505 of the Texas Local Government Code (the "***Act***"); and

WHEREAS, Section 4B of the Original Act is now found primarily in Chapter 505, Texas Local Government Code, and Chapters 501, 502 and 505, Texas Local Government Code, are the primary provisions in Texas law under which the Issuer generally is governed; and

WHEREAS, the Issuer has found it in its best interest to fund certain improvements to and related infrastructure for the Anzalduas International Toll Bridge (the "***Anzalduas Bridge***"), which bridge is owned and operated by the City and the cities of Mission and Hidalgo; and

WHEREAS, the improvements to be constructed at the Anzalduas Bridge include the construction of commercial inspection facilities and related infrastructure and technologies to cause the bridge to become a full-service commercial bridge that is able to cross goods both to and from Mexico (the "***Anzalduas Bridge Improvements***" or the "***Project***"); and

WHEREAS, the City Commission of the City hereby finds that the Anzalduas Bridge Improvements, by reducing bridge congestion and encouraging more commercial traffic into the City, shall increase tolls at the Azalduas Bridge and shall increase commercial activity within the City, specifically increasing City sales tax revenues and City hotel tax revenues; and

WHEREAS, although the Anzalduas Bridge is located outside the boundaries of the City, the majority, if not all, of the commercial traffic crossing the Anzalduas Bridge, because of the location of the State of Texas' major highways, will necessarily enter the City limits as such commercial traffic transports its goods to its final destination; and

WHEREAS, the Anzalduas Bridge Improvements will be constructed on Federally owned property and immediately after construction, such Anzalduas Bridge Improvements will be donated to the Federal government for the Federal government's use, maintenance and operation, all pursuant to the Federal program entitled "***The Donation Acceptance Project***" authorized pursuant to 6 U.S.C. § 301a; and

WHEREAS, the City Commission of the City hereby find that the Anzalduas Bridge cannot become a full-service commercial bridge without the Federal facilities and technologies constituting the Anzalduas Bridge Improvements; and

WHEREAS, Section 505.160 of the Act provides that "*[a] Type B corporation may undertake a project under this chapter unless, not later than the 60th day after the date notice of the specific project or general type of project is first published, the governing body of the authorizing municipality receives a petition from more than 10 percent of the registered voters of the municipality requesting that an election be held before the specific project or general type of project is undertaken*"; and

WHEREAS, Issuer caused a notice of its intention to undertake the Anzalduas Bridge Improvements to be published on July 15, 2020, in *Advanced News Journal*, a newspaper of general circulation within the City, and neither the Issuer nor the City received a petition prior to the expiration of the 60th day after the date of publication of such notice from more than 10 percent of the registered voters of the City requesting that an election be held before the Anzalduas Bridge Improvements is undertaken by the Issuer, all in compliance with Section 505.160 of the Act; and

WHEREAS, to evidence the obligations of the City to timely transfer to the Issuer the proceeds of the aforesaid Sales Tax to finance the Anzalduas Bridge Improvements, the City Commission of the City hereby finds it necessary and desirable to enter into a Sales Tax Remittance Agreement, dated the date hereof, between the City and the Issuer in accordance with the provisions of Section 505.301 of the Act (the "***Transfer Agreement***"); and

WHEREAS, on the date hereof, the Board of Directors of the Issuer adopted a "*RESOLUTION AUTHORIZING THE ISSUANCE OF DEVELOPMENT CORPORATION OF McALLEN, INC. SALES TAX REVENUE BONDS, SERIES 2021; APPROVING AND AUTHORIZING THE EXECUTION OF ALL INSTRUMENTS AND PROCEDURES RELATED THERETO INCLUDING A PURCHASE CONTRACT AND A PAYING AGENT/REGISTRAR AGREEMENT; AUTHORIZING A SALES TAX REMITTANCE AGREEMENT BETWEEN THE CORPORATION AND THE CITY OF McALLEN, TEXAS; AUTHORIZING THE PREPARATION AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT; AND DELEGATING AUTHORITY TO CERTAIN OFFICIALS TO APPROVE ALL FINAL TERMS WITH RESPECT TO THE SALE OF THE BONDS AND OTHER MATTERS RELATED THERETO,*" in the form attached hereto as *Exhibit A* (the "***Bond Resolution***"), for the purpose of authorizing the issuance of the Issuer's **SALES TAX REVENUE BONDS, SERIES 2021** (the "***Bonds***") to finance a portion of the Project, and authorizing other related matters; and

WHEREAS, Section 501.204 of the Act provides that the Issuer "*may not deliver bonds, including refunding bonds, unless the governing body of the corporation's authorizing unit adopts a resolution, not earlier than the 60th day before the date the bonds are delivered, specifically approving the corporation's resolution providing for the issuance of the bonds*"; and

WHEREAS, Article IV of the Issuer's Articles of Incorporation provides, in part, that "*no bonds may be issued by the Corporation and no project may be financed with bond proceeds or other revenues of the Corporation unless such bonds or projects are first approved by the City Commission*"; and

WHEREAS, in order to comply with Section 501.024 of the Act and Article IV of the Issuer's Articles of Incorporation, it is deemed necessary and advisable that this Resolution be adopted by the City Commission of the City; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF McALLEN, TEXAS THAT:

SECTION 1. **APPROVAL OF PROJECT**. The Project is hereby authorized and approved.

SECTION 2. **<u>APPROVAL OF THE BOND RESOLUTION AND THE BONDS</u>**. The Bond Resolution, in substantially the form and substance as attached to this Resolution as *<u>Exhibit A</u>* and made a part hereof for all purposes, is hereby approved, and the Bonds may be issued by the Issuer pursuant thereto for the purpose of financing a portion of the Project and paying costs of issuance.

SECTION 2. **<u>TRANSFER AGREEMENT</u>.** The Transfer Agreement as presented the date hereof is hereby approved and the Mayor, City Manager. City Secretaryof the Issuer are each hereby authorized to execute the Transfer Agreement.

SECTION 4. **<u>EXECUTION OF DOCUMENTS; NO LIABILITY OF THE CITY</u>.** The City Commission of the City hereby authorizes the Mayor, the City Manager, any Assistant City Manager, the Finance Director, and the City Secretary of the City to execute on behalf of the City all documents deemed necessary in connection with the issuance of the Bonds and the agreements approved by this Resolution. The City shall have no liability for the payment of the Bonds nor shall any of its assets be pledged to the payment of the Bonds.

SECTION 5. <u>INCORPORATION OF RECITALS</u>. The findings and preambles set forth in this Resolution are hereby incorporated into this Resolution and made a part hereof for all purposes.

SECTION 6. **<u>EFFECTIVE DATE</u>.** This Resolution shall become effective immediately upon passage.

PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF McALLEN, TEXAS AT A MEETING ON THE 23rd DAY OF NOVEMBER, 2020, AT WHICH MEETING A QUORUM WAS PRESENT.

ATTEST:

______________________________	______________________________
City Secretary	Mayor
City of McAllen, Texas	City of McAllen, Texas

(City Seal)

<u>EXHIBIT A</u>

BOND RESOLUTION

The Bond Resolution is omitted at this point as it appears in executed form elsewhere in this Transcript of Proceedings

<u>SALES TAX REMITTANCE AGREEMENT</u>

THIS SALES TAX REMITTANCE AGREEMENT, dated as of November 23, 2020, executed by and between the **CITY OF MCALLEN, TEXAS** (the "***City***") and the **DEVELOPMENT CORPORATION OF MCALLEN, INC.** (the "***Corporation***").

W I T N E S S E T H:

WHEREAS, the City is a home rule municipality operating under the Constitution and laws of the State of Texas and the City's home rule charter; and

WHEREAS, the City Council of the City called an election for the purpose of receiving authority to levy a sales and use tax for the benefit of an industrial development corporation created under authority of the Development Corporation Act of 1979, Article 5190.6, V.A.T.C.S., as amended (the "***Original Act***"), all pursuant to the provisions of Section 4B of the Original Act; and

WHEREAS, at such election held on May 3, 1997, a majority of the citizens of the City voting at said election authorized the City to levy a sales and use tax on the receipts at retail of taxable items within the City at a rate of one-half of one percent (½ of 1%) pursuant to the provisions of Section 4B of the Original Act (the "***Sales Tax***") for the purpose of "*undertak[ing] projects as described in Section 4B of Article 5190.6, including but not limited to* [certain specifically described projects] *in addition to any other projects or expenditures, including maintenance and operation cost of any project, authorized under the provisions of Section 4B, Article 5190.6 . . .*"; and

WHEREAS, pursuant to the provisions of the Original Act, the City created the Corporation as a nonstock, nonprofit industrial development corporation created to act on behalf of the City to satisfy the public purposes set forth in Section 4B of the Original Act; and

WHEREAS, the City Council of the City levied the Sales Tax for the benefit of the Issuer, and such tax began to be collected in the City on October 1, 1997; and

WHEREAS, subsequent to the creation of the Issuer, the Original Act was codified by the Legislature and is now found in Chapters 501 - 505 of the Texas Local Government Code (the "***Act***"); and

WHEREAS, Section 4B of the Original Act is now found primarily in Chapter 505, Texas Local Government Code, and Chapters 501, 502 and 505, Texas Local Government Code, are the primary provisions in Texas law under which the Issuer generally is governed; and

WHEREAS, under the Act and the provisions of the Texas Tax Code, disbursements of sales and use taxes are made to cities, such as the City, by the Comptroller of Public Accounts of Texas (the "***Comptroller***"); and

WHEREAS, under authority of the Act, it is the intent of the Corporation to issue sales tax revenue bonds and enter into other obligations for the purpose of financing eligible projects under the Act, and to secure such bonds and pay such other obligations with the Sales Tax collected by the City under authority of Chapter 505 of the Act; and

WHEREAS, the Corporation has adopted a bond resolution (the "***Bond Resolution***") and the City has approved the adoption of the Bond Resolution by the Corporation, which Bond Resolution has authorized the issuance of the Corporation's Sales Tax Revenue Bonds, Series 2021 for the purpose of financing improvements to the Anzalduas International Toll Bridge, including construction of commercial inspection facilities and related infrastructure and technologies;

WHEREAS, the parties hereto find it necessary and advisable to enter into this Agreement to evidence the duties and responsibilities of the respective parties with respect to the collection, remittance and transfer of the Sales Tax.

NOW THEREFORE, in consideration of the covenants and agreements herein made, and subject to the conditions herein set forth, the City and the Corporation contract and agree as follows:

ARTICLE I
TRANSFER OF SALES TAXES

SECTION 1.1. **DEPOSIT OF FUNDS WITH DEPOSITORY**. The City has established and maintains at an official depository bank of the City (the "***Depository***") an account into which taxes and other revenues of the City, including revenues derived from the Sales Tax, are deposited. Pursuant to generally accepted accounting principles, the City maintains financial accounting records of all monies so deposited, including a record of all revenues derived from Sales Taxes on behalf of the Corporation.

SECTION 1.2. **SECURITY FOR FUNDS.** The City hereby agrees that moneys on deposit in the aforementioned account with the Depository shall at all times be collateralized in the manner and with the collateral required by the City for its own funds.

SECTION 1.3. **CHANGE IN DEPOSITORY**. The City reserves the right from time to time to change its official depository bank, and hereby agrees to give the Corporation thirty (30) days prior written notice of any such change in its official depository bank.

ARTICLE II
TRANSFER OF FUNDS

SECTION 2.1. **COLLECTION OF SALES TAX**. The President of the Board of Directors of the Corporation and the chief financial officer of the City shall take such actions as are required to cause revenues derived from the Sales Tax to be delivered and transferred by the Comptroller to the City for use by the Corporation by the fastest and most economically feasible means available.

SECTION 2.2. <u>REVENUE FUND</u>. In the Bond Resolution, the Corporation authorized the establishment of a fund designated in the Bond Resolution as the "Revenue Fund."

SECTION 2.3. <u>TRANSFERS TO REVENUE FUND</u>. The revenues received by the City from the Comptroller from the charge and levy of the Sales Tax and deposited with the Depository shall be promptly credited by the City to the Revenue Fund, and such revenues shall be made available to the Corporation from time to time as hereinafter provided in this Agreement or as required by the Bond Resolution.

SECTION 2.4. <u>USE OF MONEYS BY CORPORATION</u>. The Corporation agrees to use the moneys on deposit in the Revenue Fund in a manner consistent with the terms and conditions of the Bond Resolution, other similar resolutions authorizing the issuance of any "Parity Obligations" (as defined in the Bond Resolution), any agreements relating to other obligations entered into by the Corporation, and the Act.

SECTION 2.5. <u>CITY COVENANTS RELATING TO SALES TAX</u>. As long as any Parity Obligations and other obligations entered into by the Corporation pursuant to the Act which are payable from the Sales Tax are outstanding, the City covenants that (i) it will take all steps necessary in any action at law or in equity to cause the Sales Tax, at its current rate (½ of 1%) or at a higher rate if legally permitted, to be levied and collected continuously throughout the boundaries of the City, as such boundaries may be changed from time to time, in the manner and to the maximum extent legally permitted, and (ii) that it will cause no reduction, abatement or exemption in the Sales Tax until all Parity Obligations and other obligations entered into by the Corporation pursuant to the Act which are payable from the Sales Tax have been paid in full or until they are lawfully defeased in accordance with the applicable resolutions or agreements of the Corporation authorizing such Parity Obligations and other obligations.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed in multiple counterparts, each of which shall be considered an original for all purposes, as of the day and year first set out above.

DEVELOPMENT CORPORATION OF McALLEN, INC.	**CITY OF McALLEN, TEXAS**
By______________________________	By______________________________
President	Mayor
ATTEST:	ATTEST:
______________________________	______________________________
Secretary	City Secretary

Signature Page to Sales Tax Remittance Agreement Between
the City of McAllen, Texas and the Development Corporation of McAllen, Inc.

CITY OF McALLEN

ITEM SUMMARY

BOARD: City Commission	AGENDA ITEM	4.
	DATE SUBMITTED	11/16/2020
	MEETING DATE	11/23/2020

1. Agenda Item: Present questions to staff relating to the November 23, 2020 Regular Meeting Agenda, to be discussed at such meeting.

2. Party Making Request: Perla Lara

3. Nature of Request:

4. Routing:

   Cindy Gonzalez   Created/Initiated - 11/16/2020

5. Staff Recommendation:

6. Advisory Board:

7. City Attorney:

8. Manager's Recommendation:

CITY OF McALLEN

ITEM SUMMARY

BOARD: City Commission	AGENDA ITEM	5.
	DATE SUBMITTED	11/17/2020
	MEETING DATE	11/23/2020

1. Agenda Item: Presentation of FY 2020 Unaudited Budget and Actuals

2. Party Making Request: Sergio Villasana

3. Nature of Request: Presentation of FY 2020 Unaudited Budget and Actuals

4. Routing:

Maggie Chavez	Created/Initiated - 11/17/2020
Sergio Villasana	Approved - 11/17/2020
Kevin Pagan	Final Approval - 11/18/2020

5. Staff Recommendation: Presentation purposes only.

6. Advisory Board:

7. City Attorney:

8. Manager's Recommendation:

GENERAL FUND BUDGET AND ACTUALS

Fiscal Year 2019-2020

Summary – Unaudited Results

	Original Budget	Amended Budget	Estimated	Actuals	Amended Budget vs Actuals
Revenues	$127,518,175	$ 118,836,325	$122,102,835	$ 131,499,328	$ 12,663,003
Expenses	125,589,969	125,088,286	125,088,286	123,862,965	1,225,321
Revenues over (under) expenses	$ 1,928,206	$ (6,251,961)	$ (2,985,451)	$ 7,636,363	$ 13,888,324

General Fund Revenues -unaudited

FY 2020

Revenues	Original Budget	Adjusted Budget	Actuals	Favorable (Unfavorable)
Taxes	$ 106,187,208	$ 97,789,746	$ 101,476,552	$ 3,686,806
Licenses & Permits	2,328,134	2,290,629	2,232,122	(58,507)
Charges for Services	5,085,218	4,763,052	4,467,866	(295,186)
Fines & Forfeitures	1,345,000	859,804	1,054,411	194,607
Investment Earnings	1,400,000	1,279,093	1,468,201	189,108
Miscellaneous	1,290,282	2,002,001	10,948,176	8,946,175
Transfer In	9,882,333	9,852,000	9,852,000	(0)
Grand Total	**$ 127,518,175**	**$ 118,836,325**	**$ 131,499,328**	**$ 12,663,003**

General Fund Expenditures-unaudited

FY 2020

Expenditures	Original Budget	Adjusted Budget	Actuals	Favorable (Unfavorable)
General Government	$ 20,753,794	$ 19,574,067	$ 19,192,548	$ 381,519
Public Safety	60,191,907	61,181,339	60,874,323	307,016
Highway And Streets	12,539,571	12,234,643	11,759,374	475,269
Health & Welfare	2,996,283	3,075,716	3,140,509	(64,793)
Culture & Recreation	20,408,386	20,157,427	18,678,017	1,479,410
Transfer Out - Lease	263,174.00	508,174.00	508,174.46	(0)
Transfer Out	8,436,853.00	8,356,920.00	9,710,018.31	(1,353,098)
Grand Total	**$ 125,589,968**	**$ 125,088,286**	**$ 123,862,965**	**$ 1,225,321**

