



**CITY OF NEW BRAUNFELS, TEXAS
SPECIAL CITY COUNCIL MEETING**

**CITY HALL - COUNCIL CHAMBERS
424 S. CASTELL AVENUE**

MONDAY, MAY 7, 2012 at 5:30 P.M.



Gale Pospisil, Mayor
Richard Zapata, Councilmember (District 1)
Mark Goodner, Mayor Pro Tem (District 2)
Mike Ybarra, Councilmember (District 3)

Sandy Nolte, Councilmember (District 4)
Bryan Miranda, Councilmember (District 5)
Steven Digges, Councilmember (District 6)
Michael Morrison, City Manager

MISSION STATEMENT

***The City of New Braunfels will add value to our community
by planning for the future, providing quality services, encouraging
Community involvement and being responsive to those we serve.***

CALL TO ORDER: May 7, 2012 @ 5:30 P.M.

CALL OF ROLL: City Secretary

1. WORKSHOP

- (A) Discussion and possible action on the City's Capital Improvement Program, projects, and funding options.
(M. Morrison, City Manager)
- (B) Public comment on the City's Capital Improvement Program, projects, and funding options.
(M. Morrison, City Manager)
- (C) Discuss and consider approval of a resolution by the City Council of the City of New Braunfels, Texas authorizing and approving publication of Notice of Intention to issue certificates of obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and providing an effective date.
(M. Morrison, City Manager)

2. EXECUTIVE SESSIONS

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

- (A) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code.
- (B) Deliberate the appointment, employment, evaluation, reassignment, or duties of the municipal court judge, in accordance with Section of 551.074 of the Texas Government Code.

NOTE: The City Council reserves the right to retire into executive session concerning any of

the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the New Braunfels Municipal Building on May 4, 2012, at 3:30 p.m.

Patrick Aten, City Secretary

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.

RESOLUTION

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council (the *City Council*) of the City of New Braunfels, Texas (the *City*) has determined that it is advisable and necessary to issue and sell one or more series of certificates of obligation (the *Certificates*) in an amount not to exceed \$22,500,000 as provided pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code, Section 271.041 through 271.064, for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) constructing, acquiring, purchasing, renovating, equipping, enlarging, and improving the Issuer's public safety facilities, including police, fire, and animal control facilities; (2) constructing railroad quiet zones, signage, and other related improvements and other street improvements (including utilities repair, replacement, and relocation), curb, gutters, and sidewalk improvements and drainage incidental thereto; (3) constructing, renovating, equipping, improving, and equipping City parks and parks and recreational facilities, including bridge improvements and paths; (4) constructing, renovating, and improving various City public works facilities; (5) constructing drainage improvements; (6) the purchase of materials, supplies, equipment, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital infrastructure improvements; and (7) the payment of professional services related to the design, construction, and financing of the aforementioned projects; and

WHEREAS, prior to the offering, sale, and issuance of the Certificates, the appropriate officials of the City must review and approve the distribution of a "deemed final" preliminary official statement (the *Official Statement*) in order to comply with the requirements contained in 17 C.F.R. §240.15c2-12 (the *Securities and Exchange Commission Rule*); and

WHEREAS, based upon their review of the Official Statement, the appropriate officials of the City must find to the best of their knowledge and belief, after reasonable investigation, that the representations of facts pertaining to the City contained in the Official Statement are true and correct and that, except as disclosed in the Official Statement, there are no facts pertaining to the City that would adversely affect the issuance of the Certificates or the City's ability to pay the debt service requirements on the Certificates when due; and

WHEREAS, the City Council will comply with the requirements contained in the Securities and Exchange Commission Rule concerning the creation of a contractual obligation between the City and the proposed purchaser(s) of the Certificates (the *Purchasers*) to provide the Purchasers with an Official Statement in a time and manner that will enable the Purchasers to comply with the distribution requirements and continuing disclosure requirements contained in the Securities and Exchange Commission Rule; and

WHEREAS, the City Council authorizes the Mayor, City Manager, City Secretary, and the City Attorney, as appropriate, or their designees, to review, approve, and execute any document or certificate in order to allow the City to comply with the requirements contained in the Securities and Exchange Commission Rule; and