General Fund Expenditures-unaudited

FY 2020

Expenditures	Original Budget	Adjusted Budget	Actuals	Favorable (Unfavorable)
Compensation	$ 66,662,607	$ 67,194,474	$ 65,080,890	$ 2,113,584
Benefits	19,281,178	18,447,049	18,240,643	206,406
Supplies	1,850,163	2,042,979	2,005,392	37,587
Other services & charges	15,020,022	14,778,256	13,862,148	916,108
Other expenses	-	-	57,696	(57,696)
Maintenance	9,005,466	9,021,009	9,110,852	(89,843)
Capital outlay	1,846,729	1,285,886	1,136,118	149,768
Other agencies	3,223,776	3,223,776	3,441,781	(218,005)
Disaster Expense	-	229,763	709,252	(479,489)
Debt service	263,174	508,174	508,174	(0)
Operating transfers out	8,436,853	8,356,920	9,710,018	(1,353,098)
Grand Total	**$ 125,589,968**	**$ 125,088,286**	**$ 123,862,965**	**$ 1,225,321**

ITEM SUMMARY

BOARD: City Commission	AGENDA ITEM	6.
	DATE SUBMITTED	11/16/2020
	MEETING DATE	11/23/2020

1. Agenda Item: Presentation on Office of Communications.
2. Party Making Request:
3. Nature of Request: Presentation on Office of Communications
4. Routing:

   Xochitl Mora   Created/Initiated - 11/16/2020
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation:

MCN

CITY OF

McALLEN

Office of Communications

PRESENTED BY

XOCHITL MORA

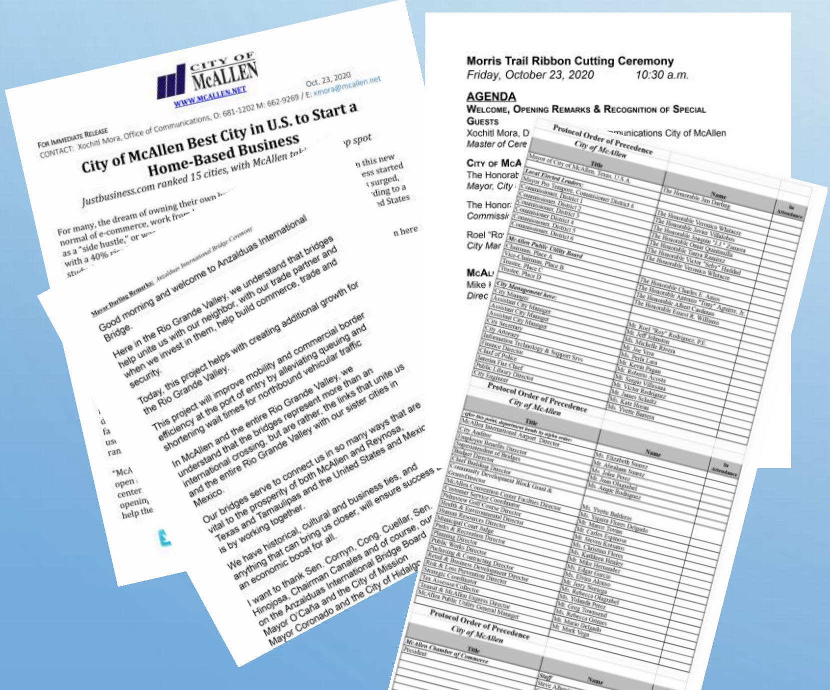
DIRECTOR

November 23, 2020

City of McAllen Office of Communications:
Creating voice and messaging for the City of McAllen

Public Relations

Press Releases, Press Conference, Protocol, Remarks



P.E.G. Channel

McALLEN CABLE NETWORK
Spectrum 1300

Social Media

@City of McAllen

Office of Communications Audience:

- **Media:** Local, regional, national, international
- **Public:** McAllen, Hidalgo County and Rio Grande Valley residents
- **Mayor and Commissioners**
- **City of McAllen employees**

City of McAllen Office of Communications

- Traditional **Public Relations** is a strategic communication process that builds mutually beneficial relationships between organizations and their publics by managing an organization's communication to stakeholders and the media.
  - **Government Relations:** Compliance with the Open Meetings Act
    Ex: *Airing meeting on the channel, streaming to the website*
  - **Community Relations:** Developing partnerships with other government entities and supporting programs of community engagement
    Ex: *McAllen I.S.D., Hidalgo County, Census outreach*
  - **Media Relations:** Establishing and managing relationships with media organizations and the reporters. Generating publicity by acting as a source for media content
    Ex: *Responsive to reporter questions; establish City of McAllen as subject matter experts*
    <u>GOAL:</u> *City of McAllen on the news everyday*

City of McAllen Office of Communications, *cont.*

- **Media Production:** Producing content such as promotional videos to achieve communication goals
  Ex: *new programming on channel, create connection with viewers with shows, with talent, with ways to watch*
- **Customer Relations:** Working with customer service to manage customer feedback and address customer inquiries and concerns
  Ex: *Facebook inbox messaging responses*
- **Marketing Communications:** Leveraging communication channels and media relationships to generate awareness of brand, image and messaging
  Ex: *City of McAllen, McAllen blue, honorifics, protocol order of precedence, consistency in date, time, place, capitalization, punctuation (AP Style) in all communication pieces*
- **Social Media:** Managing social media communication channels to engage the public in a way that reflects well on the brand
  Ex: *Pretty McAllen, current events and programs, recaps, messaging*

MCN 1300: *Public. Education. Government. Channel*

- Pursuant to Section 611 of the Communications Act, local franchising authorities may require cable operators, in this case, **Spectrum Cable**, to set aside channels for public, educational, or governmental ("PEG") use.

- **Public** access channels are available for use by the general public. They are usually administered either by the cable operator, or by a third party designated by the franchising authority.

- **Educational** access channels are used by educational institutions for educational programming. Time on these channels is typically allocated among local schools, colleges and universities by either the franchising authority or the cable operator.

- **Governmental** access channels are used for programming by local governments. In most jurisdictions, the local governments directly controls these channels.

MCN 1300 IS THIS CHANNEL.

Newly redesigned studio launch

- Wed., Oct. 16, 2019
- Live newscast
- News desk and fireside chat interview sets
- Capability to go live on air from studio

Value of MCN 1300 P.E.G. Channel

- Spectrum Cable and the City of McAllen have a franchise agreement, which provides the following:
  - The MCN 1300 P.E.G. channel lives on Spectrum Cable only. This is not an over-the-air waves channel. It is only available to resident Spectrum Cable subscribers in McAllen city limits, approximately 14,000 households.
  - Spectrum Cable **pays** the City of McAllen **franchise fees** that are charged to Spectrum Cable subscribers. **This fee** is approximately **$200,000** a year and is restricted to expenses related to broadcast the channel: including, cameras, studio equipment (furniture, lighting system), cables, microphones, batteries, etc.

Value of MCN 1300 P.E.G. Channel, *cont.*

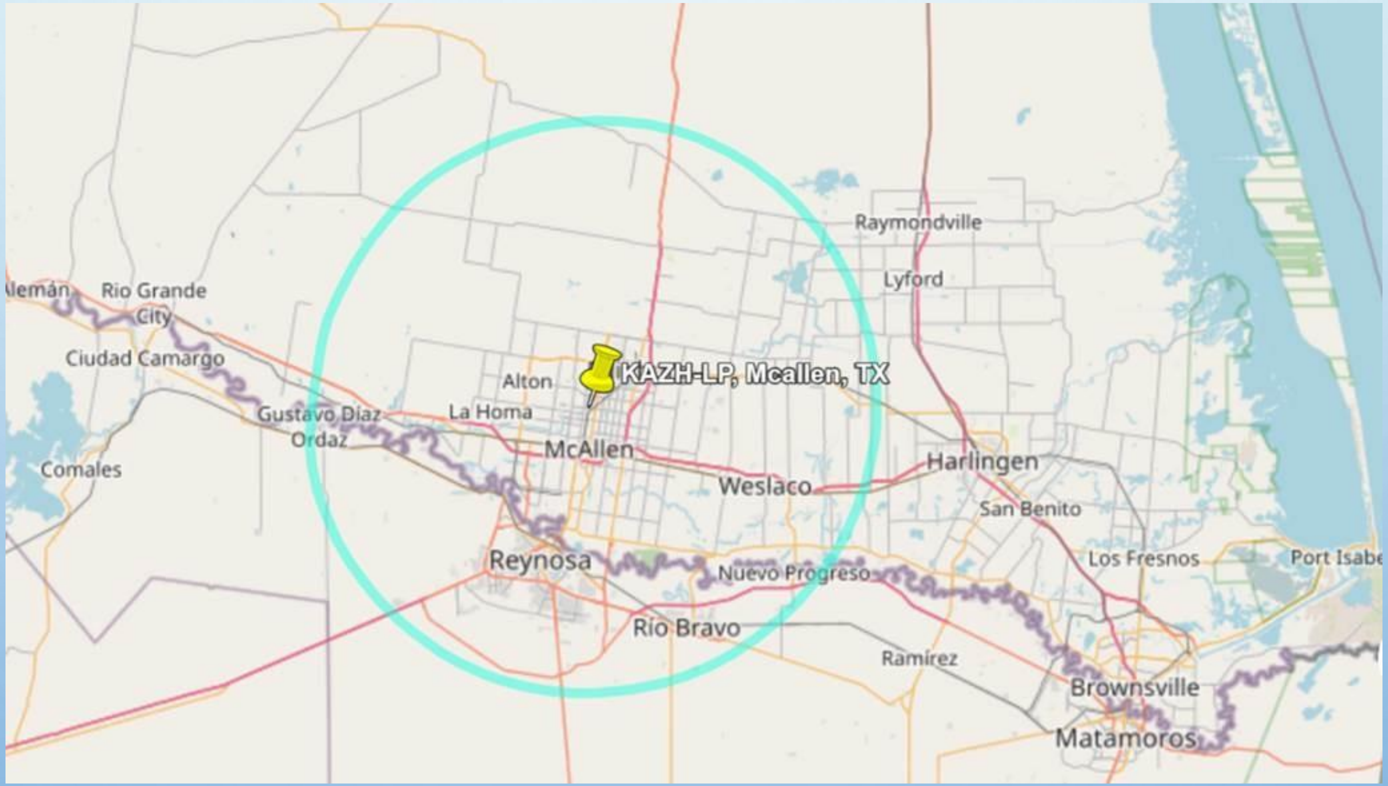
- Spectrum Cable and the City of McAllen have a franchise agreement, which provides the following:
  - Audio equipment purchased for City Commission meetings airing are utilized by all City of McAllen advisory boards, as well as Office of Communications staff to assist with audio. This was especially true during height of COVID pandemic and ZOOM meetings.
  - The channel does not generate revenue because it cannot be used commercially. Advertising on the channel is strictly prohibited.

Value of MCN 1300 P.E.G. Channel, *cont.*

- The MCN 1300 P.E.G. channel allows City of McAllen to comply with the Texas Open Meetings Act by airing the McAllen City Commission meetings, McAllen Public Utility Board of Trustee meetings and any special called meetings, municipal election coverage or other important notices live on air.
- MCN 1300 P.E.G. Channel is able to air special events live on air, such as the McAllen Holiday Parade, 4th of July Parade, Fiesta de Palmas and the State of the City Address. This is used as an added-value in the sponsorship packages sold to special event sponsors.

MCN 1300 On KAZH-LP McAllen 57.1

antenna Channel



Watch

McALLEN CABLE NETWORK

Spectrum 1300

Also livestreaming on

KAZH
LP McAllen
antenna
channel 57.1

mcallen.net
MCN LIVE
under Quick Access link.

McAllen 311
Mobile App

GET IT ON Google Play

Download on the App Store

@cityofmcallen


NEWS UPDATE


McALLEN
SOCIAL MEDIA
City of McAllen, TX Gov
@cityofmcallen
@cityofmcallen


McAllen
Minutes

Other McALLEN CABLE NETWORK Spectrum 1300 Programming:

- **McAllen Now:** Quick one-minute update of most current news
- **Outdoors with Roy:** A brief look at City of McAllen facilities, activities or information provided by City of McAllen employees on events, projects, programs, or activities that can be enjoyed outdoors by the residents*
- **10 Questions with Mary:** An interview with hard-working employees who shine at their jobs*
- **McAllen's Own:** Highlighting special talents and skills of employees in the community*
- **Meeting with the Mayor:** Interview with elected and community leaders on most important pressing legislative or community issues*+
- **On 1300:** City managers giving brief updates on policies and new programs*
- **McAllen Minutes:** Brief recap of decisions that affect taxpayers made at McAllen City Commission meeting*

OTHER McALLEN CABLE NETWORK Spectrum 1300 PROGRAMMING, *CONT.*:

- **McALLEN NEWS UPDATE:** Monthly news recap of ongoing City of McAllen events and projects*
- **COMMISSIONERS' CORNER:** Individual episode with each commissioner on projects ongoing in their district or initiatives they are focusing on*
- **McALLEN CITY COMMISSION MEETING:** Live and rebroadcast
- **HIDALGO COUNTY COMMISSION MEETING:** Rebroadcast only (provided by Hidalgo County)
- **CITY OF McALLEN EVENTS:** Ribbon-cutting, groundbreaking, press conferences or other events*

* *Programs uploaded to You Tube, with links promoted on social media*

\+ *Have utilized Zoom for interviews*

Future opportunities

- **Spectrum Cable Commercial Circuit Conversion:** All Spectrum Cable P.E.G. channels will be converted to this new system. MCN 1300 only one to be converted to High Definition.
- **Podcasts**
- **Smart TV App**
- **Mobile App**
- **On-Demand**

@CityofMcAllen

- **Social Media Strategy:**
  Create messaging, through posts, pictures, videos, and graphics that keeps followers informed, educated and entertained regarding services, programs, events; emergencies; and municipal or community accomplishments; prompts engagement by followers to like, comment and share posts; encourages followers to take action; and serves as a customer service tool by responding to questions. Serve as the voice for the City of McAllen by staying professional and neutral.

  Facebook leans towards more “news” like type posts; Twitter can be a bit more engaging; both are conversational. Instagram uses engaging pictures.

@CityofMcAllen, *cont.*

- **Tactics:**
  - Pretty pictures
  - Simple, clean graphics
  - Concise text
  - Short, engaging videos
  - Direct followers to You Tube
  - Use creative and effective hash tags

- **Posting Schedule:**
  - Facebook posts: 3-5 times a day, depending on what may come up
  - Twitter posts: multiple times a day
  - Instagram: 3-5 times a week

@CityofMcAllen, *cont.*

- **Guidelines:**
  - Avoid political or socially charged issues, but be informative on current events
  - Promote community, human interest
  - Respond to questions within 24-48 hours
  - Correct misinformation
  - Direct people to subject expert source
  - Avoid engaging with “trolls”
  - Monitor comments for Facebook/policy violations
  - Report threats
  - Cannot block or ban users

@CityofMcAllen, *cont.*

- **Real-time posting of information and photos**
  - McAllen Holiday Parade
  - 4th of July Parade
  - State of the City
  - McAllen Marathon

@CityofMcAllen, TX Govt. Social Media Handles

- **Facebook, Instagram Verified accounts:** Verified accounts means residents will be able to trust that the information they are receiving is coming from an official account and is authentic.
- **Organic numbers:** Posts are never boosted, followers or likes are not boosted
- **Posts follow industry standard recommendations:** Number of times, type of posts, photos and number of characters
- **Social media drives traffic to You Tube:** Links to programs help create more awareness of channel

@CityofMcAllen

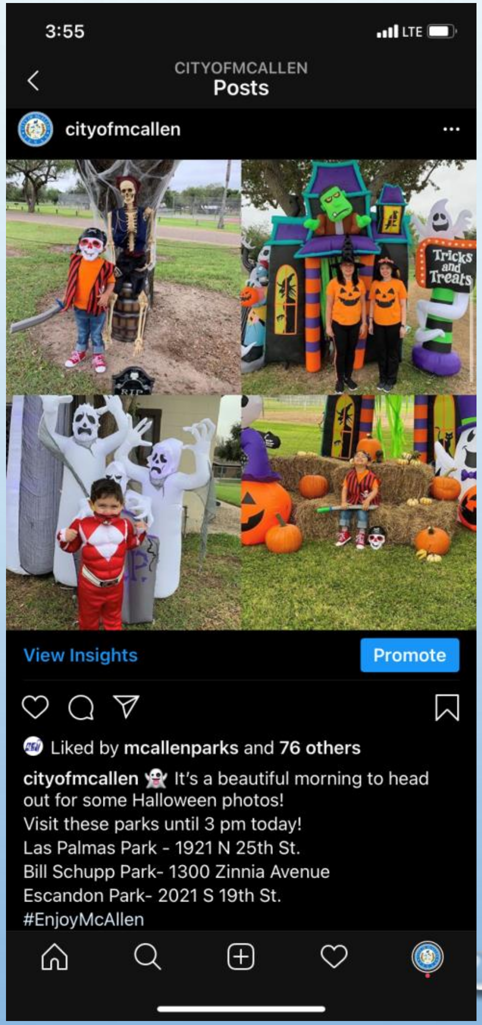
- **City of McAllen Social Media Editorial Calendar**

NOVEMBER 10

MONDAY 2	TUESDAY 3	WEDNESDAY 4	THURSDAY 5
-MCALLEN NOW -ICYMI: FALLEN OFFICERS -PURCHASING AWARD	-JOB POSTINGS HR -COVID -FIESTA DE PALMAS	-NEWSCAST -FEATURE IN TML -TEXAS RECYCLES DAY -NAT'L STRESS AWARENESS DAY	-40 DAYS OF XMAS -10 QS W/MARY -COVID -TURKEY TROT 2K

FRIDAY 6	SATURDAY 7	SUNDAY 8	LIKES/FOLLOWERS:
-FIESTA DE PALMAS - NATURE CENTER -MHP	-FIESTA DE PALMAS	-FIESTA DE PALMAS	FACEBOOK: 64,824 TWITTER: 48,314 INSTAGRAM: 6,162

@CityofMcAllen: Instagram



@CityofMcAllen: Facebook

@CityofMcAllen: Twitter

@CityofMcAllen

Facebook*

Houston Mayor Sylvester Turner	75,073
City of San Antonio	70,273
City of McAllen	**64,846**
City of Laredo	47,421
City of Pharr	45,585
City of El Paso	44,767
City of Edinburg	41,091
City of Dallas	40,586
City of Mission	38,903
City of San Angelo	37,846
City of Austin	29,917
City of Brownsville	22,027
City of Harlingen	15,827
City of Weslaco	13,534

**As of Nov. 2, 2020*

Twitter*

City of Houston	311,069
City of Dallas	180,024
City of Austin	174,111
City of San Antonio	152,874
City of McAllen	**48,344**
City of El Paso	37,690
City of Edinburg	12,282
City of Mission	11,021
City of San Angelo	7,845
City of Pharr	5,072
City of Laredo	4,657
City of Weslaco	4,538
City of Brownsville	3,427
City of Harlingen	1,279

**As of Nov. 2, 2020*

Instagram*

City of El Paso	43,235
City of Houston	38,230
City of Austin	12,272
City of San Antonio	12,267
City of Edinburg	11,944
City of Round Rock	11,209
City of Dallas	8,292
City of McAllen	**6,174**
City of Laredo	1,361

**As of Nov. 2, 2020*

OFFICE OF COMMUNICATIONS: NEXT STEPS

- **Win industry awards:** TAMIO, GSM, TATOA, Lone Star Emmy, TML Municipal Excellence Award
- **Set standard for municipal communications:** Distribution, messaging, shows, outreach
- **Maintain City of McAllen as top of mind for media:** City of McAllen on the news everyday
- **Grow viewers to programming:** Promote multiple options to view channel and programs
- **Grow social media followers:** Increase numbers on all handles so message outreach continues to grow

QUESTIONS?

THANK YOU!

CITY OF McALLEN

Office of Communications

CITY OF McALLEN

ITEM SUMMARY

BOARD: City Commission	AGENDA ITEM	7.
	DATE SUBMITTED	11/16/2020
	MEETING DATE	11/23/2020

1. Agenda Item: Subdivision Monthly Report.

2. Party Making Request: Edgar Garcia

3. Nature of Request: Subdivision Monthly Report

4. Routing:

Jessica Cavazos	Created/Initiated - 11/16/2020
Edgar Garcia	Approved - 11/16/2020
Michelle Rivera	Approved - 11/17/2020
Kevin Pagan	Final Approval - 11/18/2020

5. Staff Recommendation:

6. Advisory Board:

7. City Attorney:

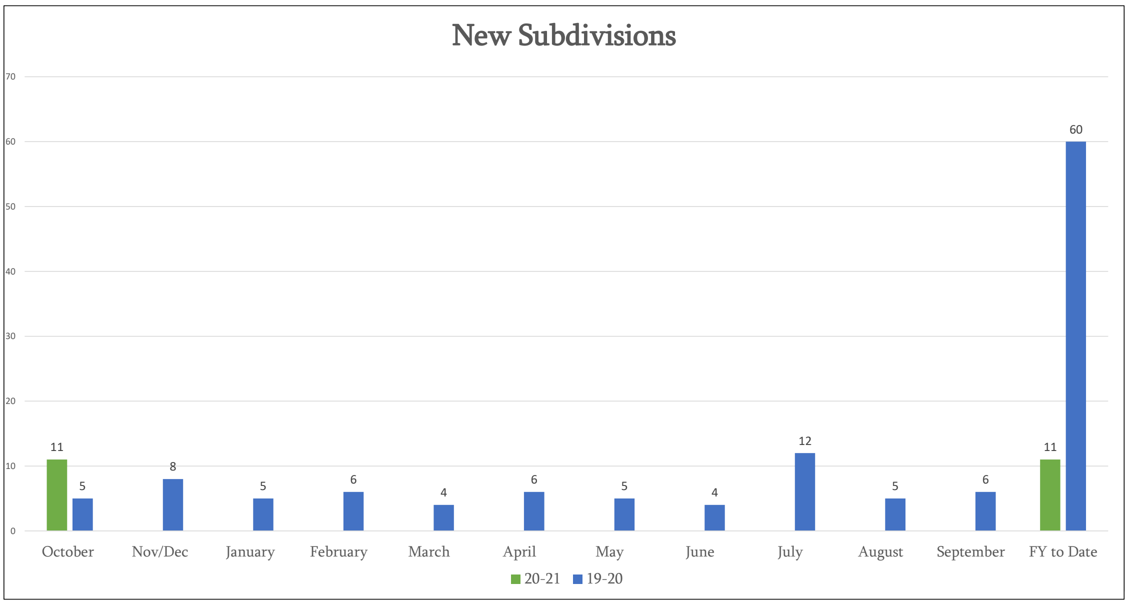
8. Manager's Recommendation:

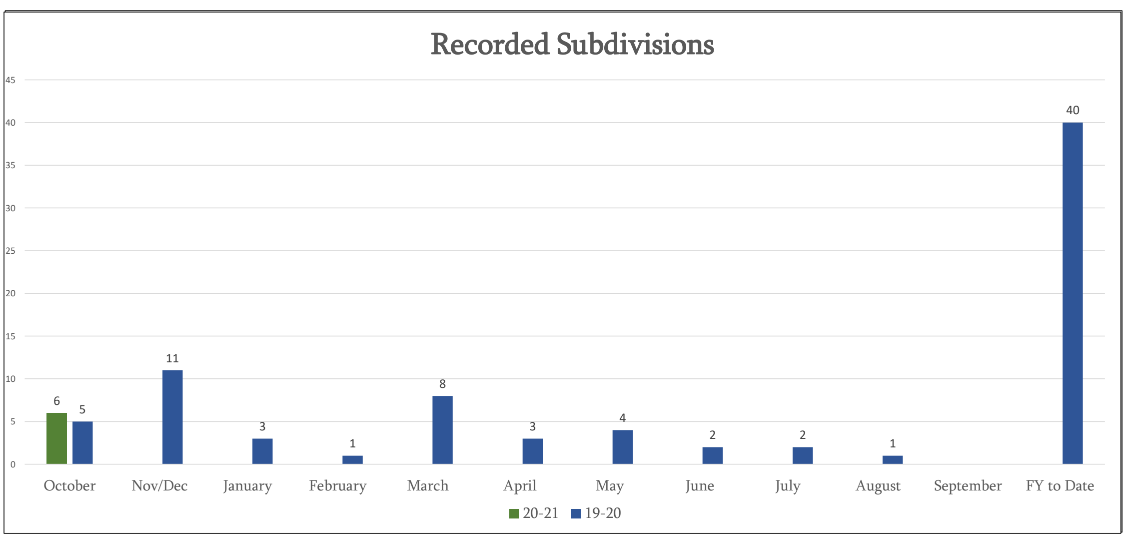
City of McAllen

Subdivision Report Ending October 31,2020

Planning Department

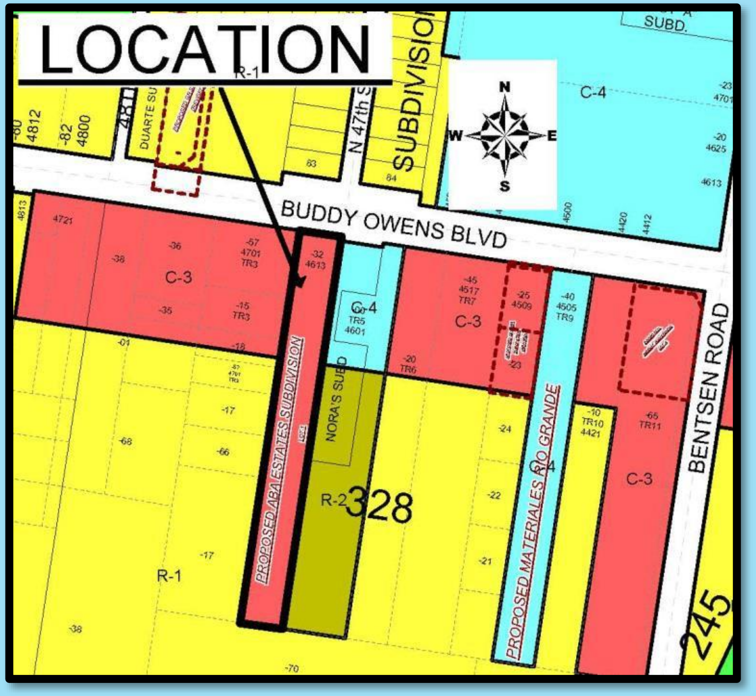
	Zoning	Type of Development	Number of Lots	Acres
New Subdivisions				
1. ABA Estates Subdivision	C-3	Commercial	1	2.15
2. Bella Vista Ranch Subdivision	ETJ	Residential	1	2.066
3. Bentsen Park Subdivision	R-1	Residential	34	7.54
4. De la Torre Subdivision	R-2	Residential	1	0.33
5. Frontera Peak Subdivision	R-1	Residential	1	2.24
6. J. Leal Subdivision	ETJ	Residential	1	0.979
7. Martinez Subdivision	R-2	Residential	1	0.149
8. Nolana Crossing Lot 3A Subdivision	R-3T	Residential	24	2.834
9. Shary Manor Subdivision	C-3	Residential	106	38.27
10. Villa Torre at Almon Subdivision	R-1	Residential	41	17
Recorded Subdivisions				
1. 2621 S.23rd Street Subdivision	C-3	Commercial	1	1
2. Estancia at Tres Lagos Phase 2	R-1	Residential	30	22.828
3. Ruben Valdez Subdivision	ETJ	Residential	3	2.38
4. The Tree Apartments	R-3A	Residential	1	18.04
5. Trade Zone Substation	C-4	Commercial	1	5
6. Valle de Lara Subdivision	C-1	Commercial	1	2.13

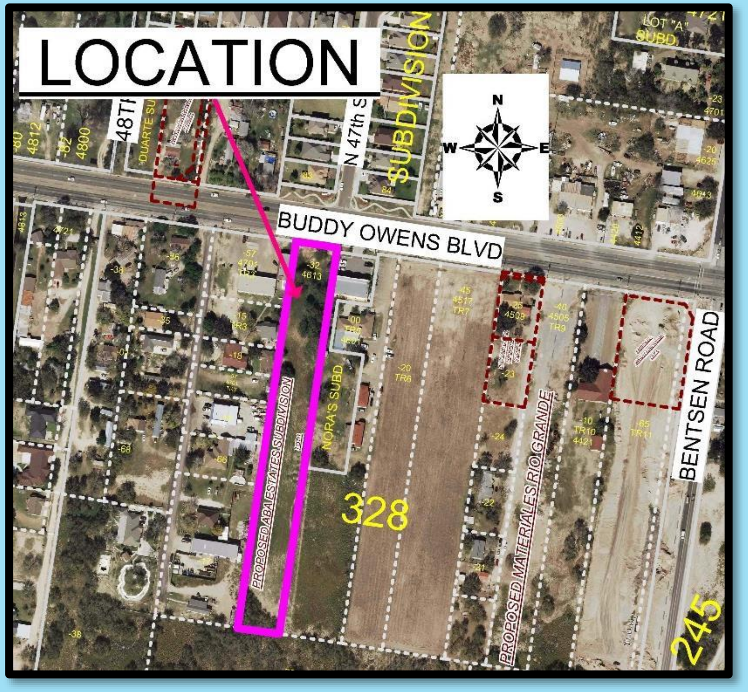


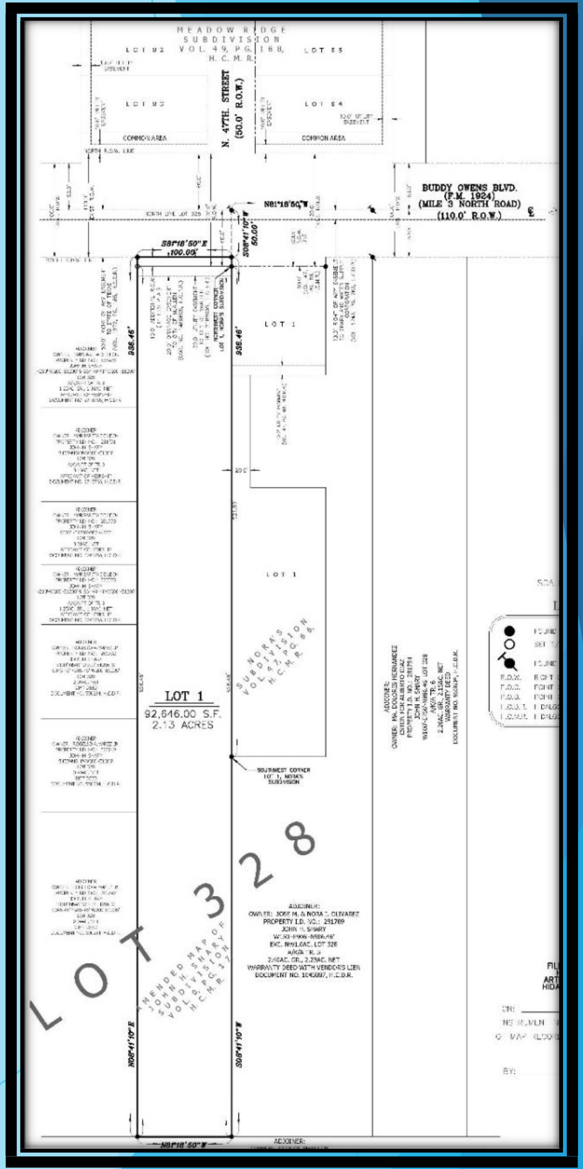


ABA Estates Subdivision

Zoning: C-3
Type of Development: Commercial
Lots: 1
Acres: 2.15

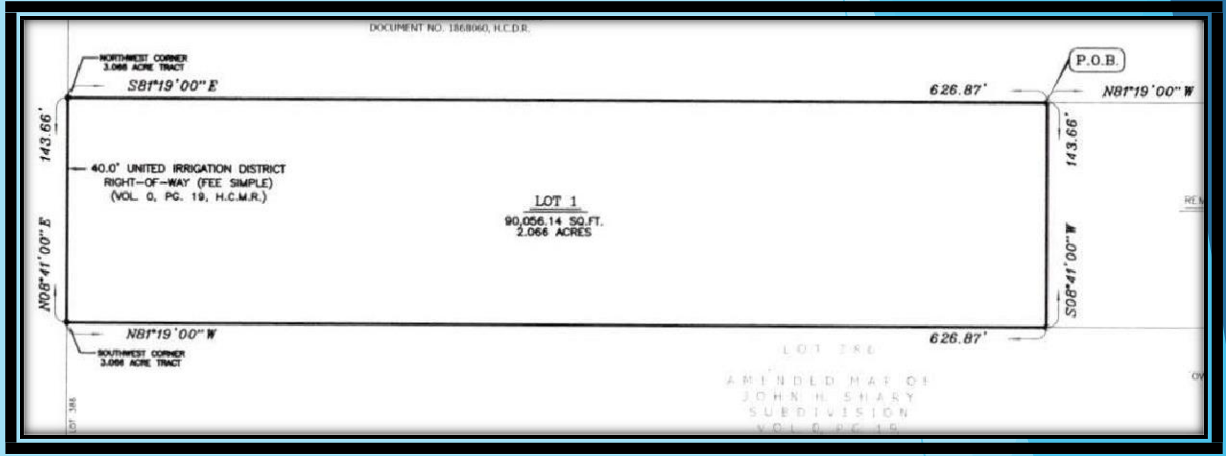


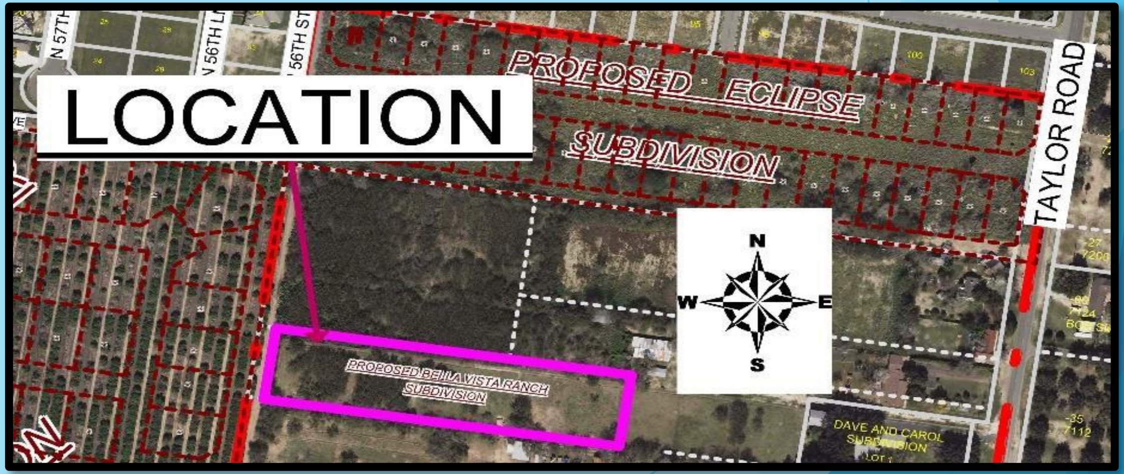




Bella Vista Ranch Subdivision

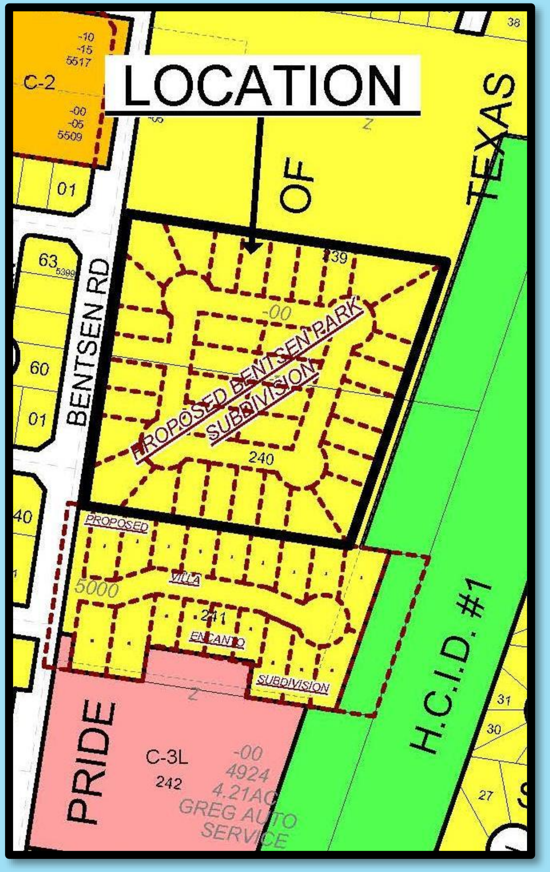
Zoning: ETJ
Type of Development: Residential
Lots: 1
Acres: 2.066