WHEREAS, prior to the issuance of the Certificates, the City Council is required to publish notice of its intention to issue the Certificates in a newspaper of general circulation in the City, such notice stating (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the Certificates, (ii) the maximum amount proposed to be issued, (iii) the purposes for which the Certificates are to be issued, (iv) and the manner in which the City Council proposes to pay the Certificates; and

WHEREAS, the City Council hereby finds and determines that such documents pertaining to the sale of the Certificates should be approved, and the City should proceed with the giving of notice of intention to issue the Certificates in the time, form, and manner provided by law;

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

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS THAT:

SECTION 1: The City Secretary is hereby authorized and directed to cause notice to be published of the City Council's intention to issue the Certificates in an amount not to exceed \$22,500,000 for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) constructing, acquiring, purchasing, renovating, equipping, enlarging, and improving the Issuer's public safety facilities, including police, fire, and animal control facilities; (2) constructing railroad quiet zones, signage, and other related improvements and other street improvements (including utilities repair, replacement, and relocation), curb, gutters, and sidewalk improvements and drainage incidental thereto; (3) constructing, renovating, equipping, improving, and equipping City parks and parks and recreational facilities, including bridge improvements and paths; (4) constructing, renovating, and improving various City public works facilities; (5) constructing drainage improvements; (6) the purchase of materials, supplies, equipment, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital infrastructure improvements; and (7) the payment of professional services related to the design, construction, and financing of the aforementioned projects. The Certificates will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and additionally from a pledge of and lien on certain revenues derived from the operation of the City's solid waste system. The notice hereby approved and authorized to be published shall read substantially in the form and content of Exhibit A attached hereto, which notice is incorporated herein by reference as a part of this Resolution for all purposes.

SECTION 2: The City Secretary shall cause the notice described in Section 1 to be published in a newspaper of general circulation in the City, once a week for two consecutive

weeks, the date of the first publication shall be at least thirty (30) days prior to the date stated therein for passage of the ordinance authorizing the issuance of the Certificates.

SECTION 3: The Mayor, City Manager, Director of Finance, City Secretary, and the City Attorney, as appropriate, or their designees, are authorized to review and approve the Official Statement pertaining to the offering, sale, and issuance of the Certificates and to execute any document or certificate in order to comply with the requirements contained in the Securities and Exchange Commission Rule.

SECTION 4: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 5: All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 6: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7: If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 8: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 9: This Resolution shall be in force and effect from and after the date of its adoption, and it is so resolved.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED, this the 7TH day of May, 2012.

CITY OF NEW BRAUNFELS, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)

Exhibit A

NOTICE OF INTENTION TO ISSUE
CITY OF NEW BRAUNFELS, TEXAS
CERTIFICATES OF OBLIGATION
SERIES 2012

NOTICE IS HEREBY GIVEN that the City Council of the City of New Braunfels, Texas will convene at its regular meeting place in the City Hall in New Braunfels, Texas, at 6:00 o'clock P.M., New Braunfels, Texas time on June 25, 2012, and, during such meeting, the City Council will consider the passage of an ordinance or ordinances and take such other actions as may be deemed necessary to authorize the issuance of one or more series of certificates of obligation in an aggregate principal amount not to exceed \$22,500,000 for the purpose or purposes of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) constructing, acquiring, purchasing, renovating, equipping, enlarging, and improving the Issuer's public safety facilities, including police, fire, and animal control facilities; (2) constructing railroad quiet zones, signage, and other related improvements and other street improvements (including utilities repair, replacement, and relocation), curb, gutters, and sidewalk improvements and drainage incidental thereto; (3) constructing, renovating, equipping, improving, and equipping City parks and parks and recreational facilities, including bridge improvements and paths; (4) constructing, renovating, and improving various City public works facilities; (5) constructing drainage improvements; (6) the purchase of materials, supplies, equipment, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital infrastructure improvements; and (7) the payment of professional services related to the design, construction, and financing of the aforementioned projects. The certificates of obligation (the *Certificates*) will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and from a lien on and pledge of certain revenues derived by the City from the operation of the City's solid waste system. The Certificates are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code Section 271.041 through Section 271.064, Section 363.135, as amended, Texas Health and Safety Code, and the City's Home Rule Charter.

/s/ Patrick Aten
City Secretary,
City of New Braunfels, Texas