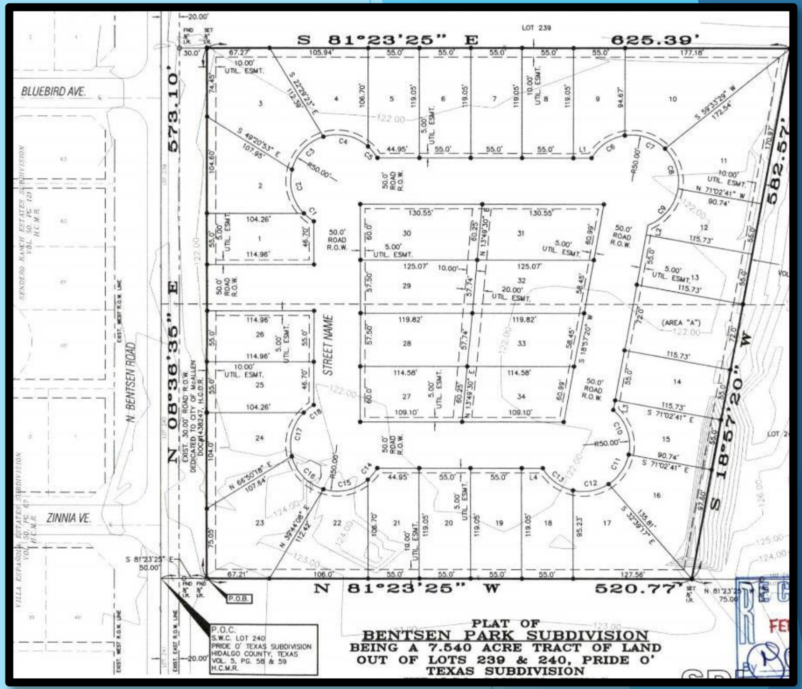




Bentsen Park Subdivision

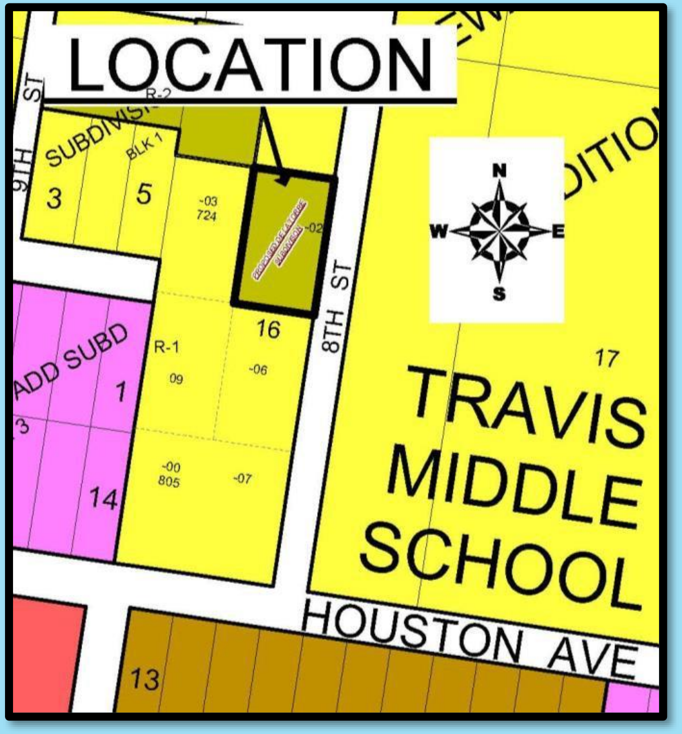
Zoning: R-1
Type of Development: Residential
Lots: 34
Acres: 7.540

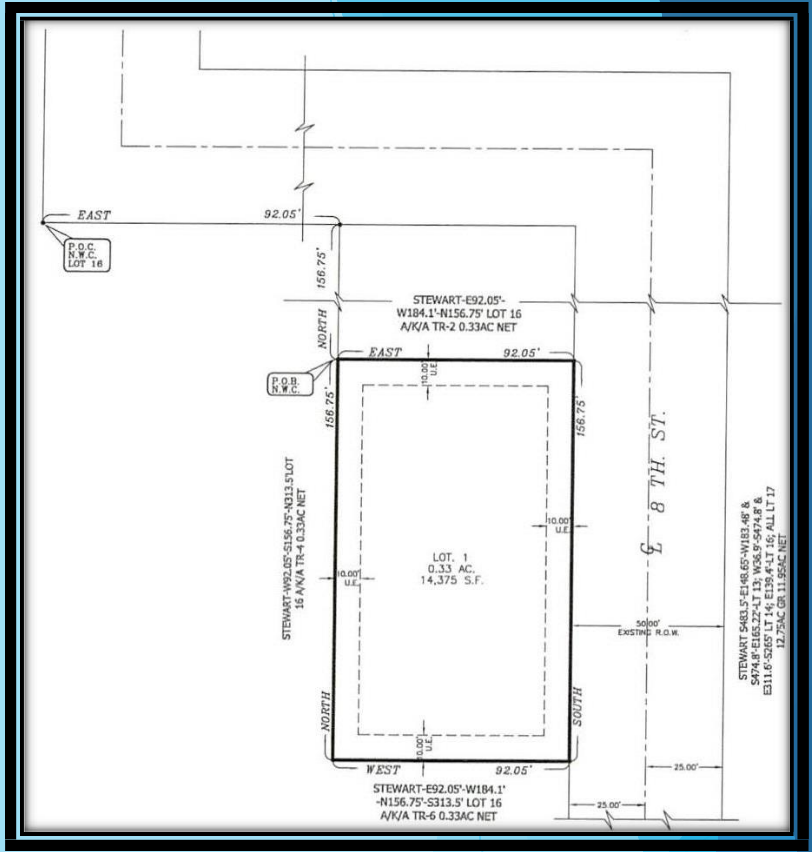




De La Torre Subdivision

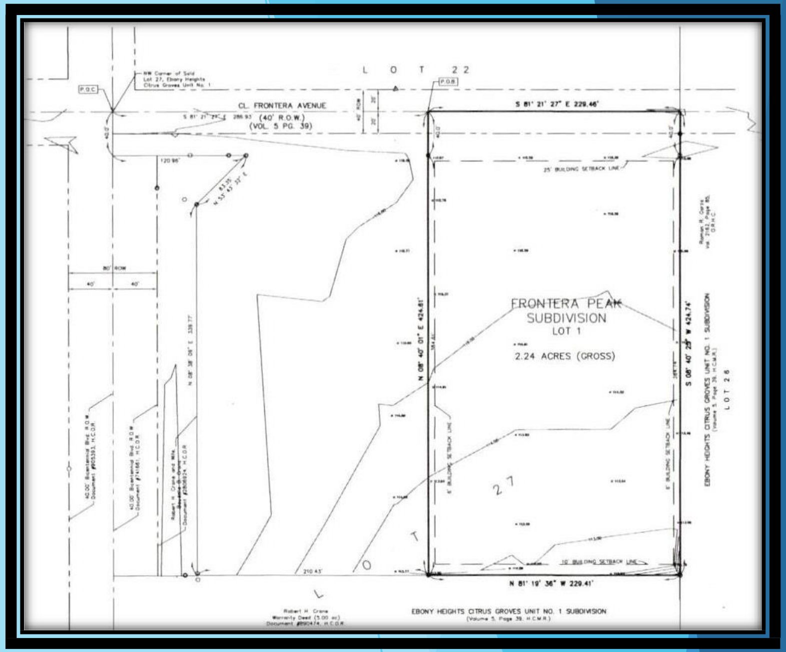
Zoning: R-2
Type of Development: Residential
Lots: 1
Acres: 0.33

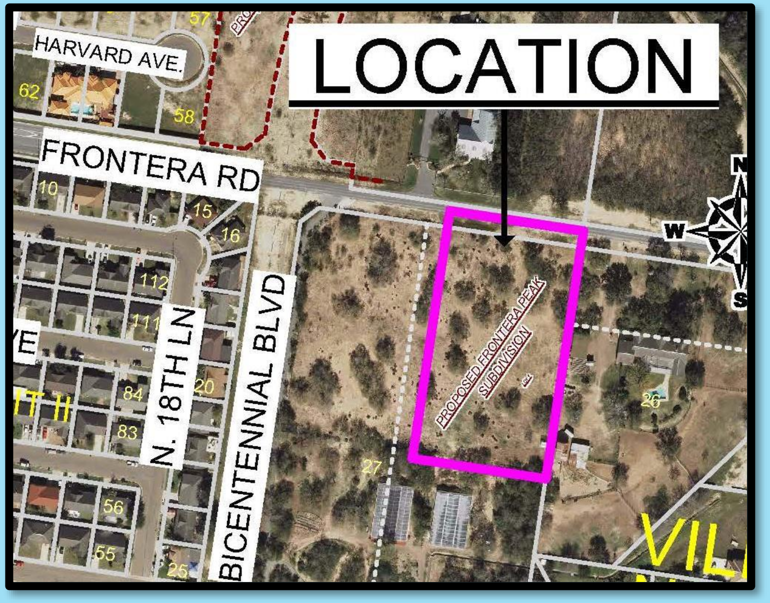


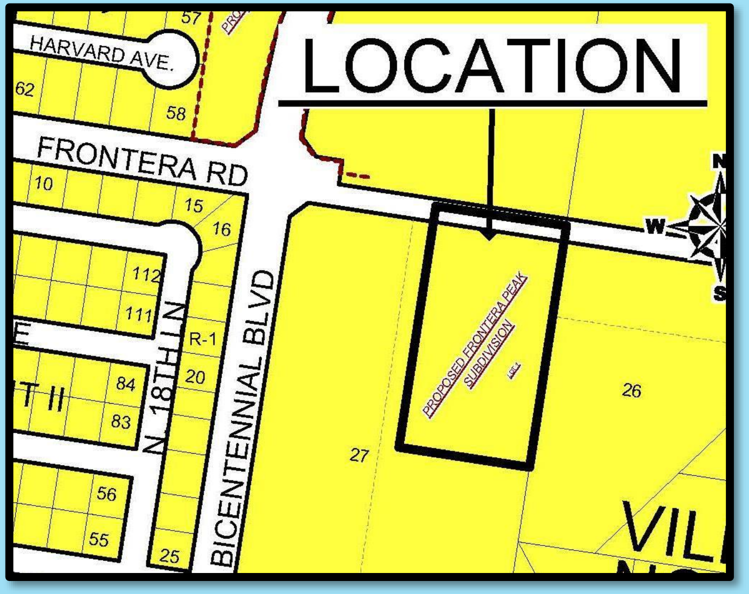


Frontera Peak Subdivision

Zoning:	R-1
Type of Development:	Residential
Lots:	1
Acres:	2.24

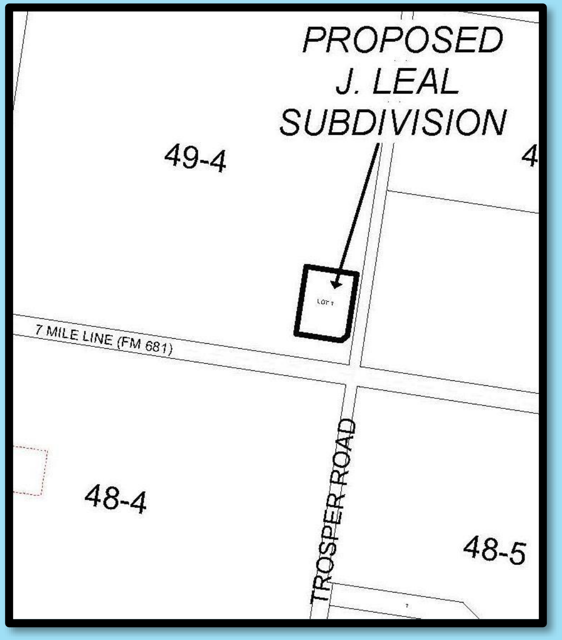


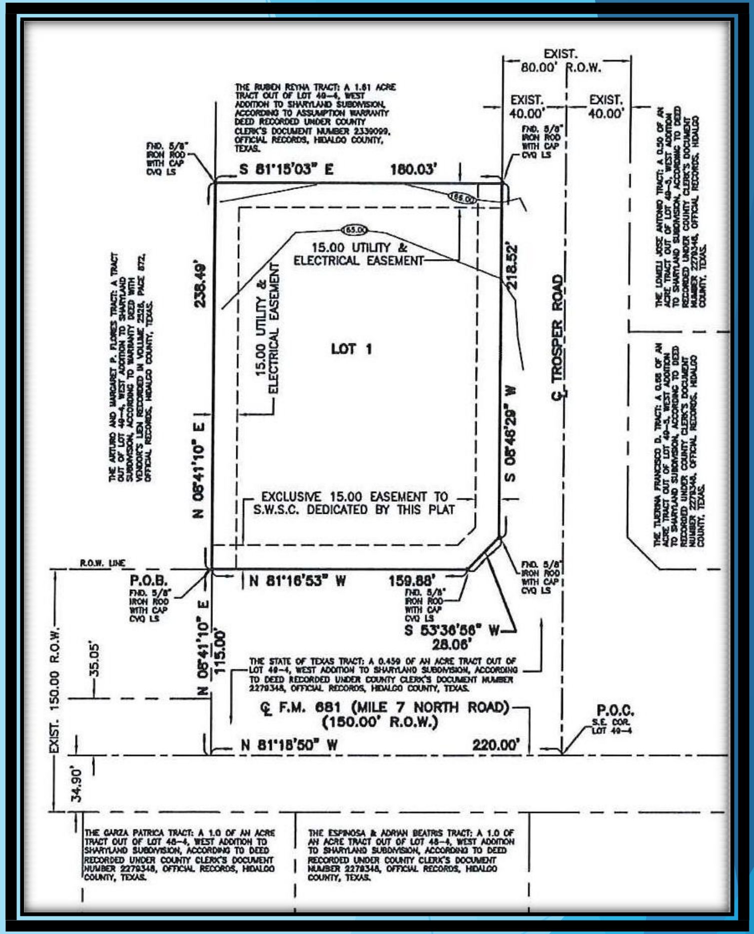




J.Leal Subdivision

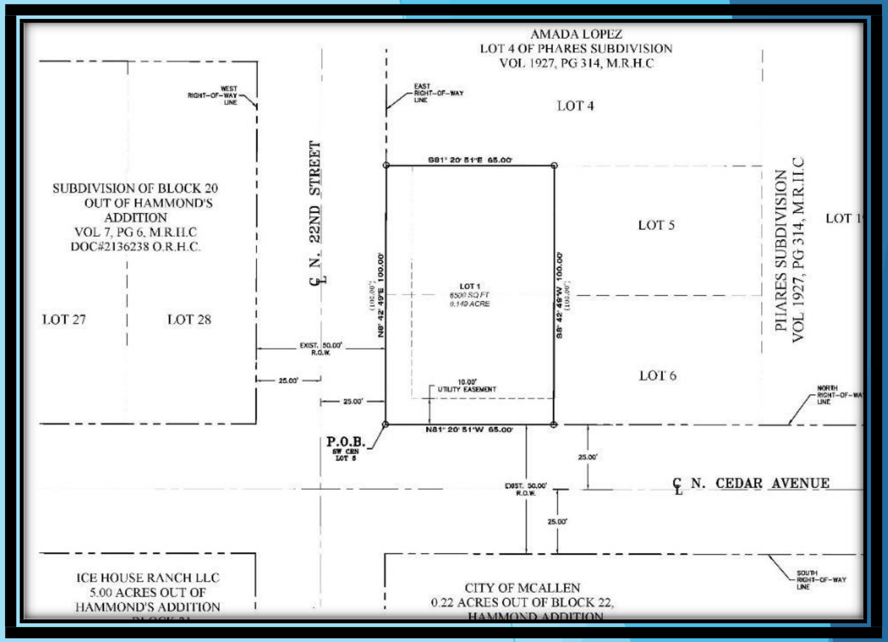
Zoning: ETJ
Type of Development: Residential
Lots: 1
Acres: .979





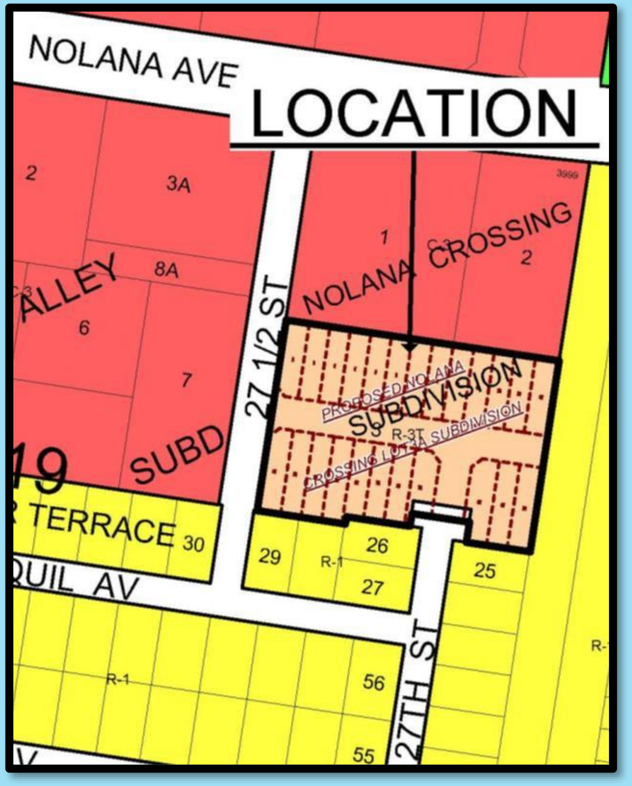
Martinez Subdivision

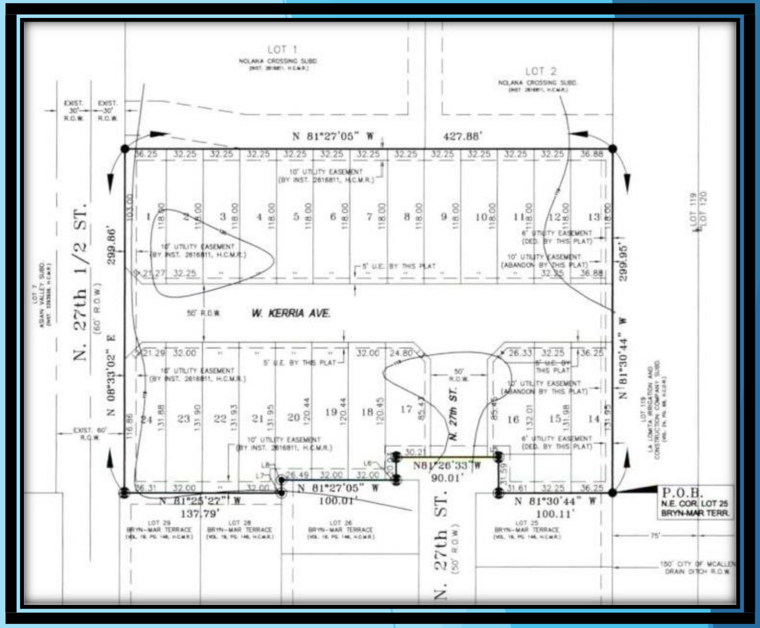
Zoning: R-2
Type of Development: Residential
Lots: 1
Acres: 0.149



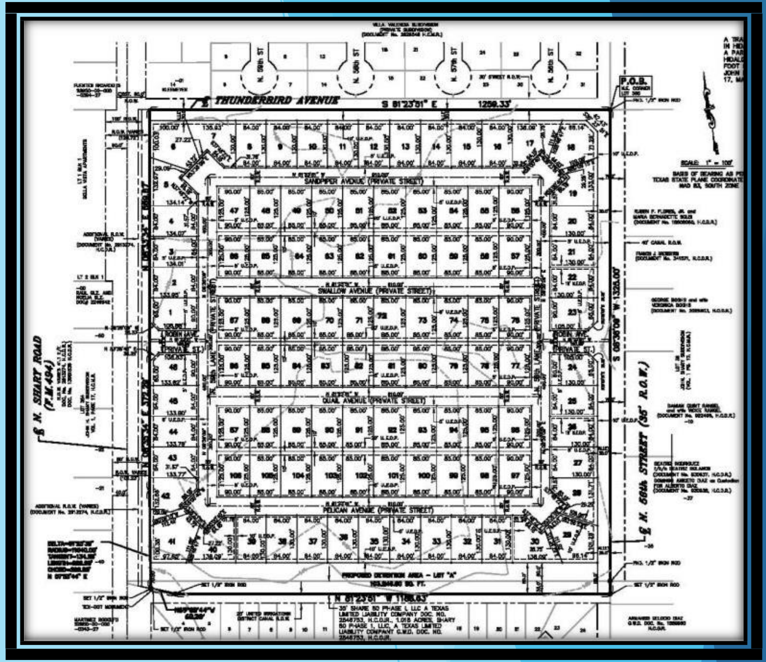
Nolana Crossing Lot 3A Subdivision

Zoning: R-3T
Type of Development: Residential
Lots: 24
Acres: 2.834

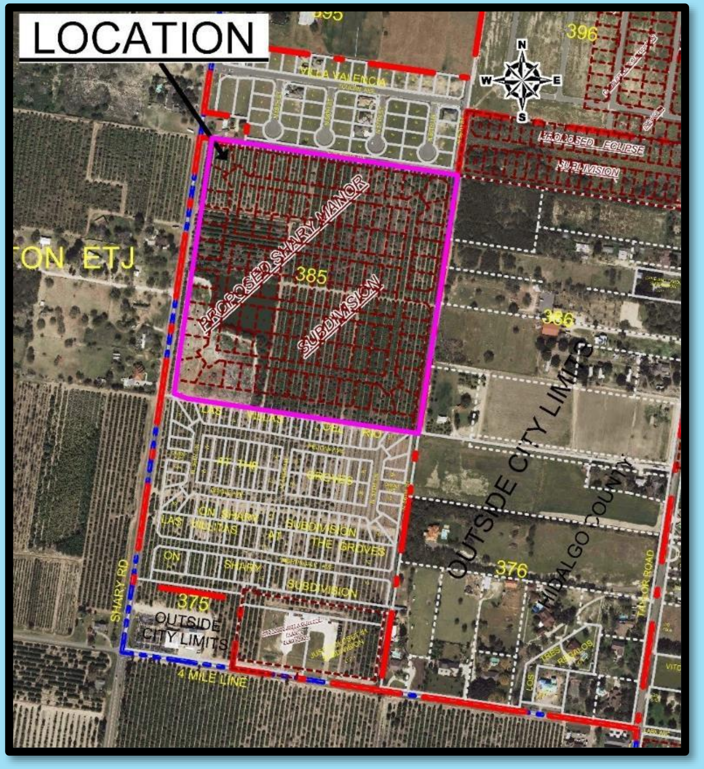


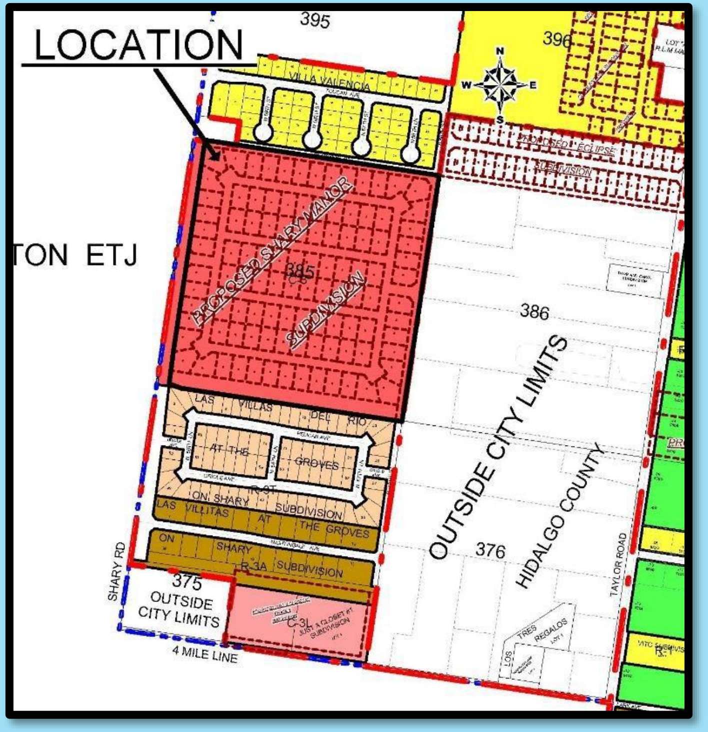


Shary Manor Subdivision



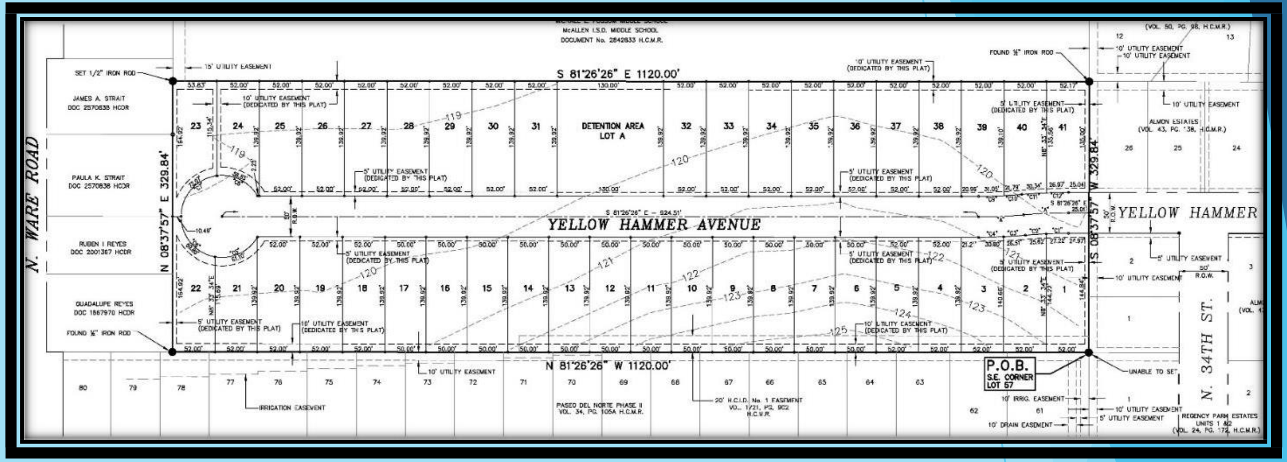
Zoning: C-3
Type of Development: Residential
Lots: 106
Acres: 38.27

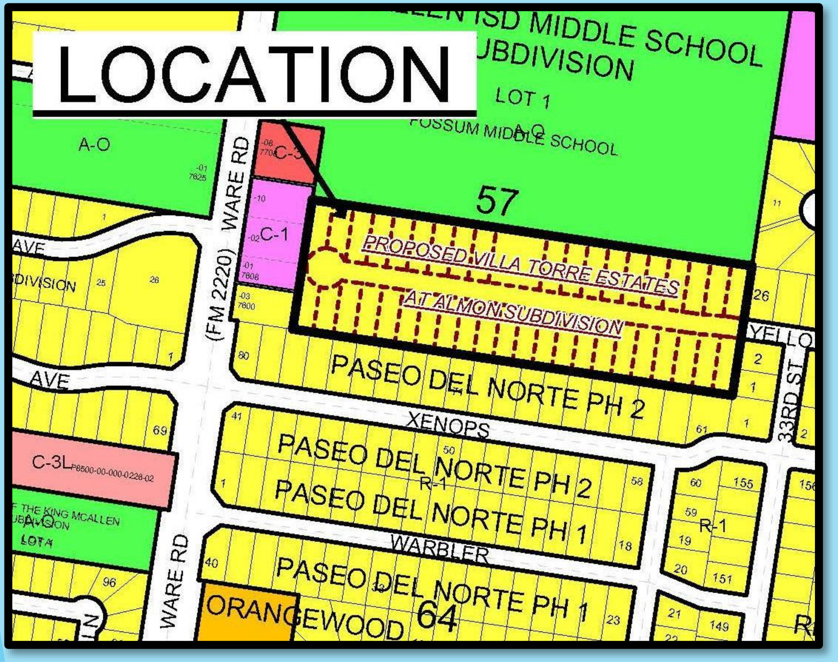




Villa Torre Estates Subdivision

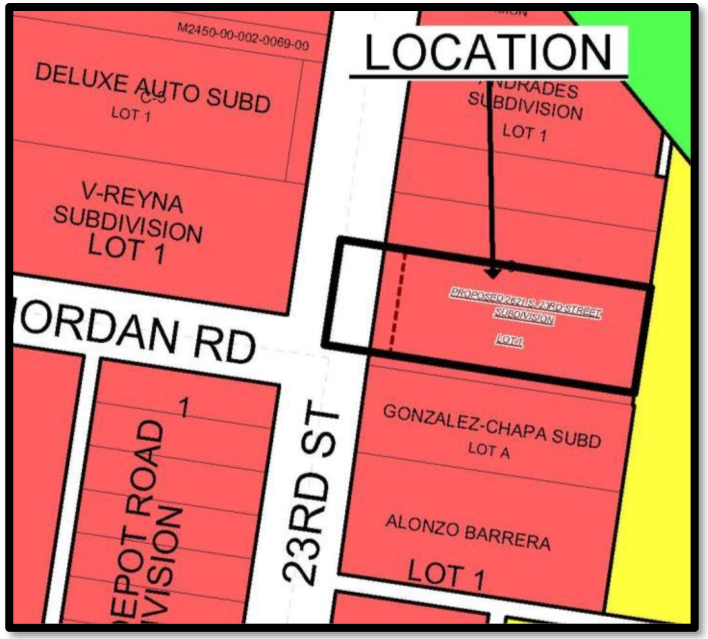
Zoning:	R-1
Type of Development:	Residential
Lots:	41
Acres:	17

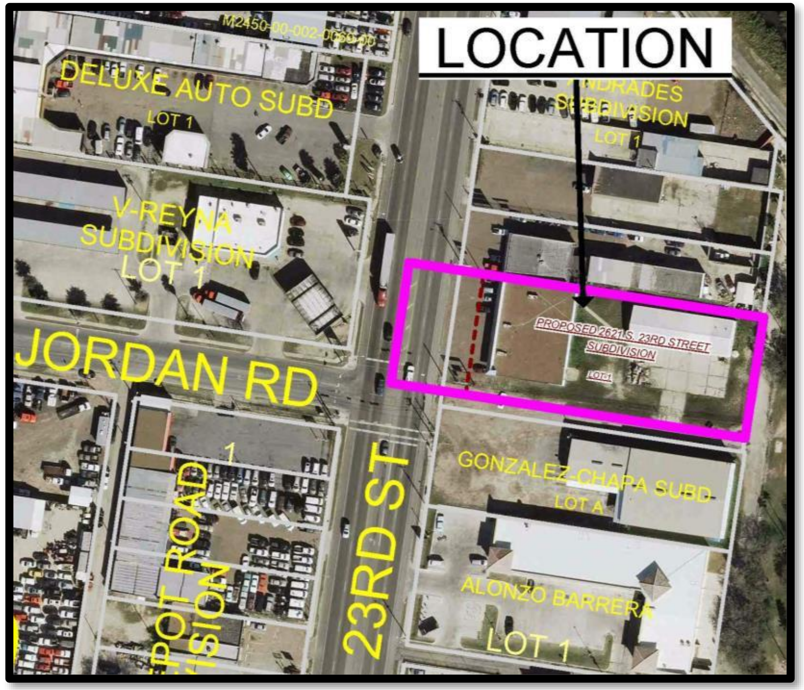


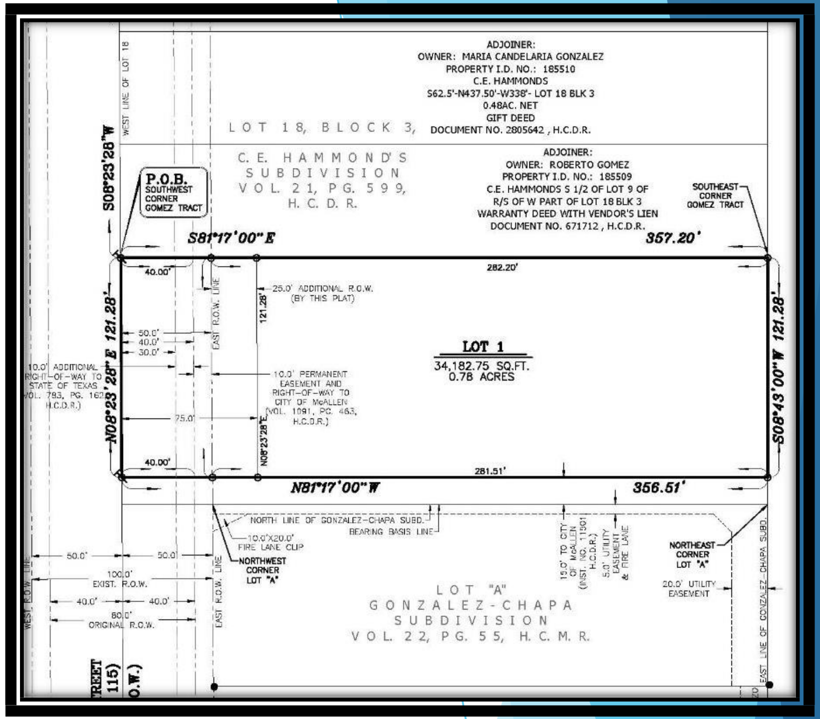


2621 S.23rd Street Subdivision

Zoning:	C-3
Type of Development:	Commercial
Lots:	1
Acres:	1.00

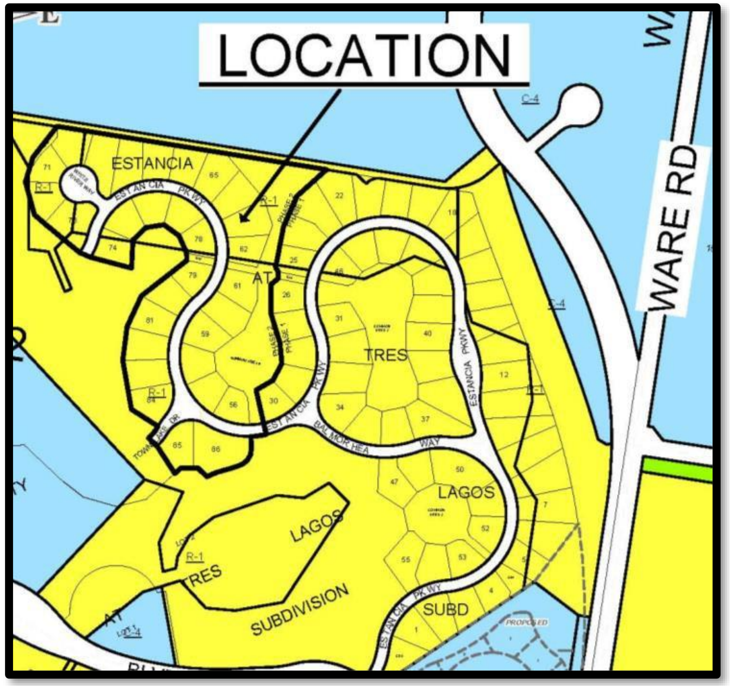


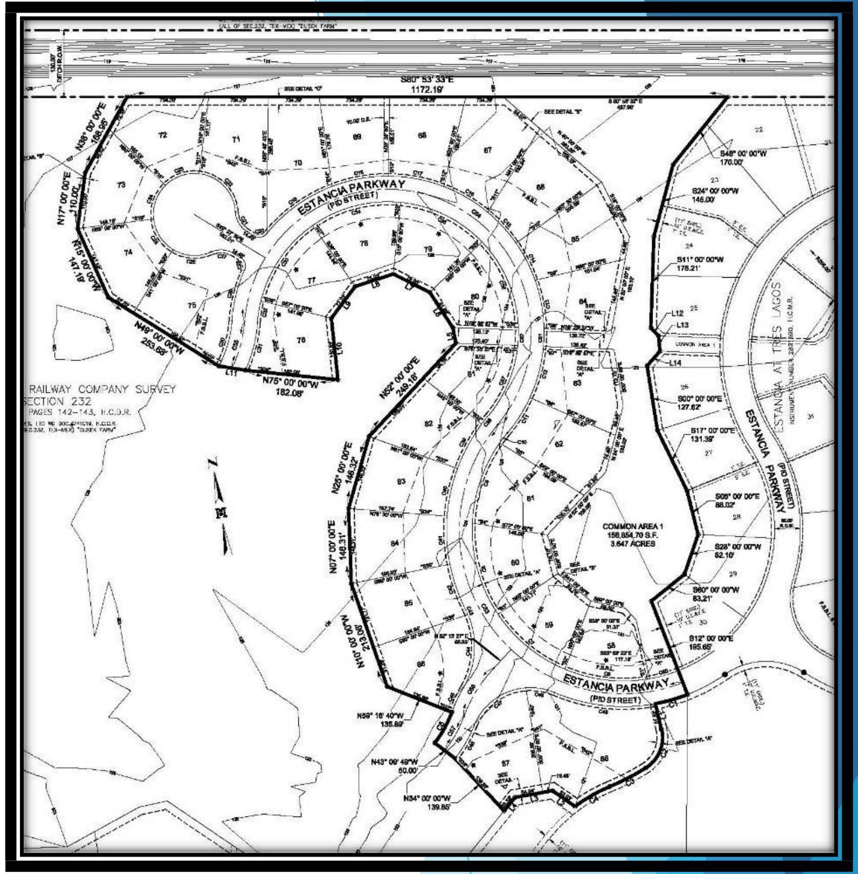




Estancia at Tres Lagos Phase 2 Subdivision

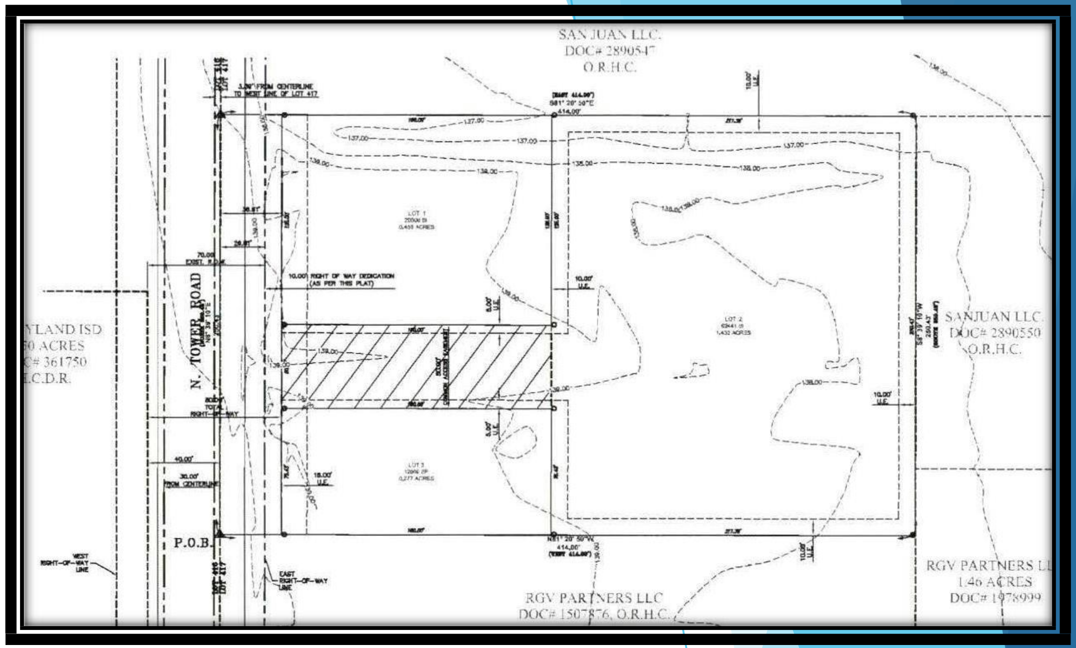
Zoning:	R-1
Type of Development:	Residential
Lots:	30
Acres:	22.828



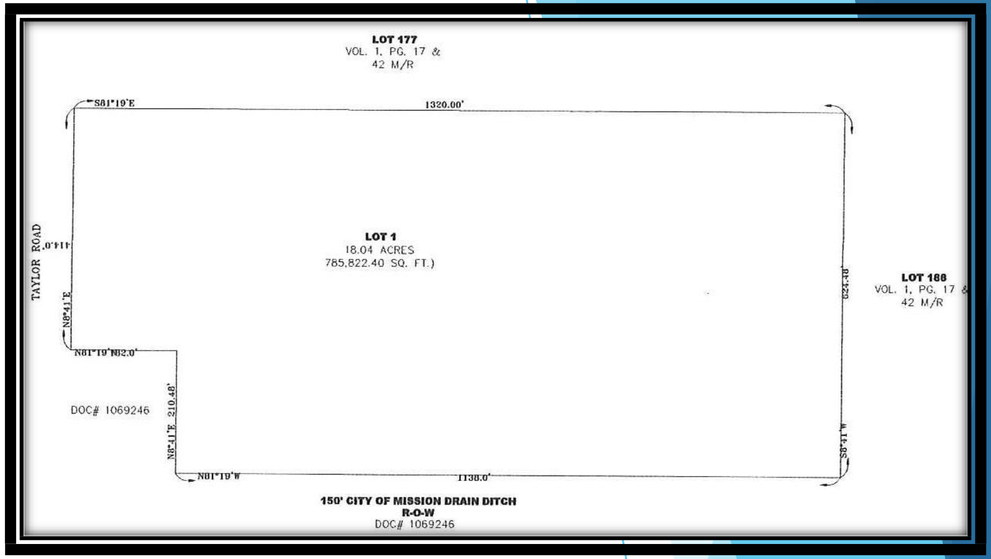


Ruben Valdez Subdivision

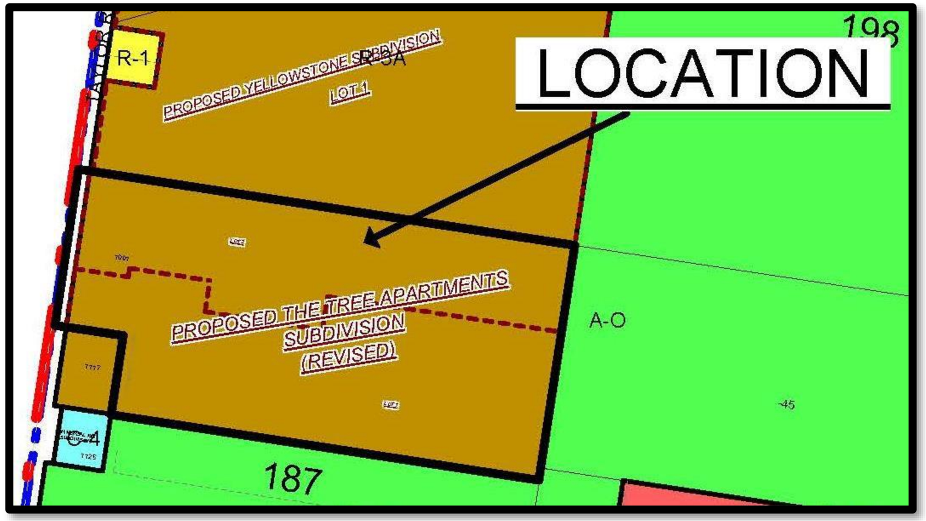
Zoning:	ETJ
Type of Development:	Residential
Lots:	3
Acres:	2.38



The Tree Apartments Subdivision

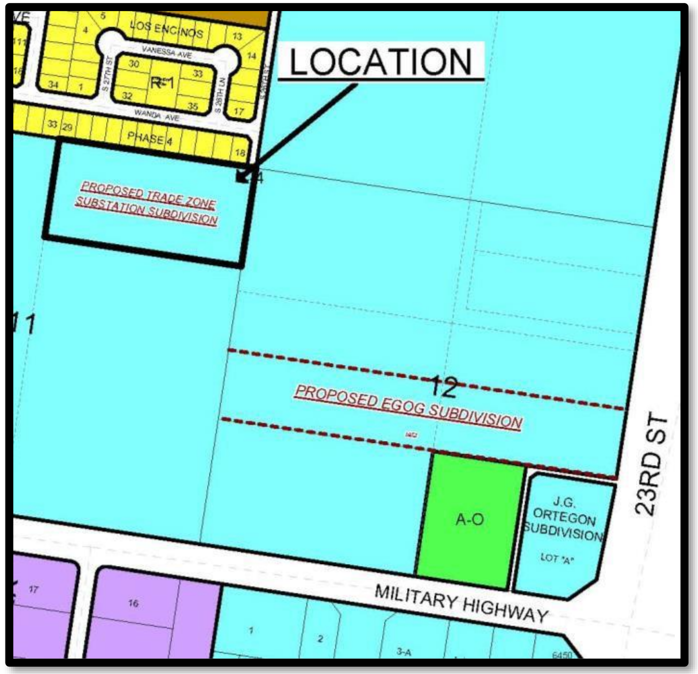


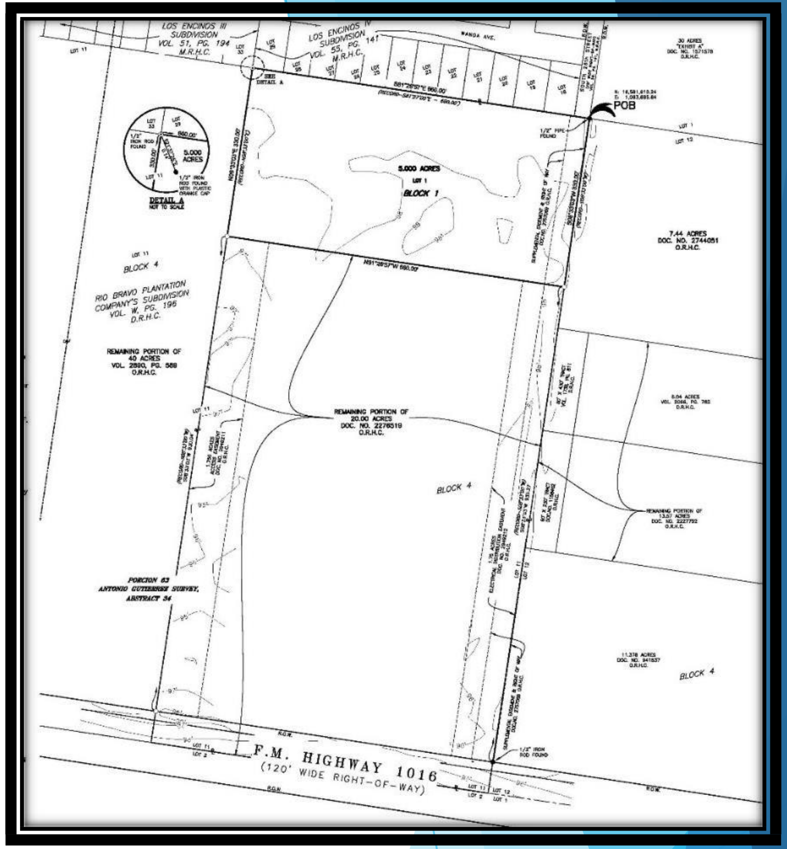
Zoning:	R-3A
Type of Development:	Residential
Lots:	1
Acres:	18.04



Trade Zone Substation Subdivision

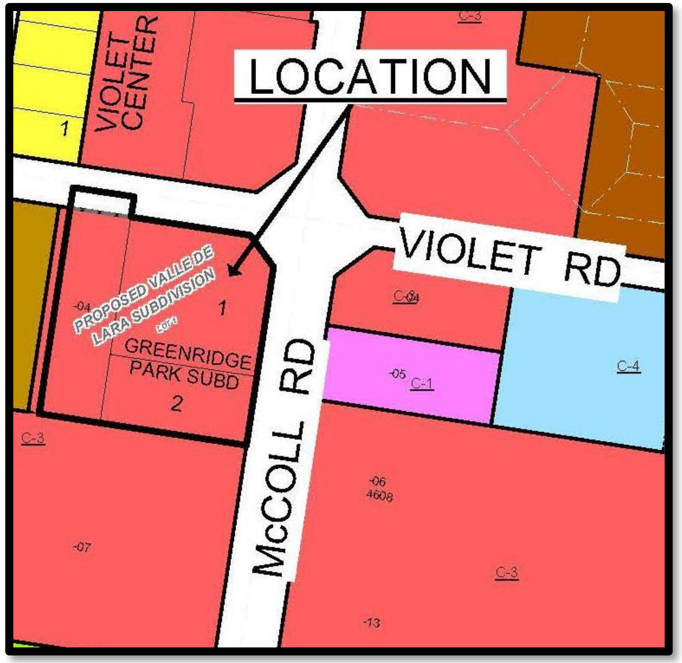
Zoning:	C-4
Type of Development:	Commercial
Lots:	1
Acres:	5

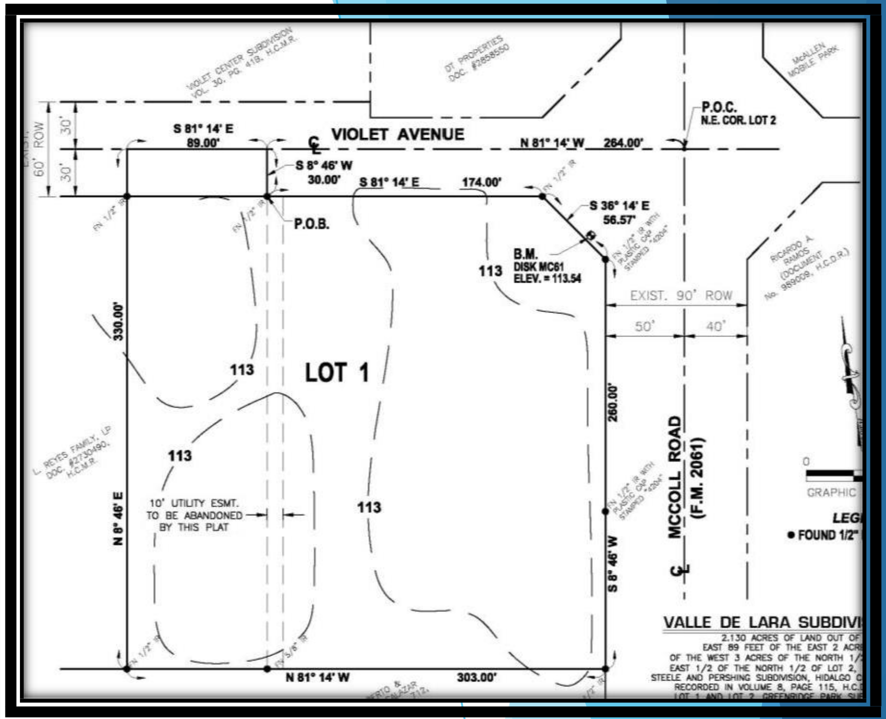




Valla de Lara Subdivision

Zoning: C-1
Type of Development: Commercial
Lots: 1
Acres: 2.130





CITY OF McALLEN

ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM	8.
DATE SUBMITTED	11/17/2020
MEETING DATE	11/23/2020

1. Agenda Item: Status Report on Parks & Recreation Projects.

2. Party Making Request:

3. Nature of Request:

4. Routing:

Cristina Monroy	Created/Initiated - 11/17/2020
Mike Hernandez	Approved - 11/17/2020
Kevin Pagan	Final Approval - 11/18/2020

5. Staff Recommendation:

6. Advisory Board:

7. City Attorney:

8. Manager's Recommendation:

City Commission Update

McALLEN
Parks & Recreation

La Vista Park Land Zone 2 -CP1709

District: 6 Vendor: Various plus In House Budget: $98,000 Completion Date: December 30

La Vista Restroom Park Land Zone 2 -CP1709

District: 6 Vendor: Various plus In House Budget: $98,000 Completion Date: December 30

Cascade Restroom Park Land Zone 1- CP1707

District: 4 Vendor: Various plus In House Budget: $98,000 Completion Date: December 30

Suarez Restroom Improvements CDBG-ZA4514

District: 4 Vendor: In House Work Cost: $50,000 End Date: Oct 30, 2020

Retama Park Improvements CDBG ZA4513

District: 3 Vendor: Various Vendors Budget: $75,000 Completion Date: Feb 2020

Uvalde Ballfield Lighting Improvements CDBG ZA4517

District: 4 Vendor: Musco Budget: $280,000 Completion Date: Feb 2020

ITEM SUMMARY

BOARD: City Commission	AGENDA ITEM	9.
	DATE SUBMITTED	11/17/2020
	MEETING DATE	11/23/2020

1. Agenda Item: Project Status Report.

2. Party Making Request: Yvette Barrera

3. Nature of Request: Project Status Report

4. Routing:

Grecia Martinez	Created/Initiated - 11/17/2020
Yvette Barrera	Approved - 11/17/2020
Michelle Rivera	Approved - 11/17/2020
Kevin Pagan	Final Approval - 11/18/2020

5. Staff Recommendation: Project Status Report.

6. Advisory Board:

7. City Attorney:

8. Manager's Recommendation:

ENGINEERING DEPARTMENT

MEMORANDUM

To: Roel “Roy” Rodriguez, P.E., City Manager

From: Yvette Barrera, PE, CFM, City Engineer

Date: November 23, 2020

Subject: Project Status Report through October 31, 2020.

Please find attached a list of various projects that are currently under construction and for which the Engineering Department performs Construction Management services. The work depicted is work performed through October 31, 2020.

The following projects are included:

1. Bicentennial Boulevard Extension (Trenton to SH107)
2. Kennedy Avenue Roadway and Drainage Improvements (Bentsen Road to Ware Road)
3. Taylor Road Widening (I2 to Daffodil Avenue)
4. Daffodil Avenue Widening (Taylor Road to Ware Road)
5. Dove Avenue Widening (Bentsen Road to 41st Street)
6. Hidalgo International Bridge FMCSA Southern Border Program
7. 2018 Bond Drainage Improvement Projects
8. 2018 Bond Traffic Fiber & Cabinet/Controller Installation
9. TX DOT Update on FM 2220 Ware Road Project
10. TX DOT Update on IH-2/Bicentennial Project
11. TX DOT Update on I-2/ I-69C Interchange Project

PROJECT STATUS REPORT

Through October 31, 2020.

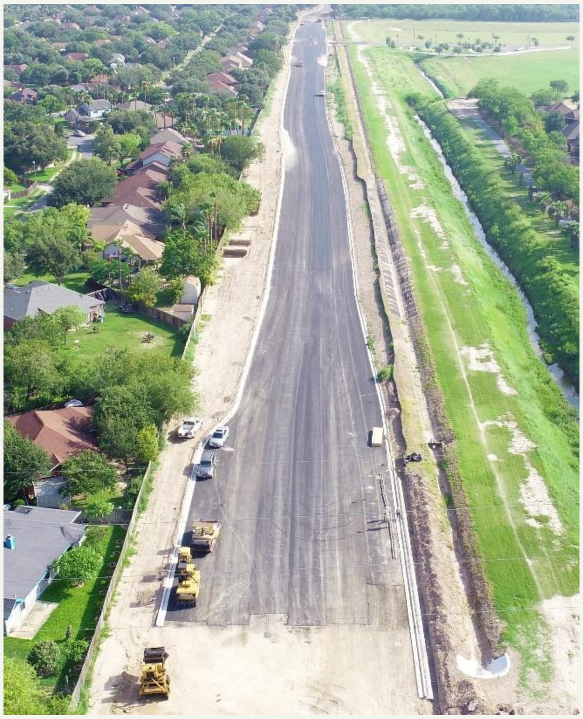
By Yvette Barrera, P.E., City Engineer

Bicentennial Boulevard Extension (Trenton to SH107)

This project consist of the extension of a 4 lane urban curb and gutter paved roadway form Trenton Road to State Highway 107 (University Drive). The extension of Bicentennial Boulevard is 2.80 miles and includes storm water management system, potable water and sanitary sewer infrastructure, installation of two raw water underground mains for irrigation, sidewalks, and noise attenuation barriers along the right of way at existing residential subdivisions.

Construction Company:	Texas Cordia LLC, Edinburg Texas
Original Contract:	$12,729,312.01
Change Orders Total:	$165,661.15
Original Contract (Day's):	359 Working Days
Contract End Date:	August 10, 2021
Change Order (Day's):	44 Working Days

Construction Status: Construction of water, irrigation and sanitary sewer infrastructure continues north of Northgate Lane to SH 107. Construction of the roadway storm sewer infrastructure has begun north of HCIDN1 main canal crossing heading north to Sprague, installation of drainage canal headwalls underway along with final adjustments of manholes to final pavement elevation. First course of surface pavement construction completed from approximately 100 north of Trenton Road to North Frontera Road and 2/3 of the roadway width from Northgate Lane to the HCIDN1 main canal crossing. Roadway excavation, subgrade stabilization and flexible base taking place between HCIDN1 and Sprague Road. Noise barrier 1 foundation installation has commenced from Trenton Road heading north. Frontera Road intersection is complete.



Bicentennial Blvd. Trenton Road to Auburn Ave.

Bicentennial Blvd. Frontera Road to Auburn Ave.

Kennedy Avenue Roadway and Drainage Improvements (Bentsen Road to Ware Road)

The project consists of the construction of one-half (0.5) mile of new roadway consisting of an urban two-lane section with adjacent sidewalks, storm-water management system, bicycle lanes, water and sanitary sewer utilities. Upon completion, Kennedy Avenue will connect Bentsen Road to Ware Road.

Construction Company:	RDH Construction, LLC
Original Contract:	$ 1,522,181.50
Change Order:	$0
Original Contract (Day's):	180 Working Days
Contract End Date:	October 19, 2020
Change Order (Day's):	0

Construction Status: Clearing of roadway right is complete and roadway excavation almost complete, subgrade stabilization has begun. Construction of storm sewer infrastructure 90% complete along with construction of water and sanitary sewer infrastructure.

Top Left- Roadway Excavation.

Right- Roadway subgrade treatment from Bentsen to Westside Park.

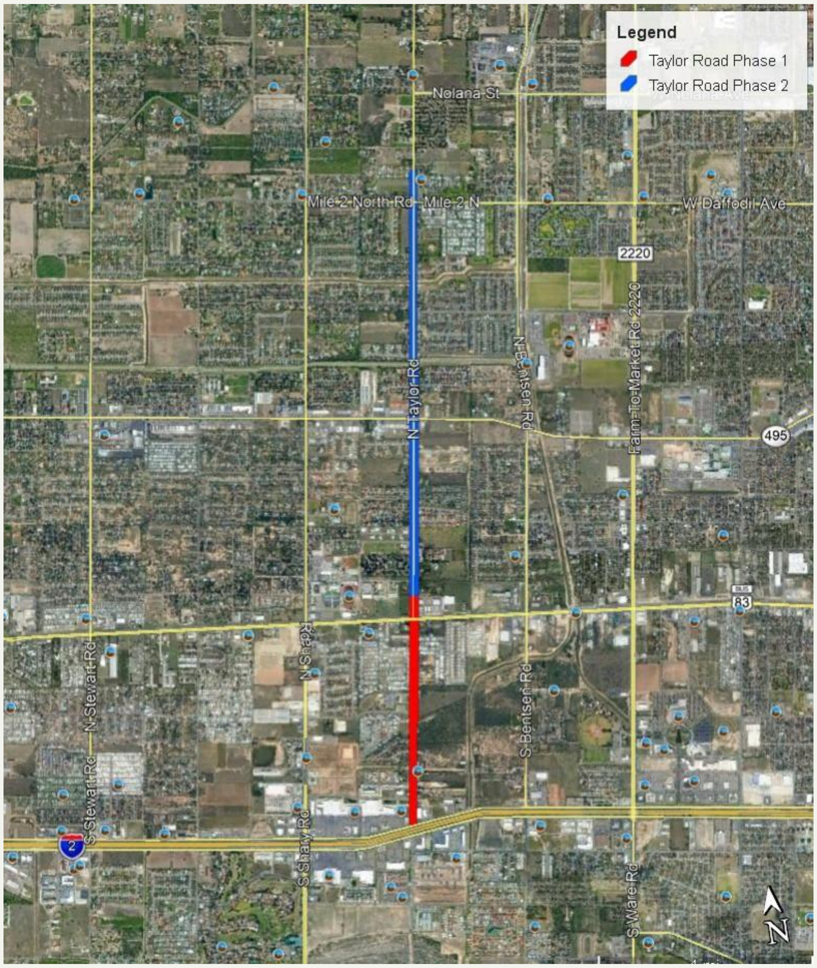
Taylor Road Widening (I2 to Daffodil Avenue)

The project consists of widening the existing road to a 4 lane urban curb and gutter paved roadway from I2 (US 83) to 2 Mile Line (Daffodil Avenue). The total widening of Taylor Road is 3.0 miles and includes storm water management system and dedicated left turn lanes at all major intersections. Project is managed through an interlocal agreement with the City of Mission in which the City of Mission is the fiduciary agent for the project development. The project is separated into 2 phases.

Project Development Status:

Phase 1. Widening from I2 to U.S. Business 83. Roadway alignment and Schematic are complete, right of way acquisition and utility accommodation is taking place and plans are under development.

Phase 2. Widening from U.S. Business 83 to 2 Mile Line (Daffodil Avenue). Right of way acquisition and utility accommodation are almost complete and plans are 90 percent complete.



Daffodil Avenue Widening (Taylor Road to Ware Road)

The project consists of widening the existing road to a 4 lane urban curb and gutter paved roadway from Taylor Road to Ware Road. The total widening of Daffodil Avenue is 0.65 miles and includes storm water management system and dedicated left turn lanes at all major intersections. Project design is managed through Halff Associates Inc. Consultants

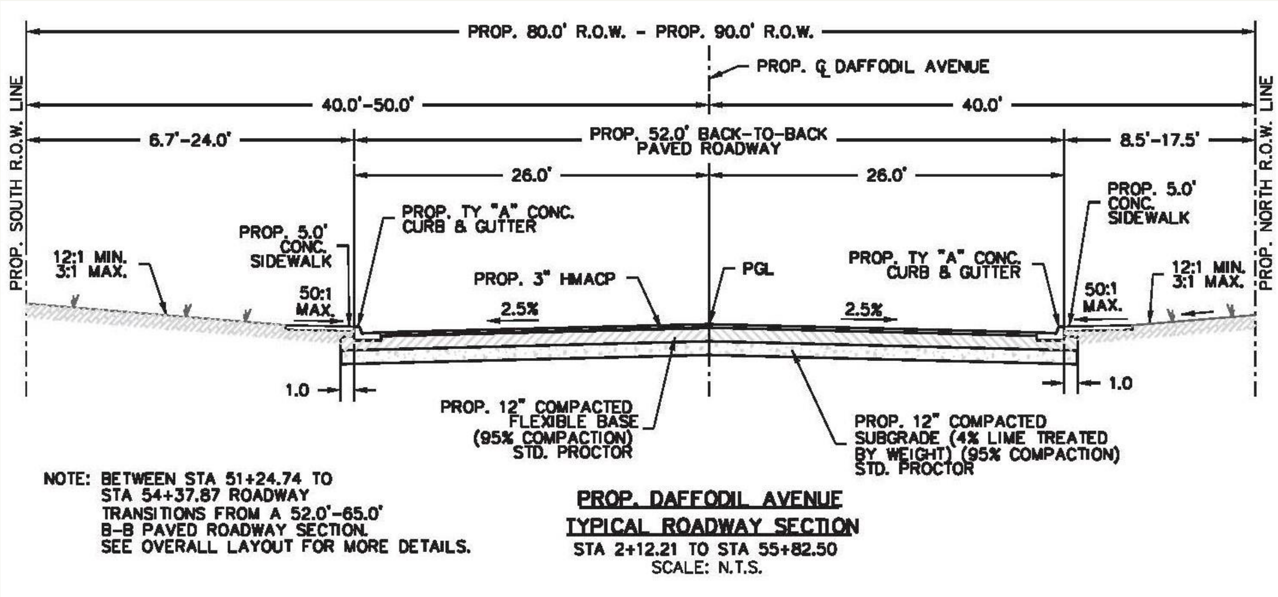
Project Development Status:

Preliminary Study Phase: Covers roadway schematic, utility accommodation and right of way acquisition.

a. Schematic. Roadway alignment along with profile have been established based on the existing right of way, topography of the site and preliminary hydrology/hydraulics of the site.

b. Utility accommodation. A list of all potential conflicts within the right of way have been identified to coordinate relocation with utility companies.

c. Right of Way. ROW will need to be acquired at 5 parcels along the project limits.



Dove Avenue Widening (Bentsen Road to 41st Street)

The project consists of widening the existing road to a 4 lane urban curb and gutter paved roadway from Bentsen Road to 41st street. The total widening of Dove Avenue is 0.25 miles and includes storm water management system, bridge class culvert crossing at Mission/McAllen Lateral Drainage Canal, siphon at Hidalgo County Irrigation District 1main canal and dedicated left turn lanes at all major intersections. Project design is managed through Cruz-Hogan Consultants, Inc.

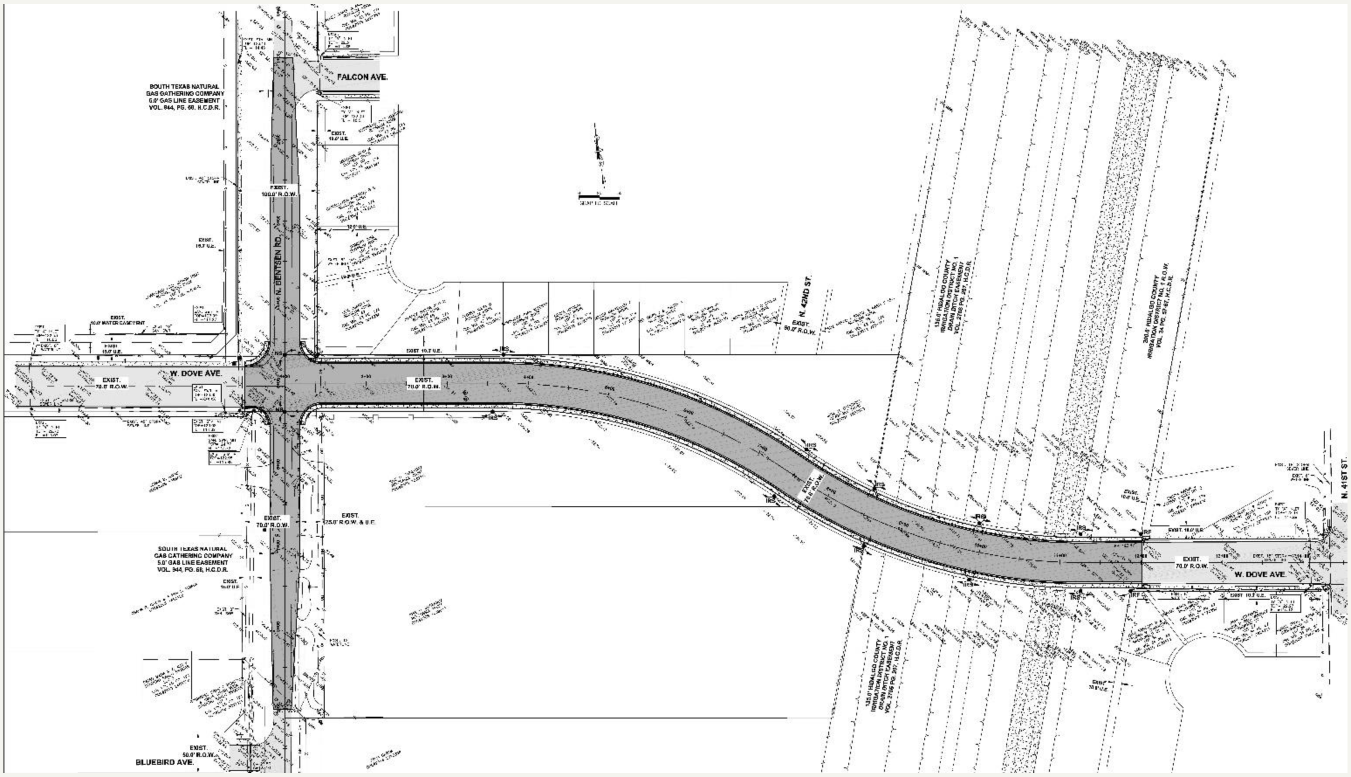
Project Development Status:

Preliminary Study Phase: Covers roadway schematic, utility accommodation and right of way acquisition.

a. Schematic. Roadway alignment along with profile have been established based on the existing right of way, topography of the site and preliminary hydrology/hydraulics of the site.

b. Utility accommodation. A list of all potential conflicts within the right of way have been identified to coordinate relocation with utility companies. Have begun with process to acquire a crossing permit with Hidalgo County Irrigation District Number1 main canal and Hidalgo County Drainage District Mission/McAllen Lateral drainage canal.

c. Right of Way. No ROW acquisition required.



Hidalgo International Bridge FMCSA Southern Border Program

The project site encompasses 1.0 acre in the northeast corner of the existing port which is located at 1026 South International Blvd., Hidalgo, Texas. The site is approximately .5 miles north of the McAllen-Hidalgo-Reynosa International Bridge on the Rio Grande River and is bordered to the north Bridge Street and to the west by South International Blvd (US Hwy 281), both in the City of Hidalgo.

Project consists of a new Federal Motor Carrier Safety Administration (FMCSA) inspection canopy, support office and associated bus circulation for the Land Port of Entry (LPOE) at Hidalgo, Texas. The site is currently part of the developed Port of Entry. Site work includes reworking of a minimally used paved area for the new building, single lane bus inspection canopy and inspection pit, a covered waiting canopy for bus passengers and a bus passenger restroom kiosk.

Construction Company:	NM Contracting, LLC.
Original Contract:	$1,303,400.00
Change Order: 1, 3 & 4	$162,501.65
Original Contract (Day's):	210 Working Days
Contract End Date:	December 13, 2019 – November 10, 2020
Change Order (Day's):	50 Additional Days

Construction Status: The Notice to Proceed was issued on December 13, 2019. The project is 264 working days into construction. Original scope of work is 85% complete. In addition, Painting, electrical finishes and plumbing finishes are ongoing. The mechanical finish out is ongoing. Contractor has started the detail finish work thought-out the facility. The contract completion date was November 13, 2020. The contractor is currently four weeks behind schedule.

2018 Bond Drainage Improvement Projects

Completed Projects

Construction Company: Roth Excavating, Inc.

Original Contract: $ 151,108.00
Final Contract: $ 161,543.00

7 ½ at Highland Avenue Drainage Improvements
This project consist of replacing undersized catch basins and installing a new storm sewer trunk line to convey water to a larger downstream system.

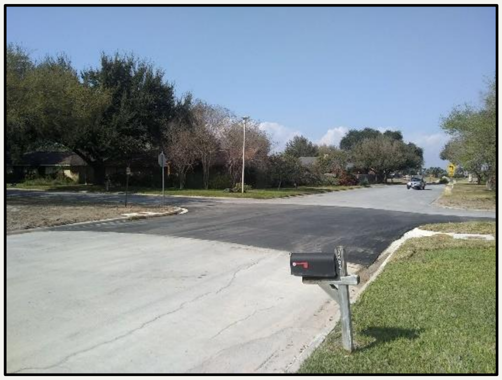
Construction Company: M.J.A. Construction, LLC

Marigold Avenue (alley) Drainage Improvements
This project consists of grading and paving improvements to convey runoff to a nearby storm sewer system.

Original Contract: $ 80,008.81
Final Contract: $ 77,621.31

N. Main Street at Harvey Avenue Drainage Improvements
This project consists of upgrading undersized catch basins and related storm sewer lines.

Original Contract: $ 141,369.50
Final Contract: $ 159,758.90



Iris Avenue at Cynthia Avenue Drainage Improvements
The project consists of improving surface flows and replacing undersized catch basins.

Original Contract: $ 80,909.66
Final Contract: $ 90,304.66

2018 Bond Drainage Improvement Projects Cont.

<u>N 12th Street at Esperanza Avenue Drainage Improvements</u>

This project consists of upgrading existing catch basins and replacing undersized storm sewer lines.

Original Contract: $ 163,795.70
Final Contract: $ 188,610.70

Construction Company: Castle Enterprises, LLC.

<u>Vine Avenue at N 48th Street Stormwater Bypass</u>

This project consists of the construction of a storm sewer bypass line.

Original Contract: $ 149,847.34
Final Contract: $ 194,090.39

<u>Gardenia Avenue at N 25 ½ Street Drainage Improvements</u>

This project consists of the installation of a new storm sewer line and catch basins.

Original Contract: $ 106,793.74
Final Contract: $ 106,793.74

2018 Bond Drainage Improvement Projects Cont.

Under Construction

Construction Company: Castle Construction, LLC.
Original Contract: $ 231,097.98
Change Order to date: $ 0
Original Contract (Days): 45 - calendar days
Original Contract End Date: August 21, 2020
Change Order (Days): 0

N 43rd Street Stormwater Bypass
This project consists of constructing a storm sewer bypass line.

Construction Status: Storm sewer installation is underway along N. 43rd Street.

Construction Company: Castle Construction, LLC.
Original Contract: $ 365,283.99
Change Order to date: $ 0
Original Contract (Days): 180 - calendar days
Original Contract End Date: January 8, 2021
Change Order (Days): 0

S 2nd Street at Byron Nelson Avenue Drainage Improvements
This project consitsts of the installation of new storm sewer infrastructure.

This project is scheduled to begin upon substanital completion of the preceeding project.

2018 Bond Drainage Improvement Projects Cont.

Construction Company: RDH Site & Concrete, LLC.
Original Contract: $ 679,820.00
Change Order to date: $ 0
Original Contract (Days): 180 - calendar days
Original Contract End Date: January 11, 2021
Change Order (Days): 0

Dove Avenue (N 10th Street to N 2nd Street) Drainage Improvements
This project consists of installation of a new storm sewer line to supplement existing infrastructrure along Dove Avenue as well as new infrastructure to serve the intersection of North 10th Street at Dove Avenue.

Construction Status: Utility improvements are complete. Storm sewer installation is underway between N 2nd Street and the NE Blueline oufall.

2018 Bond Drainage Improvement Projects Cont.

Northwest Blueline Regrade-Trenton to Outfall
This project consists of excavation and grading of an upstream segment of the Northwest Blueline drainage channel, along with approximately 2700-linear feet of new storm sewer.

Construction Company:	REIM Construction, Inc.
Original Contract:	$ 1,659,784.50
Change Order to date:	$ 0
Original Contract (Days):	240 - calendar days
Original Contract End Date:	May 23, 2021
Change Order (Days):	0

Construtcion Staus: Installation of the 60-IN truck line has began. Approximately 700 linear feet along Auburn Avenue install to date.

2018 Bond Drainage Improvement Projects Cont.

Bicentennial Blueline (Harvey Ave to Tamarack Ave) Bridge Improvements
This project consists of removal and replacement of bridge structures along Bicentennial Blueline to improve drainage.

Construction Company: GO Underground, LLC

La Vista Avenue Bridge Improvements

Original Contract:	$ 1,272,271.14
Change Order to date:	$ 0
Original Contract (Days):	240 - calendar days
Original Contract End Date:	June 11, 2021
Change Order (Days):	0

Construcion Staus: Demolition of La Vista Ave Bridge is complete. Delivery and start of installation of pre-cast box culverts is scheduled for November 30th.

Highland Avenue Pedestrian Bridge Improvements

Original Contract:	$ 351,640.40
Change Order to date:	$ 0
Original Contract (Days):	180 - calendar days
Original Contract End Date:	December 9, 2021
Change Order (Days):	0

Shop drawings for the pre-fabricated pedestrian bridge were approved for fabrication. Construction will commence upon substantial completion of the La Vista Avenue project.

Tamarack Avenue Bridge Improvements

Original Contract:	$ 1,518,796.36
Change Order to date:	$ 0
Original Contract (Days):	240 - calendar days
Original Contract End Date:	August 7, 2022
Change Order (Days):	0

2018 Bond Drainage Improvement Projects Cont.

<u>Harvey Avenue Bridge Improvements</u>

Original Contract:	$ 1,550,222.84
Change Order to date:	$ 0
Original Contract (Days):	240 - calendar days
Original Contract End Date:	April 5, 2023
Change Order (Days):	0

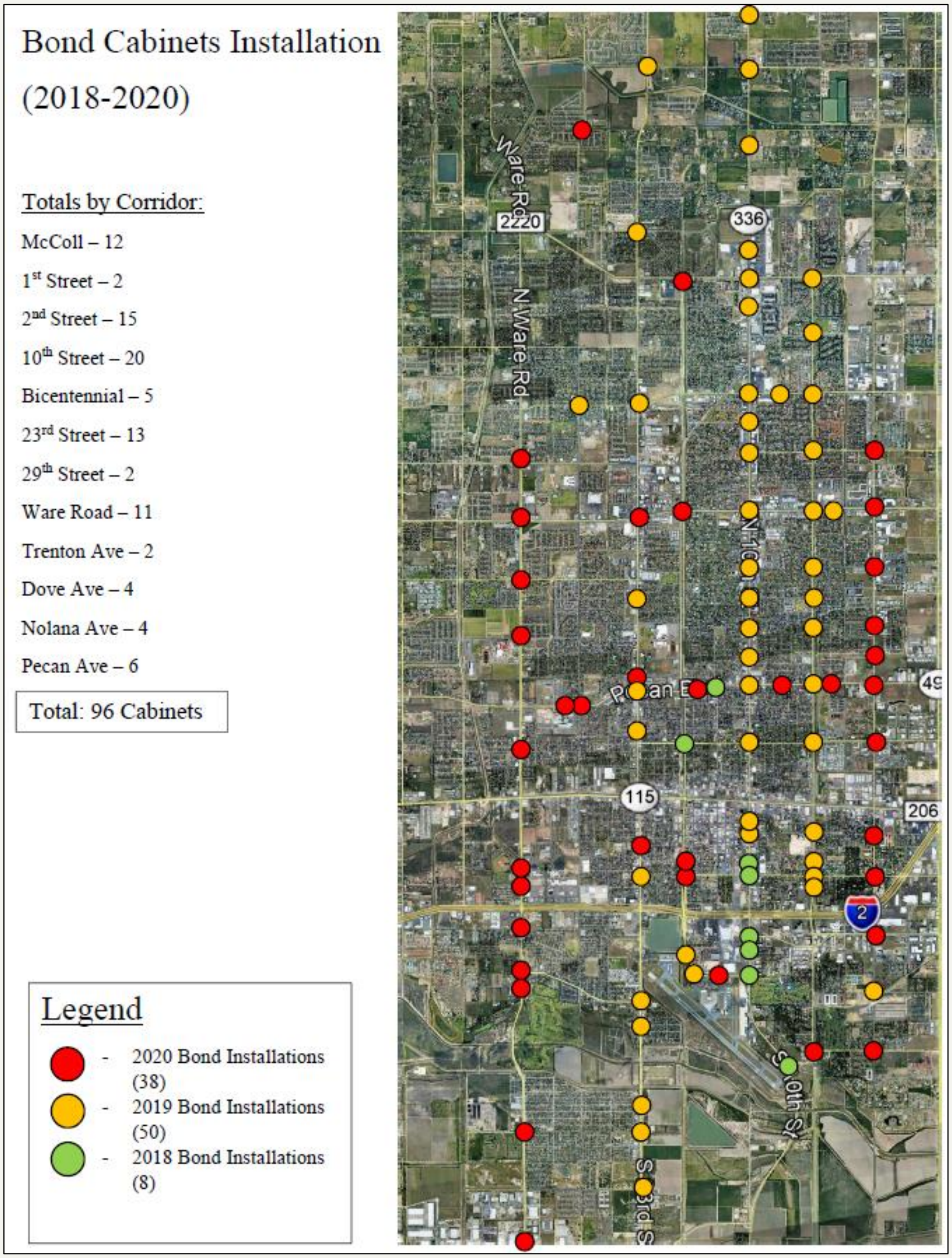
Construction will commence upon substantial completion of the Tamarack Avenue project.

2018 BOND Traffic Fiber & Cabinet/Controller Installation

Completed Projects

Signal Cabinet Installations

A total of 96 new signal cabinets have been installed within the 2018-2020 time frame. Below is the map showing the locations of the new signal cabinets. New signal cabinet installations locations coinside with some of the signal locations that were part of the Comprehensive Traffic Signal Timing Study.



2018 BOND Traffic Fiber & Cabinet/Controller Installation

Under Construction/Coordination

Fiber Installation
Fiber Installation

Comprehensive Traffic Signal Timing Study
Contract with Lee Engineering was executed late March 2020.

Construction Company:	Lee Engineering
Original Contract:	$ 561,165.00
Change Order to date:	$ 0
Original Contract (Days):	365 - calendar days
Original Contract End Date:	TBD
Change Order (Days):	0

Traffic staff has been working with consultant to provide the consultant with necessary information to start setting up the signal timing report. All information neede by the consultant has been provided. Study includes analyzing 155 signals, 26 Schools, 15 churches for traffic flows and signal coordination.

The consultant is pending direction from the City of McAllen with regards to collection of data due to COVID-19 impacts.

TX DOT Update on FM 2220 Ware Road Project

CSJ 2094-01-038

Progress of work:

Phase I

- Complete

Phase II

- Complete

Phase III

- Contractor continue with the construction of the project-raised median.

Upcoming Changes in Traffic (Update):

- No Upcoming Changes in Traffic.

TX DOT Update on IH-2/Bicentennial Project

WBFR

- Cement flex base has been mixed from 10th to Bicentennial. Ramps scheduled to be opened first week of December.
- All three lanes have been open only from Bicentennial to 10th St on the EBFR. The section between 23rd and Bicentennial will be working on next month.
-

EBFR

- All three lanes have been opened.
- Pending final overlay.

10th St Turn Lane Expansion

- Right turn lane has been opened.

TX DOT Update on I-2/ I-69C Interchange Project

Drilling continues to take place on the northwest corner of the interchange for the foundation of direct connector 4 (DC4). Dragados-Pulice Joint Venture and subcontractor have been installing drilled shafts for the future bridge.

Various maintenance operations have also been taking place along the project right of way to clear debris from the I-2 and I-69C main lanes.

What's coming next?

Dragados-Pulice Joint Venture will continue performing maintenance operations along the project corridor. Street sweeping is scheduled to take place later this week along the I-2 main lanes between 2nd Street in McAllen and Cesar Chavez Road in San Juan.

Drilled shafts will continue to be installed on the northwest corner of the interchange in preparation for Stage I of the project.

Please keep in mind, construction activities are subject to change due to inclement weather or other unforeseen events that may occur.

CITY OF McALLEN

ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM	10.A.
DATE SUBMITTED	11/5/2020
MEETING DATE	11/23/2020

1. Agenda Item: Consultation with City Attorney regarding pending litigation Cause No. C-3589-20-H; Roberto Zamora v. City of McAllen. (Section 551.071, T.G.C.)

2. Party Making Request: Kevin Pagan

3. Applicant:

4. Nature of Request: Consultation with City Attorney regarding pending litigation Cause No. C-3589-20-H; Roberto Zamora v. City of McAllen. (Section 551.071, T.G.C.)

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount:	____________	Budgeted Amount:	____________
Under Budget:	____________	Over Budget:	____________
		Amount Remaining:	____________

7. Routing:

   Leilani Estrada Colima — Created/Initiated - 11/5/2020

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney:

11. Manager's Recommendation:

ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM	10.B.
DATE SUBMITTED	11/12/2020
MEETING DATE	11/23/2020

1. Agenda Item: Discussion with City Attorney regarding legal aspects of Legislative Agenda. (Section 551.071, T.G.C.)

2. Party Making Request: Kevin Pagan

3. Applicant:

4. Nature of Request: Discussion with City Attorney regarding legal aspects of Legislative Agenda. (Section 551.071, T.G.C.)

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount:	______________	Budgeted Amount:	______________
Under Budget:	______________	Over Budget:	______________
		Amount Remaining:	______________

7. Routing:

   Leilani Estrada Colima — Created/Initiated - 11/12/2020

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney:

11. Manager's Recommendation:

ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM	10.C.
DATE SUBMITTED	11/16/2020
MEETING DATE	11/23/2020

1. Agenda Item: Discussion and possible lease, sale or purchase of real estate property: Tract 1. (Section 551.072, T.G.C.)

2. Party Making Request: Kevin Pagan

3. Applicant:

4. Nature of Request: Discussion and possible lease, sale or purchase of real estate property: Tract 1. (Section 551.072, T.G.C.)

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount:	______	Budgeted Amount:	______
Under Budget:	______	Over Budget:	______
		Amount Remaining:	______

7. Routing:

   Leilani Estrada Colima — Created/Initiated - 11/16/2020

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney:

11. Manager's Recommendation:

CITY OF McALLEN

ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM	10.D.
DATE SUBMITTED	
MEETING DATE	11/23/2020

1. Agenda Item: Consultation with City Attorney regarding legal aspects of personnel process. (Section 551.071, T.G.C.)

2. Party Making Request: Kevin Pagan

3. Nature of Request: Consultation with City Attorney regarding legal aspects of personnel process. (Section 551.071, T.G.C.)

4. Routing:

   Cindy Gonzalez Created -

5. Staff Recommendation:

6. Advisory Board:

7. City Attorney:

8. Manager's Recommendation: