

**MEETING AGENDA
ORANGE CITY COUNCIL
Orange Public Library Auditorium
220 N. Fifth Street
Orange, Texas**

**April 26, 2016
5:30 P.M.**

- | | | |
|---|----|-----------------------|
| 1. CALL TO ORDER | | Mayor |
| 2. INVOCATION and PLEDGE OF ALLEGIANCE | | Mayor Pro Tem McKenna |
| 3. MOTION | | |
| a) Motion finding that the advance posting and notice requirements of Article 8.1200 of the Code of Ordinances of the City of Orange, Texas have been met in relation to all minutes and pending ordinances and resolutions on this agenda and that the reading of such items be confined to the captions as are agreed upon by the ordinances and resolutions. | 1 | Mayor/Council |
| 4. APPROVAL OF MINUTES | | |
| a) February 2, 2016 Planning and Zoning Commission Meeting | 5 | Mayor/Council |
| b) April 12, 2016 City Council Meeting | 9 | Mayor/Council |
| 5. CITIZEN COMMENTS | | |
| <i>At this time comments will be taken from the audience on any subject matter, whether or not that item is on the agenda. All comments are limited to a maximum three minutes for each speaker. Your comments are appreciated. As the Texas Open Meetings Act does not allow the Council to respond to items not listed on the agenda, your comments will be duly noted by the Council and forwarded to the appropriate department for prompt consideration.</i> | | |
| 6. ORDINANCES | | |
| a) <u>Final Reading:</u> | | |
| Consider an ordinance terminating a local state of disaster for the City of Orange, Texas. First Reading April 12, 2016 | 15 | Staff: Oubre |

b) Final Reading:

Consider an ordinance amending the adopted budget for the fiscal year beginning October 1, 2015 and ending on September 30, 2016 in accordance with the Charter of the City of Orange, Texas. First Reading April 12, 2016

16 Staff: English

c) First Reading:

Consider an ordinance of the City of Orange, Texas suspending the rates proposed by Centerpoint Energy Resources Corp., d/b/a Centerpoint Energy Entex and Centerpoint Energy Texas Gas ("Centerpoint" or "Company") Company's Gas Reliability Infrastructure Program ("GRIP") filing made with the City on March 31, 2016; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject, and declaring an effective date.

33 Staff: Oubre

d) First Reading:

Consider an ordinance abandoning all of 0.138 acres of land out of alley right-of-way from N. Second Street to N. First Street; abandoning the surface only of a 0.124 acre of land out of N. Second Street right-of-way while retaining a utility easement; abandoning the surface only of a 0.276 acre of land out of W. Main Avenue right-of-way from N. Second Street to N. First Street while retaining a utility easement; and, abandoning the surface only of a 0.468 acre of land out of N. Second Street right-of-way while retaining a utility easement; directing that the official city street map be amended to reflect such change; repealing all ordinances in conflict with this ordinance to the extent of such conflict; making certain findings thereto; providing a severability clause; and providing an effective date.

37 Staff: Knauf

7. RESOLUTIONS

a) Consider a resolution authorizing the City Manager to enter into a contract with ShoreTel for hosted VoIP phone service for all departments within the City of Orange.

49 Staff: Zeto

b) Consider a resolution authorizing the City Manager and the Emergency Management Coordinator to amend Annex P (Hazard Mitigation Plan) to include the following language in order to pursue an option of an elevation project.

55 Staff: Brown

8. DISCUSSION/ACTION

a) Consider a motion approving the Orange Economic Development Corporation's motion of intent to enter into an agreement with Bates & Co., Inc. and The HT Group for the expenditure of funds for infrastructure improvements at 707 W. Front Avenue, Orange, Texas in an amount not to exceed \$60,000.00 for the purpose of economic development.

57 Staff: Trahan

- b) Consider a motion acknowledging the review and adoption of the City of Orange, Identity Theft Prevention Program. 58 Staff: English
 - c) Consider a motion acknowledging receipt of the Orange Economic Development Corporation Investment Report for the quarter ending March 31, 2016. 63 Staff: English
 - d) Consider a motion approving the review and update of the City of Orange, Texas Purchasing Policies and Procedures - April 2016. 65 Staff: English
 - e) Consider a motion approving waiving permit fees and tap fees for repairs or temporary housing due to the March 2016 flood event. 100 Staff: Knauf
 - f) Consider a motion approving of parking, use and occupancy of recreational vehicles, travel trailers or other temporary housing authorized by the Federal Emergency Management Agency (FEMA) on residential property as temporary housing by property owners for a period of six months while damage to property caused by the March 2016 flood is being repaired. 102 Staff: Knauf
- 9. REPORTS**
- a) City Manager Report
 - b) City Council Report
- 10. ADJOURN TO CLOSED EXECUTIVE SESSION**
- a) Deliberation with City Attorney pursuant to Chapter 551 of the Texas Government Code:
 - (1) Deliberation with City Attorney regarding pending or contemplated litigation as authorized by subsection 551.071 involving the negotiation of upcoming expiring Industrial District Contracts. Mayor/Council
- 11. RECONVENE IN OPEN SESSION**
- a) Take action as necessary regarding item 10 a (1) above. Mayor/Council
- 12. ADJOURNMENT**

Texas Penal Code 30.06:

“Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”

“De conformidad con la Sección 30.06 del código penal (entrada de persona con licencia de portar o llevar armas de mano oculta), una persona licenciada bajo el subcapítulo H, capítulo 411 del código de gobierno (ley de licenciación para portar o llevar armas de mano) no se permite entrar en esta propiedad con “ninguna armas de mano oculta”

Texas Penal Code 30.07:

“Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly”

“De conformidad con la Sección 30.07 del código penal (entrada de una persona con licencia de portar o llevar armas de mano visible), una persona licenciada bajo el subcapítulo H, capítulo 411 del código de gobierno (ley de licenciación para portar o llevar armas de mano visible) no se permite entrar en esta propiedad con ninguna “armas de mano visible”

No Firearms Allowed

No se permite ninguna armas de fuego

MEMORANDUM

To: Dr. Shawn Oubre Ph.D., City Manager
From: Kelvin Knauf, Director of Planning and Community Development
Subject: City Council approval of the minutes for the Planning and Zoning Commission meeting held on February 2, 2016
Date: April 13, 2016

Background

Attached for the City Council's consideration are the minutes of the Planning and Zoning Commission meeting held on February 2, 2016. The P&Z approved these minutes at their meeting on April 5, 2016.

Recommendation

I recommend that the City Council approve the minutes of the Planning and Zoning Commission meeting held on February 2, 2016.

PLANNING AND ZONING MEETING MINUTES

Tuesday, February 2, 2016

The Orange Planning and Zoning Commission and the City Council met for a joint session on **Tuesday, February 2, 2016**, in the meeting room of the Orange Public Library with the following members present to-wit:

Commissioners Present:

| | |
|----------------------|---------------|
| Cullin Smith | Chairman |
| Joe Love | Vice Chairman |
| Jim Pledger | Commissioner |
| Michael Smith | Commissioner |
| Jack Moore, Sr | Commissioner |

Commissioners Absent:

none

City Council Members Present:

Patrick Pullen
Dr. Wayne Guidry
Mary McKenna

City Council Absent:

Mayor Jimmy Sims
Essie Bellfield
Bill Mello
Larry Spears, Jr.

Staff Present:

Dr. Shawn Oubre, Ph. D., City Manager
Jay Trahan, Director of Economic Development
Kelvin Knauf, Director of Planning & Community Development

Chairman Smith called the meeting to order at 3:05 p.m.

PUBLIC HEARINGS - opened at 3:06 p.m.

A. Conduct a public hearing concerning proposed changes to the City of Orange Code of Ordinances by amending Article 12.1000 "Sign Regulations" in its entirety and Section 12.611 "Supplementary Regulations Applicable to All Zoning Districts" by regulating searchlights and beacons.

Chairman Smith opened to the public for any comments.
No comments were made.

B. Case No. 16:01. Conduct a public hearing concerning the re-zoning of a 1160.870 acre tract or parcel of land out of the Charles Morgan Survey Abstract No., 18, the William Morgan Survey, Abstract No. 266, the Jacob Towensend Survey, Abstract No. 180, and the John Allen Survey Abstract No. 1, all in Orange County, Texas (International Paper Company) from "R-1" Low Density Residential to "I" Industrial.

Chairman Smith opened to the public for any comments.

Ashley Moore - Communications Specialist, International Paper 1750 Inland Road, Orange, Texas

Ms. Moore stated that International Paper supports the recommendation to change from "R-1" Low Density Residential to "I" Industrial.

No other comments were made.

C. Case No. 16:02. Conduct a public hearing concerning the re-platting of 1.56 acres of land and being all of Lot 9, Lot 10, Lot 11, Lot 12, Lot 13, Lot 18, Lot 19 and Lot 20 in Block 4, Belmont Park, recorded in volume 3, Page 45, map records of Orange County, Texas, more commonly known as 2413, 2415, 2417, 2419 and 2421 N. 16th Street (Putnam Plaza) into Tract 1.

Chairman Smith opened to the public for any comments.

No comments were made.

Chairman Smith closed the Public Hearing at 3:09 p.m.
City Council Meeting adjourned at 3:09 p.m.

Approval of Minutes

Chairman Smith made a request for the minutes of the January 05, 2016 meeting to be approved.

Vice-Chairman Love motioned

Commissioner Smith 2nd

Vote: 5 - 0

Motion Carried

DISCUSSION/ACTION ITEMS

a. Consider a recommendation to the City Council to amend City of Orange Code of Ordinances Article 12.1000 "Sign Regulations" and Section 12.611 "Supplementary Regulations Applicable to All Zoning Districts" by regulating searchlights and beacons.

Chairman Smith asked for a motion.

Commissioner Pledger motioned

Commissioner Smith 2nd

Vote 5 - 0

Approved

b. **Case No. 16:01.** Consider a recommendation to the City Council concerning the rezoning of a 1160.870 acre tract or parcel of land out of the Charles Morgan Survey Abstract No. 18, the William Morgan Survey, Abstract No. 266, the Jacob Towensend Survey, Abstract No. 180, and the John Allen Survey Abstract No. 1, all in Orange County, Texas (the International Paper Company site) from "R-1" Low Density Residential to "I" Industrial.

Mr. Kelvin Knauf, Director of Planning and Community Development for the City of Orange, recommended the Board vote in favor to reclassify to "I" Industrial.

Chairman Smith asked for a motion.

Vice Chairman Love motioned

Commissioner Smith 2nd

Vote 5 - 0

Approved

c. Consider a recommendation to the City Council to amend the Future Land Use Map for a 1160.870 acre tract or parcel of land out of the Charles Morgan Survey Abstract No., 18, the William Morgan Survey, Abstract No. 266, the Jacob Towensend Survey, Abstract No. 180, and the John Allen Survey Abstract No. 1, all in Orange County, Texas (the International Paper Company site) as Industrial.

Chairman Smith asked for a motion.

Commissioner Pledger motioned

Commissioner Moore 2nd

Vote 5 - 0

Approved

d. **Case 16:02.** Consider the re-platting of 1.56 acres of land and being all of Lot 9, Lot 10, Lot 11, Lot 12, Lot 13, Lot 18, Lot 19 and Lot 20 in Block 4, Belmont Park, recorded in volume 3, Page 45, map records of Orange County, Texas, more commonly known as 2413, 2415, 2417, 2419 and 2421 N. 16th Street (Putnam Plaza) into Tract 1.

Mr. Kelvin Knauf, Director of Planning and Community Development for the City of Orange, recommended the Board vote to approve.

Chairman Smith asked for a motion.

Vice Chairman Love motioned

Commissioner Moore 2nd

Vote 5 - 0

Approved

Meeting adjourned at 3:24 p.m.

STATE OF TEXAS }
COUNTY OF ORANGE }

April 12, 2016

BE IT REMEMBERED THAT a Regular Meeting of the Orange City Council of the City of Orange, Orange County, Texas, was held in the Library Auditorium on Tuesday, April 12, 2016.

COUNCIL MEMBERS PRESENT:

| | |
|-------------------|---|
| Jimmy Sims | Mayor |
| Mary McKenna | Mayor Pro Tem (left meeting at 9:41 A.M.) |
| Patrick A. Pullen | Council Member |
| Dr. Wayne Guidry | Council Member |
| Essie Bellfield | Council Member |
| Bill Mello | Council Member |
| Larry Spears Jr. | Council Member |

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT:

| | |
|-------------------|--|
| Dr. Shawn Oubre | City Manager |
| Jay Trahan | Assistant City Manager, Director of Economic Development |
| Rhonda Haskins | City Secretary |
| Patricia Anderson | Deputy City Secretary |
| Wade Robinson | Police Major |
| David Frenzel | Fire Chief |
| Gail English | Director of Finance |
| Jim Wolf | Director of Public Works |
| Kelvin Knauf | Director of Planning and C o m m u n i t y Development |
| Lee Anne Brown | Deputy Fire Chief |
| Sandy Wilson | Grants Planner |
| Hillary Haynes | S o c i a l M e d i a Coordinator |
| Kelly Griffin | Police Evid. & ID Tech |
| John Cash Smith | City Attorney |

STAFF MEMBERS ABSENT:

| | |
|----------------|------------------|
| Lane Martin | Chief of Police |
| Brenna Manasco | Library Director |

Mayor Sims called the meeting to order at 9:08 A.M.

Council Member Bellfield led the Invocation and the Pledge of Allegiance.

MOTION FINDING THAT THE ADVANCE POSTING AND NOTICE REQUIREMENTS OF ARTICLE 8.1200 OF THE CODE OF ORDINANCES OF THE CITY OF ORANGE, TEXAS HAVE

BEEN MET IN RELATION TO ALL MINUTES AND PENDING ORDINANCES AND RESOLUTIONS ON THIS AGENDA AND THAT THE READING OF SUCH ITEMS BE CONFINED TO THE CAPTION OF THE ORDINANCES AND RESOLUTIONS.

Council Member Guidry moved to approve the motion. Second to the motion was made by Council Member Bellfield which carried unanimously.

APPROVAL OF MINUTES

Council Member Guidry moved to approve the minutes of the March 8, 2016 Regular Meeting of the Orange City Council. Second to the motion was made by Council Member Mello which carried unanimously.

CITIZEN COMMENTS

Mr. Trahan thanked everyone that made "Art in the Park" a success. He introduced Jessica Hill, Orange County Economic Development Corporation and Hillary Haynes, Social Media Coordinator for the City of Orange.

PROCLAMATION

A proclamation observing Sexual Assault Awareness Month was accepted by a representative from the Rape and Suicide Crisis Center.

A proclamation observing National Crime Victims' Rights Week was accepted by a representative of Jefferson County Victim's Assistance Center.

A proclamation observing Fair Housing Month was accepted by Ms. Wilson and Peggy Richard.

ORDINANCES

FIRST READING:

ORDINANCE TERMINATING A LOCAL STATE OF DISASTER FOR THE CITY OF ORANGE, TEXAS.

Council Member Pullen moved to approve the ordinance. Second to the motion was made by Council Member Mello which carried unanimously.

FIRST READING:

ORDINANCE AMENDING THE ADOPTED BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING ON SEPTEMBER 30, 2016 IN ACCORDANCE WITH THE CHARTER OF THE CITY OF ORANGE, TEXAS.

Council Member Bellfield moved to approve the ordinance. Second to the motion was made by Council Member Guidry which carried unanimously.

DISCUSSION/ACTION

MOTION ACKNOWLEDGING ACCEPTANCE OF THE CERTIFICATION OF UNOPPOSED CANDIDATES FOR OTHER POLITICAL SUBDIVISIONS (NOT COUNTY).

Council Member Bellfield moved to approve the motion. Second to the motion was made by Council Member Pullen which carried unanimously.

RESOLUTIONS

RESOLUTION ORDERING THE CANCELLATION OF THE UNCONTESTED POSITIONS FOR THE MAY 7, 2016 GENERAL ELECTION FOR THE PURPOSE OF ELECTING COUNCIL MEMBERS FOR A SINGLE-MEMBER COUNCIL MEMBER FOR DISTRICT 2 AND FOR AN AT-LARGE COUNCIL MEMBER FOR PLACE 5 AS PROVIDED BY SUBCHAPTER C OF CHAPTER 2 OF THE TEXAS ELECTION CODE.

UNA RESOLUCIÓN QUE ORDENA LA CANCELACIÓN DE LAS POSICIONES SIN OPOSICIÓN PARA LA ELECCIÓN GENERAL DEL 7 DE MAYO DEL AÑO 2016 PARA EL PROPÓSITO DE ELEGIR MIEMBROS DEL CONCILIO PARA UN ÚNICO SOLO MIEMBRO AL DISTRITO 2, Y PARA UN MIEMBRO DEL CONCILIO A UN MIEMBRO A LO GENERAL AL LUGAR 5, ASI COMO ES DISPUESTO POR EL SUBCAPITULO C DEL CAPITULO 2 DEL CÓDIGO DE ELECCIONES DE TEXAS.

Council Member Guidry moved to approve the resolution. Second to the motion was made by Council Member Spears which carried unanimously.

A copy of this resolution is being made a part of these minutes as Resolution Number 2016-14.

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE AGREEMENT WITH TIM RICHARDSON (CONSULTANT) FOR A SIX (6) MONTH PERIOD FOR CONSULTING WORK RELATED TO CITY ACTIVITIES ASSOCIATED WITH SEEKING BP DEEPWATER HORIZON (DWH) RESTORATION FUNDING FOR A VARIETY OF PURPOSES DETERMINED BY THE CITY INCLUDING ENVIRONMENTAL INFRASTRUCTURE IMPROVEMENTS.

Council Member Mello moved to approve the resolution. Second to the motion was made by Council Member Spears which carried unanimously.

A copy of this resolution is being made a part of these minutes as Resolution Number 2016-15.

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SALES AGREEMENT WITH MR. JEFF GLENDE AS PART OF A FEMA BUYOUT PROGRAM FOR REAL PROPERTY LOCATED AT 6728 GUY LANE, ORANGE, TEXAS 77632.

Council Member Mello moved to approve the resolution. Second to the motion was made by Council Member Pullen which carried unanimously.

A copy of this resolution is being made a part of these minutes as Resolution Number 2016-16.

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 WITH SIMCO ENTERPRISES, LTD FOR THE IH-10 UTILITY RELOCATION - BOB HALL WATERLINE.

Council Member Mello moved to approve the resolution. Second to the motion was made by Council Member Guidry which carried unanimously.

A copy of this resolution is being made a part of these minutes as Resolution Number 2016-17.

RESOLUTION AWARDDING A CONTRACT TO LD CONSTRUCTION, INC. IN THE AMOUNT OF \$272,940.00 FOR THE ROAD OVERLAY OF 2ND STREET AND MEEKS DRIVE.

Council Member Spears moved to approve the resolution. Second to the motion was made by Council Member Guidry which carried unanimously.

A copy of this resolution is being made a part of these minutes as Resolution Number 2016-18.

Council Member McKenna left the meeting.

DISCUSSION/ACTION

MOTION ACKNOWLEDGING RECEIPT OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015, RECEIPT OF THE FEDERAL SINGLE AUDIT REPORTS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015 AND RECEIPT OF THE FINAL COMMUNICATION WITH GOVERNANCE FROM CHARLES E. REED AND ASSOCIATES, P.C., AS REQUIRED BY SECTION 3.14 OF THE CHARTER OF THE CITY OF ORANGE.

Charles Reed, Charles E. Reed and Associates, P.C., read the Opinions paragraph of the Independent Auditor's Report:

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund and the aggregate remaining fund information of the City of Orange, Texas, as of September 30, 2015, and the respective changes in financial position, and, where applicable, cash flows thereof and the respective budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Milton Bertolio, Charles E. Reed and Associates, P.C., advised the City is well managed and governed and is sound.

Council Member Guidry moved to approve the motion. Second to the motion was made by Council Member Mello which carried unanimously.

MOTION APPROVING THE ORANGE ECONOMIC DEVELOPMENT CORPORATION'S MOTION AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2016 BUDGET.

Council Member Guidry moved to approve the motion. Second to the motion was made by Council Member Mello which carried unanimously.

MOTION ACKNOWLEDGING RECEIPT OF THE ORANGE ECONOMIC DEVELOPMENT CORPORATION'S FINANCIAL REPORT FOR THE PERIOD ENDING MARCH 31, 2016.

Council Member Mello moved to approve the motion. Second to the motion was made by Council Member Spears which carried unanimously.

CITY MANAGER REPORT

Dr. Oubre advised 175 properties were affected in the flood. The City is currently removing debris from curb sides. The City is eligible for reimbursement from FEMA. He encouraged citizens to register with FEMA. There were no injuries reported during the flood. He thanked all the citizens and City staff on the recovery efforts made. Mr. Trahan met with local pastors, business owners, and property owners to offer the City's assistance if needed. He thanked Council for its support. Currently, the City has been awarded Programs A and B from FEMA. The City hopes FEMA will award Program C.

CITY COUNCIL REPORT

Council Member Pullen thanked all the citizens who attended "Art in the Park" and the Redfish Tournament. Thanked City staff for their hard work during the flood.

Council Member Guidry advised he takes great pride in the City because of the people who live here.

Council Member Bellfield thanked the citizens who attended the Council Meeting. She thanked the ambulance service and the Orange Fire Department for assistance she received.

Council Member Mello advised he is glad representatives chose Orange to hold the Redfish Tournament. The City is in good shape. City employees did a good job during the flood.

Council Member Spears advised "Art in the Park" was great. He thanked everyone that helped during the flood.

Mayor Sims welcomed Jessica Hill and Hillary Haynes. He thanked Dr. Oubre and City staff for their hard work during the flood.

ADJOURN TO CLOSED EXECUTIVE SESSION

- a) Deliberation with City Attorney pursuant to Chapter 551 of the Texas Government Code:
 - (1) Deliberation with City Attorney regarding pending or contemplated litigation as authorized by subsection 551.071 -CAUSE NO. D160030-C - LESLIE BARRAS and HISTORIC ORANGE PRESERVATION EMPOWERMENT, INC., *Plaintiffs* VS. THE CITY OF ORANGE, TEXAS, et al, *Defendants*.

Mayor Sims advised the executive session will not be held.

ADJOURNMENT

There being no further business before the Council, Council Member Guidry moved to adjourn the meeting. Second to the motion was made by Council Member Bellfield which carried unanimously.

The meeting adjourned at 10:11 A.M.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

AN ORDINANCE TERMINATING A LOCAL STATE OF DISASTER FOR THE CITY OF ORANGE, TEXAS.

WHEREAS, on March 12, 2016, the Mayor of the City of Orange, Texas, pursuant to the Texas Government Code, Chapter 418 (the “Texas Disaster Act”), issued a proclamation declaring a local state of disaster for the City of Orange, Texas resulting from the rising water associated with the water release from the Toledo Bend Dam; and

WHEREAS, the conditions necessitating the proclamation of a local state of disaster have ceased to exist; and

WHEREAS, the Texas Disaster Act provides that a local state of disaster may be terminated by the governing body of the political subdivision or by executive order of the Mayor; now therefore

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

1. The City Council, as the governing body of the City of Orange, Texas, hereby terminates the proclamation of a local state of disaster described in the preamble above.

PASSED and **APPROVED** on the first reading this the ____ day of _____, 2016.

PASSED, APPROVED and **ADOPTED** on the final reading on this the ____ day of _____, 2016.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

APPROVED:

City Attorney

AN ORDINANCE AMENDING THE ADOPTED BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING ON SEPTEMBER 30, 2016 IN ACCORDANCE WITH THE CHARTER OF THE CITY OF ORANGE, TEXAS.

WHEREAS, the City Manager of the City of Orange, Texas, submitted a budget proposal to the City Council more than forty-five (45) days prior to the beginning of the fiscal year and in said budget proposal set out the estimated revenues, expenditures, detailed classifications and other information as required by the City Charter of the City of Orange, Texas; and

WHEREAS, the City Council finds that all provisions pertaining to the adoption of a budget contained in the City Charter have been in all things complied with; and

WHEREAS, the Council held a public hearing on said budget on August 25, 2015; and

WHEREAS, after a full and final consideration, the City Council did approve the budget and adopted a budget on September 8, 2015; and

WHEREAS, during the course of a fiscal year unanticipated expenses are encountered; and

WHEREAS, such conditions are recognized by the City Charter of the City of Orange, Texas and provisions made for their relief upon the request of the City Manager, and

WHEREAS, the details of such an amendment are provided as attachments which are attached hereto and made a part thereof; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE, TEXAS;

That the following section of Ordinance 2015-15 which outlines the appropriations for the FY' 2014 Budget is hereby amended to read as follows:

Section 2

That the sum of EIGHTEEN MILLION, FIVE HUNDRED THIRTY ONE THOUSAND, SIX HUNDRED NINETY NINE AND NO/100 (\$18,531,699) DOLLARS is hereby appropriated out of the General Fund for the payment of operating expenses, capital outlay and inter-fund transfers out of the City government as set forth in detail in the budget.

Section 4

That the sum of SIX HUNDRED ONE THOUSAND, FOUR HUNDRED NINETY AND NO/100 (\$601,490) DOLLARS is hereby appropriated out of the General Capital Improvement Fund for the

payment of capital outlay expenses as set forth in detail in the budget.

Section 5

That the sum of EIGHT MILLION, THREE HUNDRED SEVENTY ONE THOUSAND, SIX HUNDRED SEVENTY SEVEN AND NO/100 (\$8,371,677) DOLLARS is hereby appropriated out of the Water and Sewer Enterprise Fund for the payment of operating expenses, capital outlay and inter-fund transfers of the municipally owned Water and Sewer Utility and for the purpose of paying the accruing interest, principal and service charges on the water and sewer supported debt service bonds, as listed in detail in the budget.

Section 5

That the sum of FOUR MILLION, NINE HUNDRED FIFTY EIGHT THOUSAND, SIX HUNDRED NINETY FIVE AND NO/100 (\$4,958,695) DOLLARS is hereby appropriated out of the Series 2015 Bond Construction Fund for the payment of bond construction costs as set forth in detail in the budget.

Section 7

That the sum of FOUR MILLION, NINE HUNDRED SIXTEEN THOUSAND, THREE HUNDRED EIGHTY SIX AND NO/100 (\$4,916,386) DOLLARS is hereby appropriated out of the Special Revenue Fund for the payment of operating expenses and capital outlay of the City government as set forth in detail in the budget.

PASSED and **APPROVED** on first reading this the ____ day of April 2016.

PASSED, APPROVED and **ADOPTED** on final reading this the ____ day of April 2016.

Jimmy Sims, Mayor

Attest:

Rhonda Haskins, City Secretary

Approved:

John Cash Smith, City Attorney

Budget Amendments - Fiscal Year 2016

| Section | 2 | | 3 | | 4 | | 5 | | 6 | | 7 | | 8 | |
|------------------------------------|------------|--------------|-------------|---------------|------------------------|-----------------|------------|-----------------|------------|--|---|--|---|--|
| | General | Debt Service | General CIP | Water & Sewer | 2015 Bond Construction | n/a Utility CIP | Sanitation | Special Revenue | Total | | | | | |
| Original - Revenue | 18,775,510 | 999,028 | 1,000 | 7,717,600 | 20,000 | 150 | 1,915,192 | 1,405,915 | 30,834,395 | | | | | |
| Amend #1 | | | | | | | | 3,313,271 | 3,313,271 | | | | | |
| Amended Revenues | 18,775,510 | 999,028 | 1,000 | 7,717,600 | 20,000 | 150 | 1,915,192 | 4,719,186 | 34,147,666 | | | | | |
| Original - Expense | 18,474,467 | 992,631 | 600,424 | 8,326,460 | 4,788,545 | 0 | 1,948,044 | 1,623,940 | 36,754,511 | | | | | |
| Amend #1 | 57,232 | | 1,066 | 45,217 | 170,150 | | | 3,292,446 | 3,566,111 | | | | | |
| Amended Expenses | 18,531,699 | 992,631 | 601,490 | 8,371,677 | 4,958,695 | 0 | 1,948,044 | 4,916,386 | 40,320,622 | | | | | |
| Total Increase(Decrease) in Budget | 57,232 | 0 | 1,066 | 45,217 | 170,150 | 0 | 0 | (20,825) | 252,840 | | | | | |

**Budget Amendment Summary
FY 2016 - 1st Amendment March 2016**

| General Fund 001 | | | |
|---|----------------------------------|---------|---|
| Human Resources 441-4116 | Printing | 1,000 | To amend the budget for additional cost associated with the purchasing of printing supplies needed for human resources. Costs higher than originally anticipated. |
| Street & Drainage 563-4221 | Rental | (1,066) | The Wayside Horn project is being paid from the General CIP Fund. An additional \$1,066 was needed to complete the purchase of the wayside horn. This amount is being transferred to the General CIP Fund 010-700-4328. |
| Street & Drainage 563-4312 | Street Construction | 57,298 | This is a carry forward from FY 2015. Orange County Road & Bridge had not completed resurfacing the City streets approved in FY 2015 by the end of the fiscal year. This is to complete the project. |
| | General Fund | 57,232 | Total Change (Expense) |
| General Capital Improvement Fund 010 | | | |
| 700-4328 | Other Capital Outlay | 1,066 | The Wayside Horn project is being paid from the General CIP Fund. An additional \$1,066 was needed to complete the purchase of the wayside horn. This amount is being transferred from the General Fund 001-563-4221. |
| | General Capital Improvement Fund | 1,066 | |

| Water & Sewer Fund 020 | | | |
|--|--|-------------|---|
| Water Operations 652-4321 | Machinery | 45,217 | To amend the budget for Change Order #5 on Allco Wastewater Treatment Plant Rehabilitation Contract Phase 1A and 1B. Approved by Resolution 2016-3. |
| | Water and Sewer Fund | 45,217 | Total Change (Expense) |
| Series 2016 Tax and Revenue Bond Construction 021 | | | |
| 740-4311 740-4314 | Sewer Construction Water System Construction | 170,150 | To amend the budget for engineering cost associated with the 2016 Tax and Revenue Bond Construction Preliminary Design Phase. |
| | Series 2016 Bond Construction Fund | 170,150 | Total Change (Expense) |
| Special Revenue Funds | | | |
| Community Development Block Grant 042 | | | |
| 661-4101 | Office Supplies | 700 | To amend the budget for expenditures from unallocated program income. |
| TX GLO Disaster Recovery 2.1 046 | | | |
| Revenue 000-3293 | TX GLO Grant Proceeds 2.1 | (1,943) | To amend the budget for remaining grant revenue allocation for Round 2.1. |
| 676-4020 676-4062 676-4063 676-4311 | Salaries Temporary Help Social Security Workers' Compensation Storm Sewer Constructiton | 1,943 | To amend the budget for remaining grant allocation for Round 2.1. |
| TX GLO Disaster Recovery 2.2 046 | | | |
| 000-3298 | TX GLO Grant Proceeds 2.2 | (2,978,529) | To amend the budget for remaining grant revenue allocation for Round 2.2 Coopers Gully Lining. |

| | | | |
|--|----------------------------------|-----------|--|
| 677-4311 | Storm Sewer Construction | 2,957,000 | To amend the budget for remaining grant revenue allocation for Round 2.2 Coopers Gully Lining. |
| Texas Forest Service Grant 060 | | | |
| 000-3249 | TIFMAS Grant Assistance Program | (7,405) | To amend the budget for additional funding received under the Texas Forest Service TIFMAS Grant Assistance Program for tuition reimbursement. |
| 689-4260 | Conference and Training | 7,405 | To amend the budget for additional funding received under the Texas Forest Service TIFMAS Grant Assistance Program for tuition reimbursement. |
| Stark Foundation Fire Grants 061 | | | |
| 000-3269 | Grant Proceeds Stark Foundation | (10,000) | To amend the budget for approved grant funds received from the Nelda C and HJ Lutcher Stark Foundation for portable fire extinguisher training system. |
| 686-4321 | Machinery | 10,000 | To amend the budget for approved grant funds received from the Nelda C and HJ Lutcher Stark Foundation for portable fire extinguisher training system. |
| Stark Foundation Library Grant 069 | | | |
| 633-4328 | Other Capital Outlay | 4 | To amend the budget for the balance of funding to close out the grant. |
| TX DOT IH 10 Utility Relocation 073 | | | |
| Revenue 000-3270 | TX DOT Utility Relocation Reimb. | (96,752) | To amend the budget for additional utility relocation funds associated with the IH 10 Project. |
| 774-4328 | Other Capital Outlay | 96,752 | To amend the budget for additional utility relocation funds associated with the IH 10 Project. |

| TX Water Development Board 074 | | | |
|--------------------------------|--|-----------------|---|
| 000-3308 | TX Water Development Board Flood Mitigation Assistance | (218,642) | To amend the budget for a Flood Mitigation Grant associated with the Glende Property located at 6728 Guy Lane. |
| 762-4222 | Special Services | 218,642 | To amend the budget for a Flood Mitigation Grant associated with the Glende Property located at 6728 Guy Lane. |
| | | | |
| | Special Revenue Funds | <u>(20,825)</u> | Total Change (Revenue & Expense) |
| | All Funds | <u>252,840</u> | Total Change (Revenue & Expense) |
| | | | |
| | Funding Sources: | 57,232 | General fund reserves. |
| | | 1,066 | General CIP funding. |
| | | 45,217 | Water and sewer reserves. |
| | | 170,150 | Water and sewer future bond proceeds. |
| | | (20,825) | Special Revenue additional expenses offset by additional revenues except for expenditures from remaining funding. |
| | | <u>252,840</u> | |

Budget Amendments Report

From Date: 10/1/2015 - To Date: 3/31/2016

| Account | G/L Date | Journal | Description | Increases | Decreases | Amended Balance |
|---|------------|---------------|--|----------------|-----------|-----------------|
| Fund: 046 TX GLO Grant Fund | | | | | | |
| Department: 000 Revenue | | | | | | |
| 3293 - Tx General Land Office Disaster Recovery Grant Round 2.1 | | | | | | |
| | 03/30/2016 | 2016-00002089 | TX GLO Disaster Recovery 2.1 | \$1,943.00 | \$0.00 | \$1,943.00 |
| | | | | \$1,943.00 | \$0.00 | \$1,943.00 |
| Amended Balance as of: 3/31/2016 \$0.00 | | | | | | |
| Fund: 060 TX Forest Service Grant Fund | | | | | | |
| Department: 000 Revenue | | | | | | |
| 3298 - TX General Land Office Disaster Recovery Grant Round 2.2 | | | | | | |
| | 03/30/2016 | 2016-00002089 | TX GLO Disaster Recovery 2.2 | \$2,978,529.00 | \$0.00 | \$2,978,529.00 |
| | | | | \$2,978,529.00 | \$0.00 | \$2,978,529.00 |
| | | | | \$2,980,472.00 | \$0.00 | \$2,980,472.00 |
| | | | | \$2,980,472.00 | \$0.00 | \$2,980,472.00 |
| Amended Balance as of: 3/31/2016 \$0.00 | | | | | | |
| Fund: 061 Stark Foundation Grant Fund | | | | | | |
| Department: 000 Revenue | | | | | | |
| 3249 - TX Forest Service Grant Proceeds | | | | | | |
| | 03/30/2016 | 2016-00002089 | Texas Forest Service Grant Fund | \$7,405.00 | \$0.00 | \$7,405.00 |
| | | | | \$7,405.00 | \$0.00 | \$7,405.00 |
| | | | | \$7,405.00 | \$0.00 | \$7,405.00 |
| Amended Balance as of: 3/31/2016 \$0.00 | | | | | | |
| Fund: 061 Stark Foundation Grant Fund | | | | | | |
| Department: 000 Revenue | | | | | | |
| 3269 - Stark Foundation Grant Proceeds | | | | | | |
| | 11/10/2015 | 2016-00000470 | Portable Fire Extinguisher Training System | \$10,000.00 | \$0.00 | \$10,000.00 |
| | | | | \$10,000.00 | \$0.00 | \$10,000.00 |
| | | | | \$10,000.00 | \$0.00 | \$10,000.00 |
| Amended Balance as of: 3/31/2016 \$0.00 | | | | | | |

City of Orange, TX
Budget Amendments Report
 From Date: 10/1/2015 - To Date: 3/31/2016

| Account | G/L Date | Journal | Description | Increases | Decreases | Amended Balance |
|--|------------|---------------|---------------------------------|----------------|-----------|-----------------|
| Fund: 073 TX Dept of Transportation Grants | | | | | | |
| Department: 000 Revenue | | | | | | |
| 3270 - TX DOT Utility Relocation Reimbursement | 03/30/2016 | 2016-00002089 | TX Dept of Transportation Grant | \$96,752.00 | \$0.00 | \$96,752.00 |
| Amended Balance as of: 3/31/2016 | | | | \$96,752.00 | \$0.00 | \$96,752.00 |
| Department: 000 Revenue Totals: | | | | | | |
| Fund Totals: TX Dept of Transportation Grants | | | | \$96,752.00 | \$0.00 | \$96,752.00 |
| Fund: 074 TX Water Development Board Grant | | | | | | |
| Department: 000 Revenue | | | | | | |
| 3308 - Texas Water Development Board Flood Mitigation Assistance Grant | 03/30/2016 | 2016-00002089 | TX Water Development Board | \$218,642.00 | \$0.00 | \$218,642.00 |
| Amended Balance as of: 3/31/2016 | | | | \$218,642.00 | \$0.00 | \$218,642.00 |
| Department: 000 Revenue Totals: | | | | | | |
| Fund Totals: TX Water Development Board Grant | | | | \$218,642.00 | \$0.00 | \$218,642.00 |
| Grand Totals: | | | | \$3,313,271.00 | \$0.00 | \$3,313,271.00 |

Budget Amendments Report

From Date: 10/1/2015 - To Date: 3/31/2016

| Account | G/L Date | Journal | Description | Increases | Decreases | Amended Balance |
|---|------------|---------------|---|------------|------------|-----------------|
| Fund: 001 General Fund | | | | | | |
| Department: 431 Municipal Court | | | | | | |
| 4101 - Office Supplies | 03/30/2016 | 2016-00002090 | Municipal Court - office chairs | \$1,000.00 | \$0.00 | \$3,500.00 |
| | | | | \$1,000.00 | \$0.00 | \$4,500.00 |
| | | | | | | \$4,500.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| 4116 - Printing | | | | | | |
| | 03/30/2016 | 2016-00002090 | Municipal Court - office chairs | \$0.00 | \$1,000.00 | \$3,000.00 |
| | | | | \$0.00 | \$1,000.00 | \$2,000.00 |
| | | | | \$1,000.00 | \$1,000.00 | \$2,000.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| Department: 431 Municipal Court Totals: | | | | | | |
| Department: 441 Human Resources | | | | | | |
| 4116 - Printing | 03/29/2016 | 2016-00002115 | Personnel - employment applications | \$1,000.00 | \$0.00 | \$200.00 |
| | | | | \$1,000.00 | \$0.00 | \$1,200.00 |
| | | | | \$1,000.00 | \$0.00 | \$1,200.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| Department: 441 Human Resources Totals: | | | | | | |
| Department: 460 Finance | | | | | | |
| 4251 - Consultant Expense | 03/30/2016 | 2016-00002090 | Finance - salestax recovery audit expense | \$503.00 | \$0.00 | \$3,500.00 |
| | | | | \$503.00 | \$0.00 | \$4,003.00 |
| | | | | | | \$4,003.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| 4260 - Conference & Training | | | | | | |
| | 03/30/2016 | 2016-00002090 | Finance - salestax recovery audit expense | \$0.00 | \$503.00 | \$7,000.00 |
| | | | | \$0.00 | \$503.00 | \$6,497.00 |
| | | | | \$503.00 | \$503.00 | \$6,497.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| Department: 460 Finance Totals: | | | | | | |
| Department: 540 Fire | | | | | | |
| 4103 - Food | 03/31/2016 | 2016-00002131 | Fire Department | \$500.00 | \$0.00 | \$2,500.00 |
| | | | | \$500.00 | \$0.00 | \$3,000.00 |
| | | | | | | \$3,000.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| 4260 - Conference & Training | | | | | | |
| | 03/31/2016 | 2016-00002131 | Fire Department | \$0.00 | \$500.00 | \$25,000.00 |
| | | | | \$0.00 | \$500.00 | \$24,500.00 |
| | | | | \$0.00 | \$500.00 | \$24,500.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| Department: 540 Fire Totals: | | | | | | |

Budget Amendments Report

From Date: 10/1/2015 - To Date: 3/31/2016

| Account | G/L Date | Journal | Description | Increases | Decreases | Amended Balance |
|--|------------|---------------|---|-------------|-------------|-----------------|
| Fund: 001 General Fund | | | | | | |
| Department: 560 Code Enforcement | | | | | | |
| 4222 - Special Services | 03/30/2016 | 2016-00002090 | Code Enforcement - pickup | \$0.00 | \$17.00 | \$22,383.00 |
| | | | | \$0.00 | \$17.00 | \$22,383.00 |
| Amended Balance as of: 3/31/2016 \$22,400.00 | | | | | | |
| 4323 - Vehicles | | | | | | |
| | 03/30/2016 | 2016-00002090 | Code Enforcement - pickup | \$17.00 | \$0.00 | \$26,522.00 |
| | | | | \$17.00 | \$0.00 | \$26,522.00 |
| Amended Balance as of: 3/31/2016 \$26,505.00 | | | | | | |
| Department: 560 Code Enforcement Totals: | | | | | | |
| Department: 563 Street & Drainage | | | | | | |
| 4221 - Rentals | 02/16/2016 | 2016-00001630 | Street Dept - Wayside Horn | \$0.00 | \$1,066.00 | \$9,284.00 |
| | | | | \$0.00 | \$1,066.00 | \$9,284.00 |
| Amended Balance as of: 3/31/2016 \$10,350.00 | | | | | | |
| 4312 - Streets Construction | | | | | | |
| | 10/14/2015 | 2016-00000128 | Carry forward cost to complete resurfacing City streets | \$57,298.00 | \$0.00 | \$416,703.00 |
| | | | | \$57,298.00 | \$0.00 | \$416,703.00 |
| Amended Balance as of: 3/31/2016 \$359,405.00 | | | | | | |
| Department: 563 Street & Drainage Totals: | | | | | | |
| Fund Totals: General Fund | | | | | | |
| Fund: 010 Capital Projects | | | | | | |
| Department: 700 Capital Projects General Fund | | | | | | |
| 4328 - Other Capital Outlay | 02/16/2016 | 2016-00001630 | Street Dept - Wayside Horn | \$1,066.00 | \$0.00 | \$3,990.00 |
| | | | | \$1,066.00 | \$0.00 | \$3,990.00 |
| Amended Balance as of: 3/31/2016 \$2,924.00 | | | | | | |
| Department: 700 Capital Projects General Fund Totals: | | | | | | |
| Fund Totals: Capital Projects | | | | | | |
| Fund: 020 Water and Sewer Enterprise | | | | | | |
| Department: 652 Sewer Disposal | | | | | | |
| 4203 - Sewer Maintenance | 03/30/2016 | 2016-00002090 | W/S Sludge Disposal | \$0.00 | \$10,000.00 | \$65,000.00 |
| | | | | \$0.00 | \$10,000.00 | \$65,000.00 |
| Amended Balance as of: 3/31/2016 \$75,000.00 | | | | | | |

Budget Amendments Report

From Date: 10/1/2015 - To Date: 3/31/2016

| Account | G/L Date | Journal | Description | Increases | Decreases | Amended Balance |
|--|------------|---------------|--|----------------------------------|-------------|-----------------|
| Fund: 020 Water and Sewer Enterprise | | | | | | |
| Department: 652 Sewer Disposal | | | | | | |
| 4245 - Landfill Fees | 03/30/2016 | 2016-00002090 | W/S Sludge Disposal | | | |
| | | | | Amended Balance as of: 3/31/2016 | | \$30,000.00 |
| | | | | \$10,000.00 | \$0.00 | \$40,000.00 |
| | | | | \$10,000.00 | \$0.00 | \$40,000.00 |
| | | | | | | |
| 4321 - Machinery | 01/15/2016 | 2016-00001232 | Change Order #5 on Allico Wastewater Treatment Plant Rehab | | | |
| | | | | Amended Balance as of: 3/31/2016 | | \$105,525.00 |
| | | | | \$45,217.00 | \$0.00 | \$150,742.00 |
| | | | | \$45,217.00 | \$0.00 | \$150,742.00 |
| | | | | \$55,217.00 | \$10,000.00 | |
| | | | | | | |
| Department: 652 Sewer Disposal Totals: | | | | | | |
| Department: 660 Customer Service | | | | | | |
| 4040 - Overtime | 03/30/2016 | 2016-00002090 | Customer Service | | | |
| | | | | Amended Balance as of: 3/31/2016 | | \$500.00 |
| | | | | \$205.00 | \$0.00 | \$705.00 |
| | | | | \$205.00 | \$0.00 | \$705.00 |
| | | | | | | |
| 4101 - Office Supplies | 03/30/2016 | 2016-00002090 | Customer Service | | | |
| | | | | Amended Balance as of: 3/31/2016 | | \$6,000.00 |
| | | | | \$250.00 | \$0.00 | \$6,250.00 |
| | | | | \$250.00 | \$0.00 | \$6,250.00 |
| | | | | | | |
| 4105 - Tools | 03/30/2016 | 2016-00002090 | Customer Service | | | |
| | | | | Amended Balance as of: 3/31/2016 | | \$3,500.00 |
| | | | | \$3,000.00 | \$0.00 | \$6,500.00 |
| | | | | \$3,000.00 | \$0.00 | \$6,500.00 |
| | | | | | | |
| 4116 - Printing | 03/30/2016 | 2016-00002090 | Customer Service | | | |
| | | | | Amended Balance as of: 3/31/2016 | | \$15,000.00 |
| | | | | \$0.00 | \$1,705.00 | \$13,295.00 |
| | | | | \$0.00 | \$1,705.00 | \$13,295.00 |
| | | | | | | |
| 4119 - Computer Software Exp. | 01/28/2016 | 2016-00001410 | Customer Service - software | | | |
| | | | | Amended Balance as of: 3/31/2016 | | \$500.00 |
| | | | | \$0.00 | \$135.00 | \$365.00 |
| | | | | \$0.00 | \$135.00 | \$365.00 |
| | | | | | | |
| 4233 - Other Maint And Services | 01/28/2016 | 2016-00001410 | Customer Service - software | | | |
| | | | | Amended Balance as of: 3/31/2016 | | \$0.00 |
| | | | | \$135.00 | \$0.00 | \$135.00 |

Budget Amendments Report

From Date: 10/1/2015 - To Date: 3/31/2016

| Account | G/L Date | Journal | Description | Increases | Decreases | Amended Balance |
|--|------------|---------------|----------------------------------|--------------|--------------|-----------------|
| Fund: 020 Water and Sewer Enterprise | | | | | | |
| Department: 660 Customer Service | | | | | | |
| 4233 - Other Maint And Services | 03/30/2016 | 2016-00002090 | Customer Service | \$250.00 | \$0.00 | \$385.00 |
| | | | | \$385.00 | \$0.00 | \$385.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| | | | | | | \$0.00 |
| | | | | | | \$385.00 |
| Fund: 021 Water & Sewer Bond Construction | | | | | | |
| Department: 710 2015 Tax & Rev Bond Construction | | | | | | |
| 4311 - Sewer - Storm Sewer Construction | 03/30/2016 | 2016-00002090 | 2015 Bond Construction | \$0.00 | \$171,557.00 | \$3,058,745.00 |
| | | | | \$0.00 | \$171,557.00 | \$2,887,188.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| | | | | | | \$0.00 |
| | | | | | | \$2,887,188.00 |
| Fund: 022 Water & Sewer Bond Construction | | | | | | |
| Department: 710 2015 Tax & Rev Bond Construction | | | | | | |
| 4328 - Other Capital Outlay | 03/30/2016 | 2016-00002090 | 2015 Bond Construction | \$171,557.00 | \$0.00 | \$171,557.00 |
| | | | | \$171,557.00 | \$0.00 | \$171,557.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| | | | | | | \$0.00 |
| | | | | | | \$171,557.00 |
| Fund: 023 Water & Sewer Bond Construction | | | | | | |
| Department: 740 2016 Tax & Rev Bond Construction | | | | | | |
| 4311 - Sewer - Storm Sewer Construction | 03/30/2016 | 2016-00002089 | 2016 Tax & Rev Bond Construction | \$36,900.00 | \$0.00 | \$36,900.00 |
| | | | | \$36,900.00 | \$0.00 | \$36,900.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| | | | | | | \$0.00 |
| | | | | | | \$36,900.00 |

Budget Amendments Report

From Date: 10/1/2015 - To Date: 3/31/2016

| Account | G/L Date | Journal | Description | Increases | Decreases | Amended Balance |
|--|------------|---------------|---|--------------|--------------|-----------------|
| Fund: 021 Water & Sewer Bond Construction | | | | | | |
| Department: 740 2016 Tax & Rev Bond Construction | | | | | | |
| 4314 - Water System Construction | 03/30/2016 | 2016-00002089 | 2016 Tax & Rev Bond Construction | \$133,250.00 | \$0.00 | \$133,250.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| | | | | \$133,250.00 | \$0.00 | \$133,250.00 |
| Fund Totals: Water & Sewer Bond Construction | | | | | | |
| Fund: 040 Orange Development Fund | | | | | | |
| Department: 740 2016 Tax & Rev Bond Construction Totals: | | | | | | |
| | | | | \$170,150.00 | \$0.00 | \$170,150.00 |
| Fund Totals: Water & Sewer Bond Construction | | | | | | |
| Fund: 040 Orange Development Fund | | | | | | |
| Department: 625 Convention and Visitors Bureau | | | | | | |
| 4224 - Advertising | 03/30/2016 | 2016-00002090 | CVB - Social Media Coordinator | \$341,707.00 | \$171,557.00 | \$170,150.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| | | | | \$0.00 | \$500.00 | \$144,500.00 |
| | | | | \$0.00 | \$500.00 | \$144,500.00 |
| Fund Totals: Orange Development Fund | | | | | | |
| Fund: 042 CDBG Fund | | | | | | |
| Department: 661 CDBG Administration | | | | | | |
| 4101 - Office Supplies | 01/28/2016 | 2016-00001411 | Community Development - Office Supplies | \$550.00 | \$0.00 | \$545.00 |
| | 03/01/2016 | 2016-00001753 | Office Supplies | \$700.00 | \$0.00 | \$1,095.00 |
| | 03/01/2016 | 2016-00002045 | Office Supplies | \$0.00 | \$700.00 | \$1,095.00 |
| | 03/28/2016 | 2016-00002046 | Expenditures from Program Income | \$700.00 | \$0.00 | \$1,795.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| | | | | \$550.00 | \$0.00 | \$1,095.00 |
| | | | | \$700.00 | \$0.00 | \$1,795.00 |
| | | | | \$0.00 | \$700.00 | \$1,095.00 |
| | | | | \$700.00 | \$0.00 | \$1,795.00 |

Budget Amendments Report

From Date: 10/1/2015 - To Date: 3/31/2016

| Account | G/L Date | Journal | Description | Increases | Decreases | Amended Balance |
|---|------------|---------------|---|------------|-----------|-----------------|
| Fund: 042 CDBG Fund | | | | | | |
| Department: 661 CDBG Administration | | | | | | |
| 4101 - Office Supplies | | | | | | |
| | 03/31/2016 | 2016-00002127 | Code Enforcement Officer's Vehicle | \$0.00 | \$160.00 | \$545.00 |
| | | | | \$1,950.00 | \$860.00 | \$1,635.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| <hr/> | | | | | | |
| 4207 - Machinery Maintenance | | | | | | |
| | 03/31/2016 | 2016-00002127 | Code Enforcement Officer's Vehicle | \$160.00 | \$0.00 | \$160.00 |
| | | | | \$160.00 | \$0.00 | \$160.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| <hr/> | | | | | | |
| 4260 - Conference & Training | | | | | | |
| | 01/28/2016 | 2016-00001411 | Community Development - Office Supplies | \$0.00 | \$550.00 | \$6,309.00 |
| | | | | \$0.00 | \$550.00 | \$5,759.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| <hr/> | | | | | | |
| Department: 661 CDBG Administration Totals: | | | | | | |
| Fund Totals: CDBG Fund | | | | | | |
| Fund: 046 TX GLO Grant Fund | | | | | | |
| Department: 676 TX GLO 2008 Supp Disaster Recov | | | | | | |
| 4020 - Salaries-Temporary Help | | | | | | |
| | 03/30/2016 | 2016-00002089 | TX GLO Disaster Recovery 2.1 | \$272.00 | \$0.00 | \$272.00 |
| | | | | \$272.00 | \$0.00 | \$272.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| <hr/> | | | | | | |
| 4062 - Social Security Contr. | | | | | | |
| | 03/30/2016 | 2016-00002089 | TX GLO Disaster Recovery 2.1 | \$20.00 | \$0.00 | \$20.00 |
| | | | | \$20.00 | \$0.00 | \$20.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| <hr/> | | | | | | |
| 4063 - Workers' Compensation | | | | | | |
| | 03/30/2016 | 2016-00002089 | TX GLO Disaster Recovery 2.1 | \$2.00 | \$0.00 | \$2.00 |
| | | | | \$2.00 | \$0.00 | \$2.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |

Budget Amendments Report

From Date: 10/1/2015 - To Date: 3/31/2016

| Account | G/L Date | Journal | Description | Increases | Decreases | Amended Balance |
|--|------------|---------------|---|----------------|-----------|-----------------|
| Fund: 046 TX GLO Grant Fund | | | | | | |
| Department: 676 TX GLO 2008 Supp Disaster Recov | | | | | | |
| 4311 - Sewer - Storm Sewer Construction | 03/30/2016 | 2016-00002089 | TX GLO Disaster Recovery 2.1 | \$1,649.00 | \$0.00 | \$1,649.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| | | | | \$1,649.00 | \$0.00 | \$1,649.00 |
| Department: 676 TX GLO 2008 Supp Disaster Recov Totals: | | | | | | |
| Department: 677 TX GLO 2008 DRS Grant Round 2.2 | | | | | | |
| 4311 - Sewer - Storm Sewer Construction | 03/30/2016 | 2016-00002089 | TX GLO Disaster Recovery 2.2 | \$1,943.00 | \$0.00 | \$1,943.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| | | | | \$2,957,000.00 | \$0.00 | \$2,957,000.00 |
| | | | | \$2,957,000.00 | \$0.00 | \$2,957,000.00 |
| Department: 677 TX GLO 2008 DRS Grant Round 2.2 Totals: | | | | | | |
| Fund Totals: TX GLO Grant Fund | | | | | | |
| Fund: 060 TX Forest Service Grant Fund | | | | | | |
| Department: 689 Texas Forest Service TFMIS Grant | | | | | | |
| 4260 - Conference & Training | 10/19/2015 | 2016-00000167 | To Amend Budget for Approved Grant Funds from TX Forest Service | \$6,155.00 | \$0.00 | \$6,155.00 |
| | 11/10/2015 | 2016-00000471 | TX Forest Service Grant - Training Tuition | \$1,250.00 | \$0.00 | \$7,405.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| | | | | \$7,405.00 | \$0.00 | \$7,405.00 |
| Department: 689 Texas Forest Service TFMIS Grant Totals: | | | | | | |
| Fund Totals: TX Forest Service Grant Fund | | | | | | |
| Fund: 061 Stark Foundation Grant Fund | | | | | | |
| Department: 686 Stark Found. Central Fire Grant | | | | | | |
| 4321 - Machinery | 11/10/2015 | 2016-00000470 | Portable Fire Extinguisher Training System | \$7,405.00 | \$0.00 | \$7,405.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| | | | | \$10,000.00 | \$0.00 | \$10,000.00 |
| | | | | \$10,000.00 | \$0.00 | \$10,000.00 |
| Department: 686 Stark Found. Central Fire Grant Totals: | | | | | | |
| Fund Totals: Stark Foundation Grant Fund | | | | | | |
| | | | | \$10,000.00 | \$0.00 | \$10,000.00 |

Budget Amendments Report

From Date: 10/1/2015 - To Date: 3/31/2016

| Account | G/L Date | Journal | Description | Increases | Decreases | Amended Balance |
|---|------------|---------------|---------------------------------|----------------|--------------|-----------------|
| Fund: 069 Stark Foundation Library Grant | | | | | | |
| Department: 633 Stark Foundation Library Grant | | | | | | |
| 4328 - Other Capital Outlay | 03/30/2016 | 2016-00002089 | Stark Foundation Library Grant | \$4.00 | \$0.00 | \$3,885.00 |
| | | | | \$4.00 | \$0.00 | \$3,889.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| Fund Totals: Stark Foundation Library Grant | | | | | | |
| Department: 633 Stark Foundation Library Grant Totals: | | | | | | |
| Fund: 073 TX Dept of Transportation Grants | | | | | | |
| Department: 774 TX DOT IH 10 Utility Relocation | | | | | | |
| 4328 - Other Capital Outlay | | | | | | |
| | 03/30/2016 | 2016-00002089 | TX Dept of Transportation Grant | \$96,752.00 | \$0.00 | \$96,752.00 |
| | | | | \$96,752.00 | \$0.00 | \$96,752.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| Fund Totals: TX Dept of Transportation Grants | | | | | | |
| Department: 774 TX DOT IH 10 Utility Relocation Totals: | | | | | | |
| Fund: 074 TX Water Development Board Grant | | | | | | |
| Department: 762 TWDB Flood Mitigation Grant | | | | | | |
| 4222 - Special Services | | | | | | |
| | 03/30/2016 | 2016-00002089 | TX Water Development Board | \$218,642.00 | \$0.00 | \$218,642.00 |
| | | | | \$218,642.00 | \$0.00 | \$218,642.00 |
| Amended Balance as of: 3/31/2016 | | | | | | |
| Fund Totals: TX Water Development Board Grant | | | | | | |
| Department: 762 TWDB Flood Mitigation Grant Totals: | | | | | | |
| Fund Totals: TX Water Development Board Grant | | | | | | |
| Grand Totals: | | | | | | |
| | | | | \$3,756,504.00 | \$190,393.00 | |

INTEROFFICE MEMORANDUM

TO: MAYOR AND COUNCIL
FROM: SHAWN OUBRE, PH. D.
SUBJECT: CENTERPOINT ENERGY 2016 ANNUAL GRIP ADJUSTMENT
DATE: APRIL 21, 2016
CC: JACK SMITH

On March 31, 2016, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas (“CenterPoint”) filed a Gas Reliability Infrastructure Program (“GRIP”) adjustment factor with the City. CenterPoint is authorized to make annual GRIP rate change requests pursuant to Texas law passed in 2003, Gas Utility Regulatory Act. The GRIP Statute authorizes gas utility companies to request annual rate increases associated with year-to-year changes in incremental investment.

The GRIP Statute provides that the proposed GRIP rate surcharge will become effective 60 days from the date of CenterPoint’s filing or May 30, 2016 unless suspended by the City. The City may suspend the GRIP rate increase for an additional 45 days beyond CenterPoint’s effective date of May 30, 2016.

Customer Impact Summary

| Customer Class | Monthly Bill Increase |
|---------------------------|------------------------------|
| Residential | \$1.71 |
| General Service– Small | \$2.73 |
| General Service-Large | \$12.37 |

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF ORANGE, TEXAS SUSPENDING THE RATES PROPOSED BY CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS (“CENTERPOINT” OR “COMPANY”) COMPANY’S GAS RELIABILITY INFRASTRUCTURE PROGRAM (“GRIP”) FILING MADE WITH THE CITY ON MARCH 31, 2016; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, AND DECLARING AN EFFECTIVE DATE

WHEREAS, on or about March 31, 2016, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas (“CenterPoint” or “Company”) filed an Annual GRIP adjustment for the Beaumont/East Texas Service Area with the City of Orange (“City”) to increase gas rates in the Beaumont/East Texas Service Area pursuant to *Gas Utility Regulatory Act*, TEX. UTIL. CODE (“Gas Utility Regulatory Act”) § 104.301; and

WHEREAS, the Company proposed an effective date of May 30, 2016, for the rate increase; and

WHEREAS, City has exclusive original jurisdiction over the rates, operations and services of a gas utility in areas in the municipality pursuant to Gas Utility Regulatory Act § 103.001; and

WHEREAS, Gas Utility Regulatory Act § 104.301 requires a streamlined process for the recovery of the costs of incremental investment by a gas utility; and

WHEREAS, the City’s reasonable cost for regulatory expenses in ratemaking proceedings shall be reimbursed by the gas utility under Gas Utility Regulatory Act § 103.022; and

WHEREAS, the City will join with other municipalities in a steering committee in order to coordinate the hiring and direction of counsel and/or consultants working on behalf of the steering committee and the City; and

WHEREAS, the City finds the need to suspend the effective date of CenterPoint’s proposed rate increase for 45 days beyond the Company’s proposed effective date until July 14, 2016 in order to review the Company’s filing for compliance with Gas Utility Regulatory Act § 104.301; and

WHEREAS, the City’s review of CenterPoint’s GRIP filing is limited to a ministerial review of the filing for compliance with the statute; and

WHEREAS, the reasonableness of the Company's investment will be reviewed in CenterPoint's subsequent base rate case where all costs included in CenterPoint's GRIP filing will be subject to refund.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE, TEXAS, THAT:

Section 1. The statement and findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. The effective date of the Company's proposed GRIP rate increase, and the proposed tariffs related thereto, are hereby suspended until July 14, 2015.

Section 3. To the extent the City finds that the rates proposed by CenterPoint's filing comply with Gas Utility Regulatory Act § 104.301, then the rates will become effective by operation of law on July 14, 2015.

Section 4. The City is authorized to join with other municipalities as part of the Beaumont/East Texas Division Steering Committee with the understanding that the steering committee will provide direction and guidance to the lawyers who are representing said cities.

Section 5. The City employs The Lawton Law Firm, P.C. to represent the City with regard to the proposed rate increase of CenterPoint before local and state regulatory authorities and any court of law and authorizes counsel to employ such rate experts as are recommended by the Steering Committee.

Section 6. The Steering Committee shall review the invoices of the lawyers and/or rate experts for reasonableness before submitting the invoices to CenterPoint for reimbursement.

Section 7. CenterPoint shall reimburse the City, through the designated representative of the Steering Committee, for the reasonable costs of attorneys and consultant fees and expenses related thereto, upon the presentation of invoices reviewed by the Steering Committee.

Section 8. The meeting at which the ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. This Ordinance shall become effective from and after its passage.

PASSED AND APPROVED on the first reading this the _____ day of _____, 2016.

PASSED, APPROVED and ADOPTED on this the final reading on this the _____ day of _____, 2016.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

APPROVED AS TO FORM:

City Attorney

MEMORANDUM

To: Dr. Shawn Oubre, Ph.D., City Manager

From: Kelvin Knauf, Director of Planning and Community Development

Subject: Consider an ordinance abandoning all of 0.138 acres of land out of alley right-of-way from N. Second Street to N. First Street; abandoning the surface only of a 0.124 acre of land out of N. Second Street right-of-way while retaining a utility easement; abandoning the surface only of a 0.276 acre of land out of W. Main Avenue right-of-way from N. Second Street to N. First Street while retaining a utility easement, and abandoning the surface only of a 0.468 acre of land out of N. Second Street right-of-way while retaining a utility easement

Date: April 18, 2016

Background

Lamar State College-Orange is requesting that the City abandon and declare surplus all of 0.138 acres of land out of alley right-of-way in Block 8 from N. Second Street to N. First Street; abandon the surface only of a 0.124 acre of land out of N. Second Street right-of-way; abandon the surface only of a 0.276 acre of land out of W. Main Avenue right-of-way from N. Second Street to N. First Street, and abandon the surface only of a 0.468 acre of land out of N. Second Street right-of-way.

Abandoning the streets and alley would allow LSC-O to landscape more of the campus as well as control traffic around the campus. There are utility lines underneath Second Street and Main Street. The City would need to retain a utility easement that is equal to the width and length of the streets being abandoned. There are no utilities underneath the alley, so the entire alley could be abandoned.

The Comprehensive Master Plan does not address the designation or abandonment of surplus property and leaves this issue to the discretion of the City Council. The City Charter requires that change in the use of a street or alley be submitted to and considered by the Planning and Zoning Commission. The Commission is required to communicate its recommendations, together with its reasons, to the City Council for consideration and action.

At their regular meeting on April 5, 2016 the Planning and Zoning Commission voted to recommend that the City Council adopt an ordinance abandoning all of 0.138 acres of land out of alley right-of-way in Block 8 from N. Second Street to N. First Street; abandon the surface only of a 0.124 acre of land out of N. Second Street right-of-way; abandon the surface only of a 0.276 acre of land out of W. Main Avenue right-of-way from N. Second Street to N. First Street, and abandon the surface only of a 0.468 acre of land out of N. Second Street right-of-way.

Recommendation

I recommend that the City Council adopt an ordinance abandoning all of 0.138 acres of land out of alley right-of-way from N. Second Street to N. First Street; abandoning the surface only of a 0.124 acre of land out of N. Second Street right-of-way while retaining a utility easement on the property; abandoning the

surface only of a 0.276 acre of land out of W. Main Avenue right-of-way from N. Second Street to N. First Street while retaining a utility easement on the property, and abandoning the surface only of a 0.468 acre of land out of N. Second Street right-of-way while retaining a utility easement on the property.

AN ORDINANCE ABANDONING ALL OF 0.138 ACRES OF LAND OUT OF ALLEY RIGHT-OF-WAY FROM N. SECOND STREET TO N. FIRST STREET; ABANDONING THE SURFACE ONLY OF A 0.124 ACRE OF LAND OUT OF N. SECOND STREET RIGHT-OF-WAY WHILE RETAINING A UTILITY EASEMENT; ABANDONING THE SURFACE ONLY OF A 0.276 ACRE OF LAND OUT OF W. MAIN AVENUE RIGHT-OF-WAY FROM N. SECOND STREET TO N. FIRST STREET WHILE RETAINING A UTILITY EASEMENT; AND, ABANDONING THE SURFACE ONLY OF A 0.468 ACRE OF LAND OUT OF N. SECOND STREET RIGHT-OF-WAY WHILE RETAINING A UTILITY EASEMENT; DIRECTING THAT THE OFFICIAL CITY STREET MAP BE AMENDED TO REFLECT SUCH CHANGE; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE TO THE EXTENT OF SUCH CONFLICT; MAKING CERTAIN FINDINGS THERETO; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission met in regular session on April 5, 2016 and held a public hearing on a request to abandon all of 0.138 acres of land out of alley right-of-way in Block 8 from N. Second Street to N. First Street; abandon the surface only of a 0.124 acre of land out of N. Second Street right-of-way; abandon the surface only of a 0.276 acre of land out of W. Main Avenue right-of-way from N. Second Street to N. First Street, and abandon the surface only of a 0.468 acre of land out of N. Second Street right-of-way; and

WHEREAS, the Planning and Zoning Commission after the presentation of the case voted unanimously 4-0 to recommend that the City Council approve abandoning the above referenced street, as shown in Exhibits “A”, “B”, “C” and “D” to this ordinance; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE, TEXAS:

Section 1. That 0.138 acres of land out of alley right-of-way from N. Second Street to N. First Street as shown on Exhibit “A” to this ordinance is hereby abandoned in its entirety.

Section 2. That the surface only of a 0.124 acre of land out of N. Second Street right-of-way as shown on Exhibit “B” to this ordinance is hereby abandoned; however, the City shall retain a public utility easement on the 0.124 acre of land out of the N. Second Street right-of-way.

Section 3. That the surface only of a 0.276 acre of land out of W. Main Avenue right-of-way from N. Second Street to N. First Street as shown on Exhibit “C” to this ordinance is hereby abandoned; however, the City shall retain a public utility easement on the 0.276 acre of land out of the W. Main Avenue right-of-way.

Section 4. That the surface only of a 0.468 acre of land out of N. Second Street right-of-way as shown on Exhibit “D” to this ordinance is hereby abandoned; however, the City shall retain a public utility easement on the 0.468 acre of land out of the N. Second Street right-of-way.

Section 5. That the City staff shall amend the official city street map to reflect such change.

Section 6. That the City Council of the City of Orange, Texas hereby legislatively finds and determines that this ordinance and the street abandonment established herein will be in harmony with the general purpose and intent of the Comprehensive Master Plan and Zoning Ordinance of the City of Orange; will be as a substantial relationship to the public welfare; and that all procedural requirements have been satisfied as to this matter.

Section 7. That all Ordinances that are in conflict with the provisions of this Ordinance be repealed and all other Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 8. That it is expressly ordained that if any section or subsection, clause, sentence or paragraph of the ordinance shall be found to be illegal, invalid, or void by any court of competent jurisdiction, then such findings shall not affect the remaining portions of this ordinance, but the same shall be valid and in effect, it being the expressed intention of the City Council of the City of Orange, Texas to pass each and every sentence, clause, paragraph or section individually.

Section 9. That this ordinance shall become effective upon second and final passage by the City Council and publication as required by State law.

PASSED AND APPROVED on first reading this the 26th day of April, 2016.

PASSED AND APPROVED on second reading this the _____ day of _____, 2016.

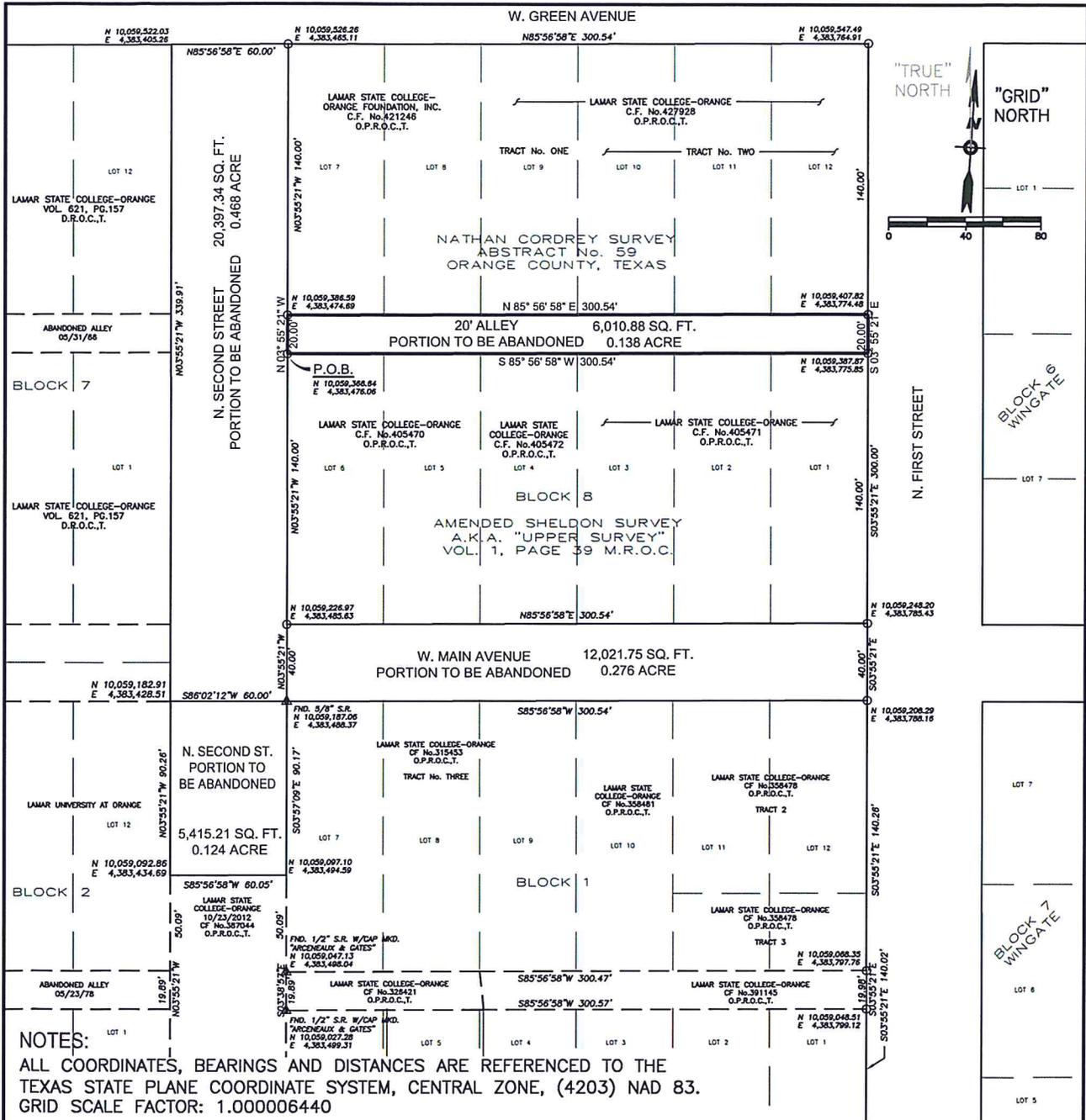
Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

APPROVED AS TO FORM:

City Attorney



NOTES:
 ALL COORDINATES, BEARINGS AND DISTANCES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, (4203) NAD 83. GRID SCALE FACTOR: 1.000006440
 SEE ACCOMPANYING DESCRIPTION.
 THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF TITLE COMMITMENT OR REPORT, AND IS FOR BOUNDARY LINE IDENTIFICATION ONLY.

LEGEND:
 ○ SET 1/2" STEEL RODS W/CAP MARKED "AW&C LLC"
 △ FOUND CORNER AS SHOWN

Engineering F-16194 Surveying 10194049

ARCENEAUX WILSON & COLE
 engineering | surveying | planning

2901 Turtle Creek Drive, Suite 320 Port Arthur, TX 77642 409 724 7888 awceng.com

| | | |
|---|-----------------|--------------|
| PLAT OF 0.138 ACRE OF LAND OUT OF ALLEY R.O.W. IN BLOCK 8 FROM N. SECOND STREET TO N. FIRST STREET FOR PROPOSED ABANDONMENT CITY OF ORANGE, ORANGE COUNTY, TEXAS | | |
| REVISED: APRIL 14, 2016 | | |
| DATE: MARCH 2, 2016 | SCALE: 1" = 80' | DRAWN: BJB |
| PROJ. No.: PBK-040 | DESIGN: | CHECKED: EJW |



**DESCRIPTION OF 0.138 ACRE OF LAND OUT OF
ALLEY R.O.W. IN BLOCK 8
FROM N. SECOND STREET TO N. FIRST STREET
FOR PROPOSED ABANDONMENT**

Being a 0.138 acre, more or less, tract or parcel of land, lying and being situated in Orange County, Texas, a part of the NATHAN CORDREY SURVEY, ABSTRACT No. 59, Orange County, Texas and being a part of the Amended Sheldon Survey, a.k.a. "Upper Survey", a map of which is recorded in Volume 1, Page 39 of the Map Records of Orange County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" steel rod with cap marked "AW&C LLC" set at the intersection of the south right-of-way line of the Block 8 alley of the said "Upper Survey" and the east right-of-way line of N. Second Street for the northeast corner of Lot 6 of the said Block 8 and southwest corner of the herein described tract of land, and having a State Plane Coordinate value of N. 10,059,366.64' and E. 4,383,476.06';

THENCE North 03 deg. 55 min. 21 sec. West, along and with the said east right-of-way line of N. Second Street, a total distance of 20.00 feet to a 1/2" steel rod with cap marked "AW&C LLC" set in the north right-of-way line of the said Block 8 alley for the southwest corner of Lot 7 of the said Block 8 and northwest corner of the herein described tract of land;

THENCE North 85 deg. 56 min. 58 sec. East, along and with the said north right-of-way line of the said Block 8 alley, a total distance of 300.54 feet to a 1/2" steel rod with cap marked "AW&C LLC" set in the west right-of-way line of N. First Street for the southeast corner of Lot 12 of the said Block 8 and northeast corner of the herein described tract of land;

THENCE South 03 deg. 55 min. 21 sec. East, along and with the said west right-of-way line of N. First Street, a total distance of 20.00 feet to a 1/2" steel rod with cap marked "AW&C LLC" set in the hereinbefore said south right-of-way line of the said Block 8 alley for the northeast corner of Lot 1 of the said Block 8 and southeast corner of the herein described tract of land;

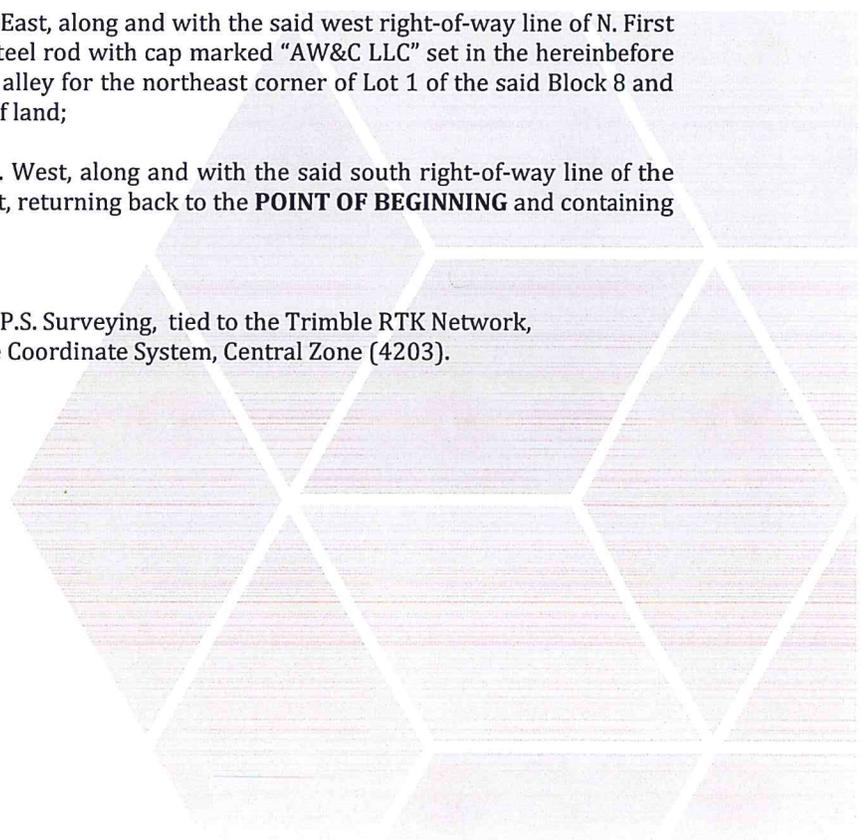
THENCE South 85 deg. 56 min. 58 sec. West, along and with the said south right-of-way line of the said Block 8 alley, a total distance of 300.54 feet, returning back to the **POINT OF BEGINNING** and containing 0.138 acre of land, more or less.

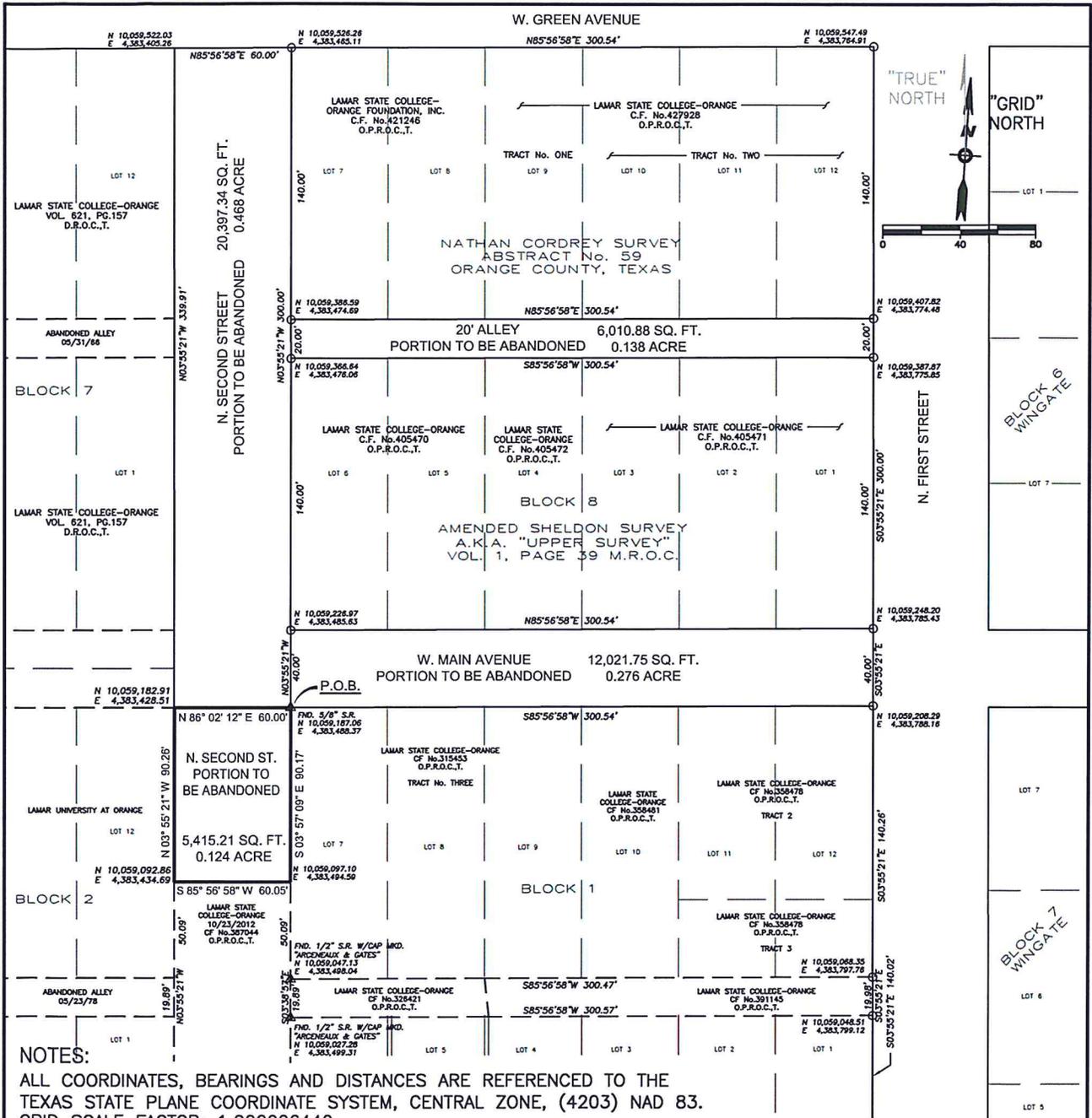
NOTE:

Dimensions indicated hereon are based upon G.P.S. Surveying, tied to the Trimble RTK Network, referenced to the (NAD 1983) Texas State Plane Coordinate System, Central Zone (4203).
Grid scale factor: 1.000006440.

See accompanying Plat.

Prepared: March 2, 2016
Revised: April 14, 2016
Job No. PBK-040





NOTES:

ALL COORDINATES, BEARINGS AND DISTANCES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, (4203) NAD 83. GRID SCALE FACTOR: 1.000006440

SEE ACCOMPANYING DESCRIPTION.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF TITLE COMMITMENT OR REPORT, AND IS FOR BOUNDARY LINE IDENTIFICATION ONLY.

LEGEND:

- SET 1/2" STEEL RODS W/CAP MARKED "AW&C LLC"
- △ FOUND CORNER AS SHOWN

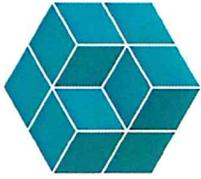
Engineering F-16194 Surveying 10194049



2901 Turtle Creek Drive, Suite 320 Port Arthur, TX 77642 409 724 7888 awceng.com

| | | |
|---|-----------------|--------------|
| <p>PLAT OF 0.124 ACRE OF LAND OUT OF N. SECOND STREET R.O.W. FOR PROPOSED ABANDONMENT</p> | | |
| <p>CITY OF ORANGE, ORANGE COUNTY, TEXAS</p> | | |
| REVISED: APRIL 14, 2016 | | |
| DATE: MARCH 2, 2016 | SCALE: 1" = 80' | DRAWN: BJB |
| PROJ. No.: PBK-040 | DESIGN: | CHECKED: EJV |

LAST PRINTED: F-091, April 15, 2016 10:49:30 AM FROM: A MAG ENGINEERING/CAD PRODUCTS/PBK-040-DRAWING/SPRINK-CAD CLOSURE EXHIBIT B REVISED ON 14 2016 5:40



**DESCRIPTION OF 0.124 ACRE OF LAND OUT OF
N. SECOND STREET R.O.W.
FOR PROPOSED ABANDONMENT**

Being a 0.124 acre, more or less, tract or parcel of land, lying and being situated in Orange County, Texas, a part of the NATHAN CORDREY SURVEY, ABSTRACT No. 59, Orange County, Texas and being a part of the Amended Sheldon Survey, a.k.a. "Upper Survey", a map of which is recorded in Volume 1, Page 39 of the Map Records of Orange County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" steel rod found at the intersection of the south right-of-way line of W. Main Avenue and the east right-of-way line of N. Second Street for the northwest corner of Block 1 of the said "Upper Survey" and northeast corner of the herein described tract of land, and having a State Plane Coordinate value of N. 10,059,187.06' and E. 4,383,488.37';

THENCE South 03 deg. 57 min. 09 sec. East, along and with the said east right-of-way line of N. Second Street, a total distance of 90.17 feet to a point for the northeast corner of that certain (called 60'x210') tract of land described in that certain instrument from the City of Orange to Lamar State College-Orange dated October 23, 2012 and recorded under Clerk's File No. 387044 in the Official Public Records of Orange County, Texas, and southeast corner of the herein described tract of land;

THENCE South 85 deg. 56 min. 58 sec. West, along and with the north line of said called 60'x210' tract of land, a total distance of 60.05 feet to a point in the west right-of-way line of N. Second Street for the northwest corner of the said called 60'x210' tract of land and southwest corner of the herein described tract of land;

THENCE North 03 deg. 55 min. 21 sec. West, along and with the said west right-of-way line of N. Second Street, a total distance of 90.26 feet to a point in the hereinbefore said south right-of-way line of W. Main Avenue for the northwest corner of the herein described tract of land;

THENCE North 86 deg. 02 min. 12 sec. East, along and with the said south right-of-way line of W. Main Avenue, a total distance of 60.00 feet, returning back to the **POINT OF BEGINNING** and containing 0.124 acre of land, more or less.

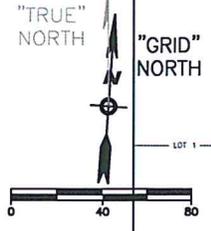
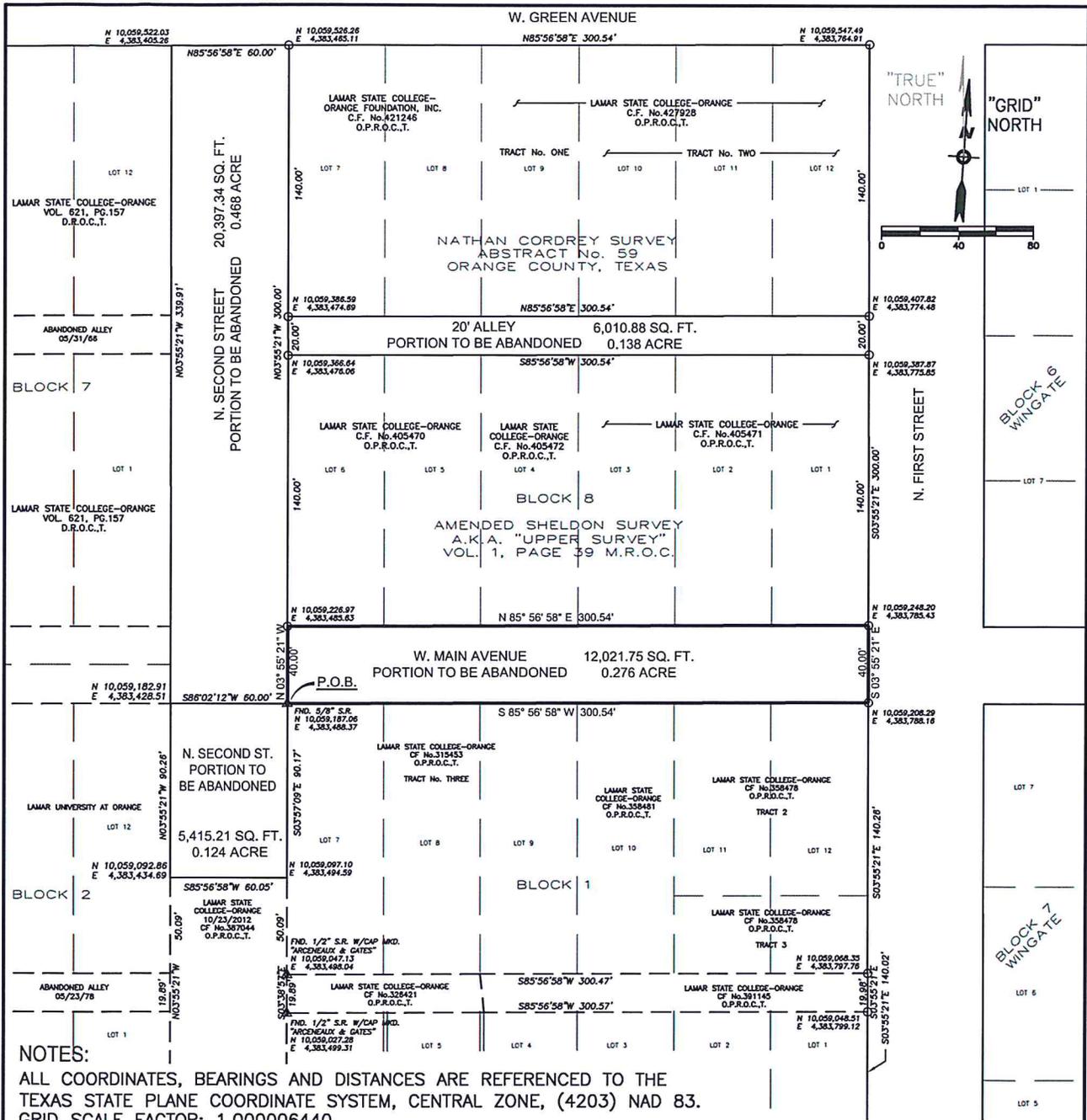
NOTE

Dimensions indicated hereon are based upon G.P.S. Surveying, tied to the Trimble RTK Network, referenced to the (NAD 1983) Texas State Plane Coordinate System, Central Zone (4203).
Grid scale factor: 1.000006440.

See accompanying Plat.

Prepared: March 2, 2016
Revised April 14, 2016
Job No. PBK-040

EXHIBIT "C" - PAGE 1 of 2



NOTES:
 ALL COORDINATES, BEARINGS AND DISTANCES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, (4203) NAD 83.
 GRID SCALE FACTOR: 1.000006440

SEE ACCOMPANYING DESCRIPTION.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF TITLE COMMITMENT OR REPORT, AND IS FOR BOUNDARY LINE IDENTIFICATION ONLY.

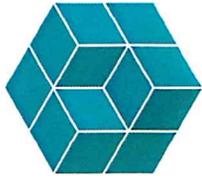
- LEGEND:**
- SET 1/2" STEEL RODS W/CAP MARKED "AW&C LLC"
 - △ FOUND CORNER AS SHOWN

Engineering F-16194 Surveying 10194049

ARCENEUX WILSON & COLE
 engineering | surveying | planning

2901 Turtle Creek Drive, Suite 320 409 724 7888
 Port Arthur, TX 77642 awceng.com

| | | |
|---|-----------------|--------------|
| PLAT OF 0.276 ACRE OF LAND OUT OF W. MAIN AVENUE R.O.W. FOR PROPOSED ABANDONMENT | | |
| CITY OF ORANGE, ORANGE COUNTY, TEXAS | | |
| REVISED: APRIL 14, 2016 | | |
| DATE: MARCH 2, 2016 | SCALE: 1" = 80' | DRAWN: BJB |
| PROJ. No.: PBK-040 | DESIGN: | CHECKED: EJW |



**DESCRIPTION OF 0.276 ACRE OF LAND OUT OF
 W. MAIN AVENUE R.O.W.
 FOR PROPOSED ABANDONMENT**

Being a 0.276 acre, more or less, tract or parcel of land, lying and being situated in Orange County, Texas, a part of the NATHAN CORDREY SURVEY, ABSTRACT No. 59, Orange County, Texas and being a part of the Amended Sheldon Survey, a.k.a. "Upper Survey", a map of which is recorded in Volume 1, Page 39 of the Map Records of Orange County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" steel rod found at the intersection of the south right-of-way line of W. Main Avenue and the east right-of-way line of N. Second Street for the northwest corner of Block 1 of the said "Upper Survey" and southwest corner of the herein described tract of land, and having a State Plane Coordinate value of N. 10,059,187.06' and E. 4,383,488.37';

THENCE North 03 deg. 55 min. 21 sec. West, along and with the said east right-of-way line of N. Second Street, a total distance of 40.00 feet to a 1/2" steel rod with cap marked "AW&C LLC" set for the southwest corner of Block 8 of the said "Upper Survey" and northwest corner of the herein described tract of land;

THENCE North 85 deg. 56 min. 58 sec. East, along and with the south line the said Block 8, a total distance of 300.54 feet to a 1/2" steel rod with cap marked "AW&C LLC" set in the west right-of-way line of N. First Street for the southeast corner of the said Block 8 and northeast corner of the herein described tract of land;

THENCE South 03 deg. 55 min. 21 sec. East, along and with the said west right-of-way line of N. First Street, a total distance of 40.00 feet to a 1/2" steel rod with cap marked "AW&C LLC" set for the northeast corner of the said Block 1 and southeast corner of the herein described tract of land;

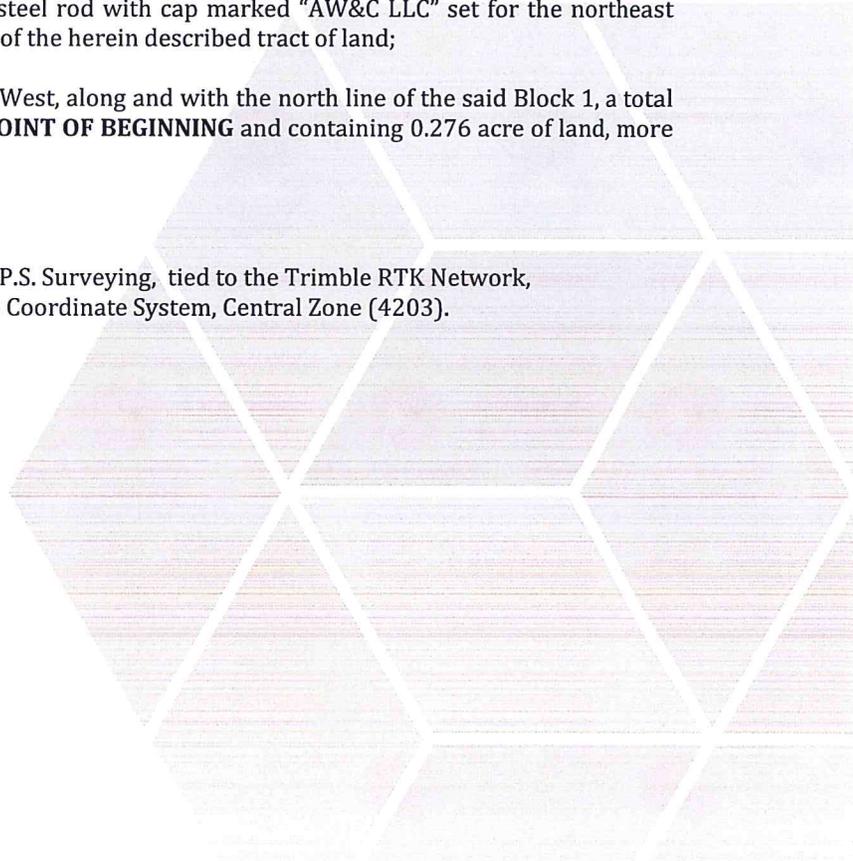
THENCE South 85 deg. 56 min. 58 sec. West, along and with the north line of the said Block 1, a total distance of 300.54 feet, returning back to the **POINT OF BEGINNING** and containing 0.276 acre of land, more or less.

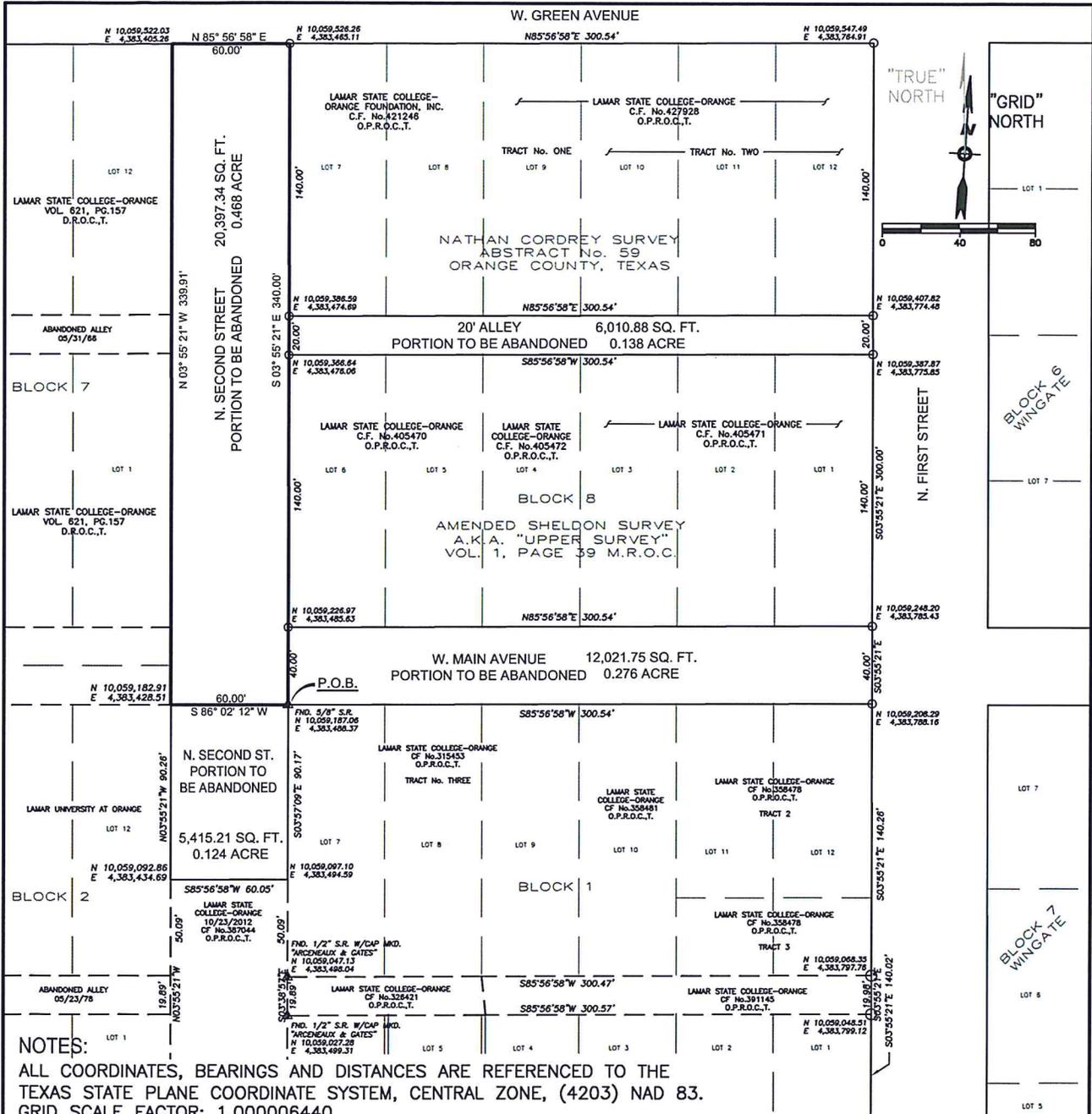
NOTE:

Dimensions indicated hereon are based upon G.P.S. Surveying, tied to the Trimble RTK Network, referenced to the (NAD 1983) Texas State Plane Coordinate System, Central Zone (4203).
 Grid scale factor: 1.000006440.

See accompanying Plat.

Prepared: March 2, 2016
 Revised: April 14, 2016
 Job No. PBK-040





NOTES:
 ALL COORDINATES, BEARINGS AND DISTANCES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, (4203) NAD 83.
 GRID SCALE FACTOR: 1.000006440

SEE ACCOMPANYING DESCRIPTION.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF TITLE COMMITMENT OR REPORT, AND IS FOR BOUNDARY LINE IDENTIFICATION ONLY.

LEGEND:
 ○ SET 1/2" STEEL RODS W/CAP MARKED "AW&C LLC"
 △ FOUND CORNER AS SHOWN

Engineering F-16194 Surveying 10194049

ARCENEAUX WILSON & COLE
 engineering | surveying | planning

2901 Turtle Creek Drive, Suite 320 Port Arthur, TX 77642 409 724 7888 awceng.com

| | | |
|--|-----------------|--------------|
| PLAT OF 0.468 ACRE OF LAND OUT OF N. SECOND STREET R.O.W. FOR PROPOSED ABANDONMENT | | |
| CITY OF ORANGE, ORANGE COUNTY, TEXAS | | |
| REVISED: APRIL 14, 2016 | | |
| DATE: MARCH 2, 2016 | SCALE: 1" = 80' | DRAWN: BJB |
| PROJ. No.: PBK-040 | DESIGN: | CHECKED: EJW |

LAST PRINTED: Friday, April 15, 2016 10:44:50 AM FROM: L:\M&G\ENGINEERING\MAG PROJECTS\PBK-040\DRAWINGS\SPK-C&G\CLOSURE EXHIBIT D REVISED 04 14 2016.dwg



**DESCRIPTION OF 0.468 ACRE OF LAND OUT OF
N. SECOND STREET R.O.W.
FOR PROPOSED ABANDONMENT**

Being a 0.468 acre, more or less, tract or parcel of land, lying and being situated in Orange County, Texas, a part of the NATHAN CORDREY SURVEY, ABSTRACT No. 59, Orange County, Texas and being a part of the Amended Sheldon Survey, a.k.a. "Upper Survey", a map of which is recorded in Volume 1, Page 39 of the Map Records of Orange County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" steel rod found at the intersection of the south right-of-way line of W. Main Avenue and the east right-of-way line of N. Second Street for the northwest corner of Block 1 of the said "Upper Survey" and southeast corner of the herein described tract of land, and having a State Plane Coordinate value of N. 10,059,187.06' and E. 4,383,488.37';

THENCE South 86 deg. 02 min. 12 sec. West, along and with the said south right-of-way line of W. Main Avenue extended over and across the said N. Second Street, a total distance of 60.00 feet to a point in the west right-of-way line of the said N. Second Street for the northeast corner of Block 2 of the said "Upper Survey" and southwest corner of the herein described tract of land;

THENCE North 03 deg. 55 min. 21 sec. West, along and with the said west right-of-way line of N. Second Street, a total distance of 339.91 feet to a point in the south right-of-way line of W. Green Avenue for the northeast corner of Block 7 of the said "Upper Survey" and northwest corner of the herein described tract of land;

THENCE North 85 deg. 56 min. 58 sec. East, along and with the said south right-of-way line of W. Green Avenue extended over and across the said N. Second Street, a total distance of 60.00 feet to a 1/2" steel rod with cap marked "AW&C LLC" set for the northwest corner of Block 8 of the said "Upper Survey" and northeast corner of the herein described tract of land;

THENCE South 03 deg. 55 min. 21 sec. East, along and with the said east right-of-way line of N. Second Street, a total distance of 340.00 feet, returning back to the **POINT OF BEGINNING** and containing 0.468 acre of land, more or less.

NOTE

Dimensions indicated hereon are based upon G.P.S. Surveying, tied to the Trimble RTK Network, referenced to the (NAD 1983) Texas State Plane Coordinate System, Central Zone (4203).
Grid scale factor: 1.000006440.

See accompanying Plat.

Prepared: March 2, 2016
Revised: April 14, 2016
Job No. PBK-040

Memo

To: Dr. Shawn Oubre
From: Mike Zeto – CIS Manager
Subject: Shortel Hosted Voice Over IP Phone Service
Date: April 18, 2016

Please find the attached Shortel contract for hosted VoIP phone service. After extensive research and past experience with Shortel I feel this is a viable phone solution for the City of Orange and all Departments. With this service we will eliminate the need for costly phone equipment and maintenance contracts, also the elimination of long distance service. By moving in this direction of phone service we will see a reduction in our current phone expenditures in and excess of \$60,000.00/yr.

*Thank You
Mike Zeto
CIS Manger*

With your approval please place on the next City Council agenda for consideration.



End User Terms of Service

(the Initial Service Term and any Renewal Term collectively referred to as the "Term"). If, during the Initial Term or any Renewal Term, Customer adds any additional services to its use of the Service, the amount of Customer's monthly recurring charges shall increase the sum set forth in the original Customer Service Order Form (the "New Service Monthly Commitment"). And, the Service Term for any such additional Services shall be coterminous with the Initial Service Term or any Renewal Term in effect at the time.

3.3 Termination of the Agreement. This Agreement and any Services may be terminated by either party for cause: (a) upon thirty (30) days written notice of a material breach to the other party if such breach remains uncured at the expiration of such period; or (b) if either party becomes the subject of a petition in bankruptcy or any other proceeding relating to insolvency, receivership, liquidation or assignment for the benefit of creditors.

3.4 Early Termination. If Customer wishes to terminate the Services under this Agreement prior to the expiration of the current Service Term and such termination is not due to ShoreTel's breach, all recurring charges on the most current invoice which would otherwise be due through the end of the Service Term in effect at the time, including all applicable taxes shall be due and payable within thirty (30) days of the effective date of termination. The parties agree that these early termination charges are a reasonable estimate of anticipated actual damages and not a penalty.

4. Rules of Use. Customer must at all times comply with ShoreTel's *Rules of Use* found at <https://www.shoretel.com/RoU>. If ShoreTel becomes aware of Customer's violation of the *Rules of Use* or illegal use of ShoreTel Services, facilities, network or third party networks accessed through the ShoreTel network (including, in any case and without limitation, any use contrary to the Digital Millennium Copyright Act of 1998, 17 U.S.C. 512), or ShoreTel otherwise receives notice or has reason to believe such use may be occurring, then Customer will cooperate in any resulting investigation by ShoreTel or government authorities. Any government determinations will be binding on Customer. If Customer fails to cooperate with any such investigation or determination, or fails to immediately rectify any violation of the *Rules of Use* or illegal use, ShoreTel may immediately suspend the Service without further liability to ShoreTel. Further, upon notice to Customer, ShoreTel may modify or suspend the Service as necessary to protect its networks, customers or comply with any law or regulation. Under no circumstances will Customer take any actions in connection with its use of the Service that could result in any harm or damage to the network, any third party network(s), ShoreTel'

premises, any equipment of ShoreTel or any other ShoreTel customer.

5. Fraud. Customer agrees to notify ShoreTel promptly if it becomes aware of any fraudulent or unauthorized use of its account, Service, or Equipment. ShoreTel shall not be liable for any damages whatsoever resulting from fraudulent or unauthorized use of Customer's account and the payment of all charges to Customer's account shall be and remain the responsibility of Customer.

6. Service Levels. ShoreTel will use commercially reasonable efforts to minimize service disruptions and outages. In the event of service disruptions or outages, Customer's sole remedy, and ShoreTel sole obligation, shall be to provide the service level credits and/or remedies for the applicable Service in accordance with the Service Level Agreement set forth on ShoreTel' customer support web site at: <https://www.shoretel.com/SLA>. ShoreTel may update the Service Level Agreement from time to time upon notice to Customer.

7. E911 Service. By use of the Service, Customer acknowledges the limitations of E911 service as described in the E911 Policy found at: <https://www.shoretel.com/911-service>. Customer agrees and acknowledges that while some individual services offer access to E911 service, others may not. Customer is advised to thoroughly understand the Service and the options available. By accepting this Agreement, Customer acknowledges that it has received the information regarding the limitations of E911 services, understands them, and assumes the risks associated with the E911 limitations. ShoreTel may disclose to the FCC that Customer has acknowledged the E911 Disclosure by virtue of Customer having accepted this Agreement. ShoreTel may update the E911 Policy from time to time upon notice to Customer.

8. Equipment. If so indicated on any Order Form, ShoreTel may rent or sell certain equipment to Customer. Such equipment shall be listed on the Order Form and/or on any other form signed by Customer (such rented equipment the "Equipment"). Any Equipment rental or purchase shall be subject to the terms and conditions set forth in the Equipment Policy posted on ShoreTel's web site at: <https://www.shoretel.com/ERP>. Customer shall be solely responsible and liable for user's compliance with this Agreement and the proper use of the Equipment and the Services.

9. Confidentiality. As used herein, "Confidential Information" means all confidential information of a party ("Disclosing Party") disclosed to the other party ("Receiving Party") that is designated in writing as confidential as well as the terms and conditions of this Agreement. Confidential Information shall not include information which: (a) is known publicly; (b) is



End User Terms of Service

generally known in the industry before disclosure; (c) has become known publicly, without fault of the Receiving Party, subsequent to disclosure by the Disclosing Party; or (d) has been otherwise lawfully known or received by the Receiving Party. The Receiving Party shall not disclose or use any Confidential Information of the Disclosing Party for any purpose outside the scope of these Terms, except with the Disclosing Party's prior written permission. The Receiving Party agrees to keep confidential all Confidential Information disclosed to it by the Disclosing Party, and to protect the confidentiality thereof in the same manner as it protects the confidentiality of its own (at all times exercising at least a reasonable degree of care in the protection of Confidential Information). If the Receiving Party is compelled by law to disclose Confidential Information of the Disclosing Party, it shall provide the Disclosing Party with prior notice of such compelled disclosure (to the extent legally permitted) and reasonable assistance, at Disclosing Party's cost, if the Disclosing Party wishes to contest the disclosure. The Receiving Party agrees that monetary damages for breach of confidentiality hereunder may not be adequate and that, if necessary, the Disclosing Party shall be further entitled to seek injunctive relief.

10. Privacy Policy. Customer acknowledges and agrees that ShoreTel will provide the Services in accordance with the Privacy Policy posted on ShoreTel's website at <http://www.shoretel.com/privacypolicy>.

11. Resale. Customer represents and warrants that it will be the end user of the Services. Customer shall not in any way resell, license or permit or suffer any third party to use the Services without receiving ShoreTel's prior written consent.

12. Disclaimer of Warranties. Except as expressly provided herein, Customer acknowledges and agrees that the Services are provided on an "As Is", as available basis. Other than as expressly provided herein, ShoreTel DOES NOT MAKE, AND HEREBY DISCLAIMS, ANY AND ALL WARRANTIES OF ANY KIND, WHETHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR, NON-INFRINGEMENT OR TITLE TO THE MAXIMUM EXTENT PERMITTED BY LAW. ShoreTel does not warrant that the Services will meet the Customer's requirements or that the operation of the Services will be uninterrupted or error-free. Further, ShoreTel does not warrant that all errors in the Services can be corrected.

12.1 Disclaimer of Third Party Actions and Control. Customer acknowledges and agrees that ShoreTel does not and cannot control the flow of data between ShoreTel's network and Third Party Networks. Such flow depends on the performance of Third Party Networks and the services provided or controlled by third parties. Action or inactions caused by

these Third Party Networks can produce situations in which ShoreTel customers' connections may be impaired or disrupted. Although ShoreTel will use commercially reasonable efforts to remedy and avoid such events, ShoreTel cannot issue any warranties over these Third Party Networks or any disruptions that may occur. THEREFORE, WITHOUT LIMITING THE GENERALITY OF SECTION 12 ABOVE, SHORETEL DISCLAIMS ANY AND ALL LIABILITY RESULTING FROM OR RELATED TO THE PERFORMANCE, NONPERFORMANCE OR INCORRECT PERFORMANCE OF THIRD PARTY NETWORKS.

13. Limitation of Liability IN NO EVENT SHALL EITHER PARTY BE LIABLE FOR ANY INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL, PUNITIVE OR EXEMPLARY DAMAGES HOWEVER CAUSED AND WHETHER IN CONTRACT, TORT OR UNDER ANY OTHER THEORY OF LIABILITY, WHETHER OR NOT THE PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES INCLUDING, WITHOUT LIMITATION, LOSS OF BUSINESS, LOST PROFITS OR REVENUE. UNDER NO CIRCUMSTANCES WILL SHORETEL BE RESPONSIBLE FOR ANY DAMAGE, LOSS OR INJURY RESULTING FROM HACKING, TAMPERING OR OTHER UNAUTHORIZED ACCESS OR USE OF THE SERVICE OR YOUR ACCOUNT OR THE INFORMATION CONTAINED THEREIN. SHORETEL'S AGGREGATE LIABILITY FOR DAMAGES HEREUNDER SHALL NOT EXCEED THE TOTAL AMOUNT OF SERVICE FEES PAID AND/OR DUE BY THE CUSTOMER. Because some states and jurisdictions do not allow limitation of liability in certain instances, portions of the above limitation set forth in this section may not apply to Customer. However and notwithstanding the provisions of this Section 13, the parties agree that neither party will be liable for breach-of-contract damages that the breaching party could not reasonably have foreseen on entry into this Agreement. No action against either party arising out of these Terms may be brought by the other party more than one year after the cause of action has arisen.

14 ShoreTel's Indemnification of Customer. Indemnification. ShoreTel agrees to indemnify and hold the City of Orange harmless and against any and all liability and expenses, including defense costs and legal fees, caused by negligent or wrongful act or omission of ShoreTel, its agents, officers and employees, including, but not limited to personal injury, death, and property damage.

14.1 Customer's Indemnification of ShoreTel. The Customer agrees to indemnify and hold ShoreTel harmless against any loss, damage or costs (including reasonable attorney's fees) incurred in connection with Claims made or brought against ShoreTel by a third party arising from or relating to: (i) any act, error, omission, fault, negligence, or misconduct of Customer or any user of the Service or Equipment; (ii) Customer's material breach of the Rules of Use; (iii) any claim by any



End User Terms of Service

employee or invitee of Customer or user other than a claim based on the gross negligence or willful misconduct of ShoreTel; (iv) any claim by any customer of Customer, User, or any other third party relating to, or arising from, Customer's use of the Services or Equipment; or (v) violation of any law or regulation by Customer, any User, or any Customer employee, contractor, or agent.

14.2 Mutual Provisions. Each party's indemnity obligations are subject to the following: (i) the aggrieved party shall promptly notify the indemnifier in writing of the Claim; (ii) the indemnifier shall have sole control of the defense and all related settlement negotiations with respect to the Claim (provided that the indemnifier may not settle or defend any Claim unless it unconditionally releases the aggrieved party of all liability); and (iii) the aggrieved party shall cooperate fully to the extent necessary, and execute all documents necessary for the defense of such Claim.

15. Force Majeure. Neither party will be liable for any failure or delay in its performance under the Agreement, due to any cause beyond its reasonable control, including any act of war, act of God, earthquake, flood, embargo, riot, sabotage, terrorist attack, cyber-attack (hacking and DDOS), acts of public enemies, civil disturbances or general restraint or arrest of government and people, boycott, strike (including a general strike), lockout or other similar industrial disturbance, service interruption by a telecommunications services provider, or connectivity delays with internet providers outside of ShoreTel's reasonable control, provided that the delayed party (a) gives the other party prompt notice of such cause and (b) uses reasonable commercial efforts to correct promptly such failure or delay in performance.

16. No Lease. Except as otherwise provided herein, the Agreement is a services agreement and is not intended to and will not constitute a lease of any real or personal property. In particular, Customer acknowledges and agrees that Customer has not been granted any interest whatsoever (leasehold or otherwise) in any premises, real or personal property, equipment or servers of ShoreTel or in any personal property or server space leased by ShoreTel (except for the Equipment rental), and Customer has no rights as a tenant or otherwise under any real property or landlord/tenant laws, regulations, or ordinances.

17. Government Regulations. Customer will not use the ShoreTel network or the Services to export, re-export, transfer, or make available, whether directly or indirectly, any regulated item or information to anyone outside the U.S. without first complying with all export control laws and regulations which may be imposed by the U.S. Government and any country or organization of nations to whose jurisdiction Customer is subject.

18. Assignment. Customer may not assign its rights or delegate its duties under the Agreement either in whole or in part without the prior written consent of ShoreTel, except to a party that acquires all or substantially all of Customer's assets as part of a corporate merger or acquisition. The Agreement will bind and inure to the benefit of each party's successors and permitted assigns.

19. Notices. Notices regarding the following may be posted on ShoreTel website: (i) modifications, impositions or increases to regulations and Fees; (ii) new or modified documentation, including but not limited to ShoreTel Service Level Agreement, Privacy Policy and other internal documents; (iii) changes to rates, other than those affecting Customer under this Agreement; and (iv) new Services and information. The changes will become effective and will be deemed accepted by Customer, (a) immediately for those Customers who purchase the Services after the updated version is published on ShoreTel's website, or (b) for those having pre-existing accounts, the updated Terms of Service will be deemed effective with Customer's continued use of the Service. Notices regarding: (a) material changes to this Agreement; (b) internal or external changes materially impacting ShoreTel's ability to do business; (c) breach; (d) termination; or (e) any other material information required to be in writing, will be in writing and deemed to have been given if delivered personally, by confirmed email or facsimile, or on the third day after mailing by first-class, registered or certified mail, postage prepaid to either Party at the addresses given above in the heading to this Agreement or to such other address as a Party may, from time to time, designate by notice to the other Party.

20. Choice of Law and Disputes. The Agreement will be governed by and construed in accordance with the laws of the State of California excluding conflict of law principles. In the event of any controversy or claim arising from or related to this Agreement, its performance or interpretation, the parties, in good faith, will initially attempt to resolve the dispute between them, by alternative dispute resolution before a certified mediator agreed upon by both parties. If mediation fails to resolve the dispute, either party may seek relief to a state or federal court with proper venue and jurisdiction to adjudicate the dispute.

21. Entire Agreement. The Proposal, these Terms of Service, and any Order Form(s) issued hereunder represent the complete agreement and understanding of the parties with respect to the subject matter hereof and supersede, to the extent of any conflict, any other agreement or understanding, written or oral, between the parties with respect to the subject matter hereof. In the event of an inconsistency between the terms and conditions of the Order Form, these



End User Terms of Service

Terms of Service and the Order Form(s) now or hereafter appended hereto, the terms of the Order Form shall govern. Both parties represent and warrant that they have full corporate power and authority to execute and deliver each Order Form and to perform their obligations under the Agreement and that each person whose signature appears on the Proposal, these Terms of Service (if applicable) and any

Order Form is duly authorized to execute such document on behalf of the respective party.

22. Surviving Provisions. The parties agree that any limitations of liability, exclusions, and disclaimers of warranties and indemnification obligations are essential to the parties' entering into this Agreement; will survive the termination of the Agreement and will apply even if the Agreement is found to have failed of its essential purpose.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SHORETEL FOR HOSTED VOIP PHONE SERVICE FOR ALL DEPARTMENTS WITHIN THE CITY OF ORANGE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE, TEXAS:

That the City of Orange will enter into a contract with ShoreTel. ShoreTel is a provider of business communication using Voice over IP technology. This service will transfer most existing AT&T lines into ShoreTels' cloud service which will eliminate costly equipment, maintenance contracts, and long distance charges.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the contract with ShoreTel for hosted VoIP phone services.

PASSED, APPROVED and ADOPTED on this the 26th day of April 2016.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

APPROVED:

City Attorney

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE EMERGENCY MANAGEMENT COORDINATOR TO AMEND ANNEX P (HAZARD MITIGATION PLAN) TO INCLUDE THE FOLLOWING LANGUAGE IN ORDER TO PURSUE AN OPTION OF AN ELEVATION PROJECT.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE, TEXAS
ADD THE FOLLOWING TO THE HAZARD MITIGATION ACTION PLAN:**

Mitigation Action Item 11: Elevate floodprone/repetitive loss homes.

| | |
|---------------------------|--|
| Hazards Addressed | Flood, Dam Failure |
| STAPLE-E Summary | Social, technical, economic, environmental and administrative benefits |
| State Funding Priority | Yes (Elevation) |
| Estimated Cost: | \$100,000- 500,000 |
| Implementation Schedule | 24 months |
| Coordinating Agency | City of Orange, Emergency Management, Floodplain Administration |
| Potential Funding Sources | HMGP, RFC, SRL, FMA, PDM |

Mitigation Action Item 12: Conduct Mitigation Reconstruction projects for floodprone/repetitive loss homes.

| | |
|---------------------------|--|
| Hazards Addressed | Flood, Dam Failure |
| STAPLE-E Summary | Social, technical, economic, environmental and administrative benefits |
| State Funding Priority | Yes (Elevation) |
| Estimated Cost: | \$150,000- 200,000 |
| Implementation Schedule | 24 months |
| Coordinating Agency | City of Orange, Emergency Management, Floodplain Administration |
| Potential Funding Sources | HMGP, RFC, SRL, FMA, PDM |

BE IT FURTHER RESOLVED that the City Manager and the Emergency Management Coordinator are hereby authorized to execute the necessary documents to implement this change to the Hazard Mitigation Action Plan.

PASSED, APPROVED and ADOPTED on this the 26th of April 2016.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

APPROVED:

City Attorney

MOTION

Motion approving the Orange Economic Development Corporation's motion of intent to enter into an agreement with Bates & Co., Inc. and The HT Group for the expenditure of funds for infrastructure improvements at 707 W. Front Avenue, Orange, Texas in an amount not to exceed \$60,000.00 for the purpose of economic development.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

April 26, 2016

MOTION

Motion acknowledging the review and adoption of the City of Orange, Identity Theft Prevention Program.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

_____, 2016

City of Orange, Texas
Identity Theft Prevention Program – April 2016
Water, Sewer and Garbage Utilities

The Federal Trade Commission has adopted rules relating to identity theft and “red flags” pursuant to the Fair and Accurate Credit Transaction (FACT) Act of 2003. The City of Orange Identity Theft Prevention Program is designed in accordance with the FACT Act of 2003 and goes into effect November 1, 2008

This program is intended to identify red flags that will alert our employees when new or existing accounts are opened using false information, protect against the establishment of false accounts, methods to ensure existing accounts were not opened using false information, and measures to respond to such events.

A. Contact Information:

1. Sherry Jackson
Accounting Manager
409-883-1025
2. Ramie Howlett
Customer Service Manager
409-883-1065

B. The Governing Body Members of the City of Orange are:

- | | | |
|----|-------------------|------------------------------------|
| 1. | Jimmy Sims | Mayor |
| 2. | Patrick Pullen | Council Member District 1 |
| 3. | Dr. Wayne Guidry | Council Member District 2 |
| 4. | Essie Bellfield | Council Member District 3 |
| 5. | Mary McKenna | Council Member District 4 |
| 6. | Bill Mello | Council Member At Large Position 5 |
| 7. | Larry Spears, Jr. | Council Member At Large Position 6 |

C. Risk Assessment:

The City of Orange has conducted an internal risk assessment to evaluate how at risk the current procedures are at allowing customers to create a fraudulent account and evaluate if current (existing) accounts are being manipulated. This risk assessment evaluated how new accounts are opened and the methods used to access the account information. Using this information the City was able to identify red flags that were appropriate to prevent identify theft. The present methods for establishing and/or assessing account information are:

City of Orange, Texas
Identity Theft Prevention Program – April 2016
Water, Sewer and Garbage Utilities

1. New accounts are opened in person.
2. New accounts are opened via telephone.
3. New accounts are opened via fax.
4. Account information can be accessed in person.
5. Account information can be accessed via telephone (person).
6. Account information can be accessed via the internet.
7. Account information can be accessed by email.

D. Detection (Red Flags):

The City of Orange adopts the following red flags to detect potential fraud. These are not intended to be all-inclusive and other suspicious activity may be investigated as necessary.

1. Identification documents appear to be altered.
2. Photo and physical description do not match information provided by applicant.
3. Other information is inconsistent with information provided by applicant.
4. Other information provided by applicant is inconsistent with information on file.
5. Application appears altered or destroyed and reassembled.
6. Personal information provided by applicant does not match other sources of information.
7. Social Security number, address or telephone number is the same as that of other customer at utility.
8. Customer fails to provide all information requested.
9. Personal information provided is inconsistent with information on file for a customer.
10. Applicant cannot provide information requested beyond what could commonly be found in purse or wallet.

E. Responses to Red Flags:

Any employee that may suspect fraud or detect a red flag will implement the following response as applicable. All detections or suspicious red flags shall be reported to the management officials.

1. Ask applicant for additional documentation.
2. Notify management. Any City employee who becomes aware of a suspected or actual fraudulent use of a customer or potential customers identity must notify the Customer Service Manager or Director of Finance.
3. Do not open the account.
4. Close the account.
5. Do not attempt to collect against the account, but notify authorities.

City of Orange, Texas
Identity Theft Prevention Program – April 2016
Water, Sewer and Garbage Utilities

F. Personal Information Security Procedures

The City of Orange adopts the following security procedures:

1. Paper documents, files and electronic media containing secure information will be stored in file cabinets. File cabinets will be stored in area with controlled access (pass card).
2. Only specially identified employees with a legitimate need will have access to the room and cabinets.
3. Files containing personally identifiable information are kept in room with controlled access (pass card).
4. Employees will not leave sensitive papers out on their desks when they are away from their workstations.
5. Employees store files when leaving their work areas.
6. Employees log off their computers when leaving their work areas.
7. Computer passwords are required.
8. User names and passwords will be different.
9. Passwords will not be shared or posted near workstations.
10. Paper documents that have been scanned into digital media on the City's computer software system will then be shredded.
11. When installing new software, immediately change vendor-supplied default passwords to new secure passwords.
12. The computer network will have a firewall where the network connects to the Internet.
13. Check references and do background checks before hiring new employees who will have access to sensitive data.
14. New employees sign an agreement to follow the City's Identity Theft Prevention Program for handling sensitive data.
15. Procedures exist for making sure that workers who leave City employment, or transfer to another department, no longer have access to sensitive information.
16. Employees will be alert to attempts at phone phishing.
17. Employees who violate security policy are subjected to discipline, up to and including dismissal.
18. Paper records will be shredded before being placed into the trash.
19. Paper shredders will be available in the office.
20. Any data storage media will be disposed of by shredding or punching holes.
22. The City will implement a regular schedule of employee training on identity theft prevention and security standards.

City of Orange, Texas
Identity Theft Prevention Program – April 2016
Water, Sewer and Garbage Utilities

23. Anti-virus and anti-spyware programs will be run on individual computers on a consistent time table.

F. Identify Theft Prevention Program Review and Approval

The City will review the plan on an annual basis for effectiveness of the policies and procedures.

This plan has been reviewed and adopted by the City of Orange, City Council. Appropriate employees will be trained on the contents and procedures of this Identity Theft Prevention Program.

Adopted:

City of Orange, Texas

Jimmy Sims, Mayor

Date

Orange Economic Development Corporation
Investment Report - Quarter Ended March 31, 2016

| CD | Original Purchase Cost | Accrued Book Value | Present Market Value | Maturity Value | Purchase Date | Maturity Date | Yield % | Earnings | Annualized Earnings | Term Days | Days to Maturity |
|--------------|------------------------|--------------------|----------------------|-------------------|---------------|---------------|----------------|---------------|---------------------|------------|------------------|
| | 245,000.00 | 245,000.00 | 245,000.00 | 245,735.00 | 13-Aug-15 | 13-Aug-16 | 0.3000% | 735.00 | 735.00 | 365 | 135 |
| Total | 245,000.00 | 245,000.00 | 245,000.00 | 245,735.00 | | | 0.3000% | 735.00 | 735.00 | 365 | |

| Investment Activities 12/31/2015 - 03/31/2016 | |
|---|--------------|
| Prior Balance | \$245,000.00 |
| Investment Purchases | 0.00 |
| Investment Maturities | 0.00 |
| Ending Balance | \$245,000.00 |

| | 03/31/2016 | 12/31/2016 |
|--|----------------|----------------|
| Quarter Ending Information | | |
| Investment Purchase Cost | \$245,000.00 | \$245,000.00 |
| Accrued Book Value | \$245,000.00 | \$245,000.00 |
| Present Market Value | \$245,000.00 | \$245,000.00 |
| Maturity Value | \$245,735.00 | \$245,735.00 |
| Earnings on Investments at Maturity | \$735.00 | \$735.00 |
| Annualized Earnings | 365 | 365 |
| Average Length to Maturity | 0.3000% | 0.3000% |
| Average Rate of Return | \$0.00 | \$0.00 |
| Quarterly Trust Fee (\$2,500 Annually) | 0.300% | 0.300% |
| Annualized Rate of Return - Net | \$2,840,877.96 | \$2,799,511.19 |
| Cash Balance and CD's - EOQ | \$2,808,247.35 | \$2,629,031.59 |
| Collateral Pledged (Market) - EOQ | \$857.30 | \$985.03 |
| Quarterly Interest Earned on Checking | \$2,624,345.79 | \$2,421,968.40 |
| Average Monthly Cash Balance | \$3,438.62 | \$3,908.00 |
| Average Annualized Earnings on Checking | 0.1310% | 0.1614% |
| Average Annualized Rate on Checking | 0.1455% | 0.1741% |
| Annualized Rate of Return - Adj for Checking | | |
| Type Breakdown: | | |
| Treasury Bills | \$0.00 | \$0.00 |
| Government Agencies | \$0.00 | \$0.00 |
| Certificates of Deposit | \$245,000.00 | \$245,000.00 |
| Issuer Breakdown: | | |
| US Treasury Bills | \$0.00 | \$0.00 |
| FHLDN | \$0.00 | \$0.00 |
| FMDN | \$0.00 | \$0.00 |
| Certificates of Deposit | \$245,000.00 | \$245,000.00 |
| Maturity Breakdown: | | |
| Less Than 90 Days | \$0.00 | \$0.00 |
| 90 to 180 Days | \$0.00 | \$0.00 |
| 181 to 365 Days | \$245,000.00 | \$245,000.00 |

The Orange Economic Development Corporation is currently in compliance with the Public Funds Investment Act. The EDC Board will continue to receive quarterly investment reports.

Submitted by: 
Shawn Oubre, City Manager


Gail English, Director of Finance


Sherry Jackson, Accounting Manager

MOTION

Motion acknowledging receipt of the Orange Economic Development Corporation Investment Report for the quarter ending March 31, 2016.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

_____, 2016

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

Table of Contents

| <u>Section</u> | | <u>Page No.</u> |
|-----------------------|---|------------------------|
| I | General | 1 |
| II | Charter Provisions | 2 |
| III | Buy Orange First | 3 |
| IV | Finance Department - Purchasing Function | 4 |
| V | City Secretary's Office - Bidding Function | 5 |
| VI | Types of Purchases | 6 |
| VII | Purchasing Authority | 7 |
| VIII | Petty Cash Purchases | 8 |
| IX | Purchases by Credit Card - Less than \$3,000 | 9 |
| X | Purchases by Purchase Order - Less than \$3,000 | 10 |
| XI | Purchase by Purchase Order - More than \$3,000 but less than \$50,000 | 12 |
| XII | Purchase Order - Additional Information | 14 |
| XIII | Bid Items - \$50,000 or more | 15 |
| XIV | Advertisements for Competitive Sealed Bids or Proposals | 18 |
| XV | Identical Bids | 19 |
| XVI | Contracts for Professional Services | 20 |
| XVII | Texas House Bill 1295 | 21 |
| XVIII | Emergency Purchases | 22 |
| XIX | Purchases under Interlocal Cooperative Act | 23 |
| XX | Invoice/Delivery Tickets/Sales Receipts | 24 |
| | Glossary - Expenditure Object Codes | 25 |

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

I. General

Purchasing, or procurement, obtains needed goods or services and replenishes supplies; starts with some recognition of needs for goods and services; and responds to department needs. The needs must be recognized in advance so funds can be budgeted. This is the responsibility of the Department Head (or his designee), but his responsibility does not end here since he must also notify purchasing when the budgeted goods and services are needed and cooperate in formulating specifications and needed quantities.

A good purchasing program provides for proper completion of each purchase. This includes the receiving of goods and services, checking invoices, approving payment, and making proper records. The objective can only be accomplished through the cooperation of all City employees and compliance with the policies and procedures outlined in this manual. The Finance Department objective is to assure that purchases are processed in a timely manner that on the one hand assure a steady supply of goods and services to the departments and also assure that all applicable laws, policies and procedures are followed.

It is the goal of the City to obtain the best possible goods and services, in the proper quantities, at the most economical price. The final selection of a vendor is therefore dependent on product price, delivery time and quality.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

II. Charter Provision

Section 6.10 Purchases, Sales and Contracts

“All purchases made, and contracts entered into, by the City and all sales, exchanges or other dispositions of property of any kind or character owned by the City, shall be accomplished pursuant to the requirements and procedures of the constitution and laws of the State of Texas, and any ordinance, resolution or motion by the City Council not inconsistent with such constitution and laws.”

The City’s purchasing policies and procedures are written to be general guidelines for use by the various departments of the City and as such they can not cover every situations that may arise. We must also be aware that the State laws and regulations upon which this information was based may change from time to time. As such these policies and procedures are general and any situations that are not covered should not be assumed to be without regulation.

Any questions about a specific area of purchasing or situations that arise in purchasing should be directed either to the Finance Department or Office of City Secretary.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

III. City Code of Ordinances - Buy Orange First

The Code of Ordinances of the City of Orange, Chapter 8 Personnel and Administration , Article 8.2200 Buy Orange First, establishes the promotion of local vendors through Buy Orange First.

The article sets out the parameters to be followed for Buy Orange First. A copy of the article is attached to this purchasing policy. All departments are responsible for following the rules pertaining to “Buy Orange First” established under the article.

“Chapter 8, Article 8.220, Section 1. Declaration of Policy

(a) It is the policy of the city to use the City’s spending powers in a manner that promotes fiscal responsibility and maximizes the effectiveness of local tax dollars by ensuring a portion of citizens’ tax dollars remain in the local economy for economic benefit of the citizens by utilizing all available legal opportunities to contract with city and or local businesses.

(b) It is the policy of the city to place an affirmative duty on city departments to grant a preference to city and or local businesses unless doing so would be clearly contract to the best interest of the city.

© It is the policy of the city to achieve the policy goal in subsection (a) above by utilizing all permissible tools.

(d) Nothing in the article prohibits the city from rejecting all quotes.”

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

IV. Finance Department - Purchasing Function

The Finance Department directs the City's purchasing activities and has the following general duties:

1. Assure that the policies and procedures as outlined in this manual are used to conduct the purchasing activity of the City in an honest and impartial manner.
2. Work and cooperate with all Departments in securing needed supplies, materials and contractual services for the City with the objective of obtaining the most suitable goods and services, in the proper quantities, at the most economical prices.
3. Assure the ordering department has budgeted funds to make the purchases being requested. If funding is not available with the departmental budget it will be the responsibility of the Department to take additional steps. These steps are outlined in the following sections.
4. Work with other governmental entities in cooperative purchasing plans, when it is in the best interest of the City.
5. Keep informed of any changes in the state purchasing laws and assure that the various Departments are informed of any changes affecting the purchasing function.
6. Keep informed of current developments and research in the field of purchasing by other governmental agencies, as well as by private enterprises.
7. Promote the practicality of quantity purchases, when economic price breaks, inventory and discounts are available.
8. Investigate any suspected irregularities in the purchasing function. This would include bidders, suppliers and City employees.
9. Assure that items requiring the bid procedure are properly directed to the City Secretary's Office.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

V. City Secretary's Office - Bidding Function

The City Secretary directs the City's bidding activities and has the following general duties:

1. Assure the policies and procedures as outlined in this manual and State Purchasing Laws are followed. To assure that the bidding activity of the City is conducted in an honest and impartial manner to encourage competitive bidding and attract reputable suppliers.
2. Conduct the bidding activities in such a way that bidders:
 - a. will be aware of the fairness of the award
 - b. will be encouraged to continue bidding, and
 - c. will furnish competition to assure the City of the highest quality merchandise at the lowest possible cost.
3. Handle the coordinating of the bidding procedure with the various departments.
4. In competitive bidding there are other factors besides the price that is sometimes considered. The City of Orange will reserve the right to accept or reject any or all parts of a bid and accept the offer considered advantageous to the City.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

VI. Types of Purchases

Listed below are the different categories of purchases conducted by the City. This will give you a brief description of the purchase type and the forms that you will need. A more detailed description of the procedure and sample form can be found later in this manual.

| <u>Type</u> | <u>Authorization</u> | <u>\$Limit</u> | <u>Form</u> | <u>Used For:</u> |
|---------------------------------|-----------------------------|------------------------------|---|--|
| Petty Cash | Department Head | \$10 | Petty Cash Reimbursement Form | Purchase of non routine items and small expendable supplies |
| Routine Purchases - Credit Card | Department Head | Less than \$3,000 | Purchase Order Entry after Credit Card Purchase | Purchase of items that are needed to complete a job or are needed for immediate use. Also used for pre approved travel related expenses. |
| Routine Purchases | City Manager | Less than \$3,000 | Purchase Order Entry | Routine purchases of supplies or equipment. Must go through formal purchase order system. |
| Routine Purchases | City Manager | Between \$3,000 and \$50,000 | Purchase Order Entry | Routine purchases over \$3,000 but less than \$50,000 require that the City contact at least two disadvantaged HUB businesses (within Orange County) on a rotating basis. |
| Bid Items | Council Approval | \$50,000 or more | Competitive Bid | State law requires that purchases with a dollar value of \$50,000 or more require formal, competitive bids. This includes the yearly bids on supplies by some departments. (See section on Bid Procedure for specific exclusions.) |
| Bid Items-High Technology | Council Approval | \$50,000 or more | Competitive Proposal | Alternative method of purchasing high-technology items. (See section on High Technology for specific items.) |

**City departments making purchases funded from Federal funds, Federal grants or from the American Recovery and Reinvestment Act of 2009 shall assure that any vendor, whether payment be provided under small purchases or through a formal bid process and contract, be searched for debarment, suspension, or coded violations on the federal website for excluded parties: <http://www.epls.gov/>.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

VII. Purchasing Authority

The City has an established purchasing system that issues computerized purchase orders. This system goes through several check steps to assure that any purchases comply with state law, purchasing policies and procedures, any related city ordinances and budget limitations. It is possible for a purchase to be within state law, but at the same time be above the authorized budget for a specific department.

The Department Head or designated personnel have the authority to submit purchase orders through the City's computerized purchase order system; no one has the authority to enter into a contract for goods or services without having final approval of the purchase order from the Finance Department.

The only exceptions are for petty cash items or emergency purchases made during or after normal working hours to keep necessary equipment or machinery in operation; or to avoid work stoppage. (See separate section of emergency purchases.)

The City will not be responsible for goods or services delivered without a purchase order, unless it is an item meeting the exceptions above.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

VIII. Petty Cash Purchases

The primary function of petty cash is to reimburse City employees for small purchases made on behalf of the City. Petty Cash expenditures are to be limited to \$10.00.

It shall be the responsibility of the Department to check their budget, prior to petty cash being issued, to assure there are sufficient funds for the purchase to be made.

Each expenditure of petty cash must be supported by a petty cash form and supported by a paid receipt. Each department, that has a petty cash fund, will assign an employee to be responsible for the fund. That individual must assure that the proper documentation is attached to each reimbursement and that the documentation has been signed by the Department Head. No tax will be reimbursed to any person using petty cash. A tax exempt form is available from the Finance Department.

Petty Cash should never be used for travel related expenses. These expenses must be reported on the appropriate travel form.

Petty Cash Procedure:

1. Department should authorize, in advance, employees allowed to make cash purchases from petty cash.
2. An authorized employee makes a cash purchase and obtains a receipt.
3. The employee then completes a petty cash request with the appropriate information.
4. The request will then be submitted (in person) to the employee in charge of the petty cash fund. If the request is properly filled out and a receipt is attached they will disburse the funds to the person submitting the request.
5. The employee receiving the reimbursement must sign to acknowledge receipt of the money.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

IX. Routine Purchases - Credit Card

The primary function of the use of credit cards is to pay for items needed to complete a job or needed on an immediate bases. Credit cards may also be used for travel related expenses. The travel must be pre approved by the Department Head and City Manager and supported by the appropriate travel form. Credit card use is limited to less than \$3,000.

Credit cards are typically issued to Department Heads. They may also be issued to Division Supervisors as required. The issue for a credit card must be approved by the City Manager. The Finance Department coordinates the issuance of credit cards.

It shall be the responsibility of the Department to check their budget, prior to a credit card being used, to assure there are sufficient funds for the purchase to be made. No tax will be reimbursed to any person using a credit card. A tax exempt form is available from the Finance Department.

The department will enter the purchase order into the City's computer system. The purchase order will then go through the formal approval process within the system. One person will enter the purchase order, approve and send on to the next person in line for approval. Typically the next person to approve is the Division Supervisor and then it goes to the Department Head. Any documentation that you have should be scanned and attached to the purchase order with the system. Please enter note information where necessary to give all the detail necessary for the approval process.

Credit Card Procedure:

1. Departments should authorize in advance any Division Supervisor who requires a credit card.
2. The credit card holder assure that there are sufficient fund within their budget line item.
3. The credit card holder makes a purchase and obtains a receipt.
3. The credit card purchase is entered into the City's computerized purchase order system. Receipts must be attached as documents.
4. The purchase order is approved by the department and goes through the full approval process.
5. After purchase order is approved it is held within the computer system for payment of the credit card statement on a monthly basis.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

X. Purchases by Purchase Order - Less than \$3,000.00

Routine purchases of supplies and equipment by purchase order. These purchases must go through the formal purchase order system with the City's computer system.

The department will enter the purchase order into the City's computer system. The purchase order will then go through the formal approval process within the system. One person will enter the purchase order, approve and send on to the next person in line for approval. Typically the next person to approve is the Division Supervisor and then it goes to the Department Head. Any documentation that you have should be scanned and attached to the purchase order with the system. Please enter note information where necessary to give all the detail necessary for the approval process.

It is suggested that at least three vendors be contacted to assure that the City is receiving the lowest possible price. This is not necessary in the case where (1) annual bids are already in place or (2) where only one vendor supplies the product. If you are using a new vendor please make sure they know the City is tax exempt. The Finance Department will mail a tax exempt certificate to any new vendor.

Never tell a vendor you are ordering an item unless you have an approved purchase order within the City computer system. The City is not responsible for the purchase of an item(s) without having issued a Purchase Order.

Purchase Order Procedure:

1. The Department recognizes a need for supplies or equipment.
2. The Department will enter the purchase order information into the City's computerized purchase order system.
 - a. Enter all required information into the City's computerized purchase order system.
 - b. Scan and attach any related documents.
 - c. Scan and attach any quote documents. Three quotes are suggested.
 - d. Enter any additional information regarding the purchase into the note section.
 - d. Approve the purchase order within the computer system.
 - e. Purchase order will automatically be forwarded to the next person in the system.
3. The purchase order system checks unencumbered account balances and purchase limitations. If the Department has sufficient funds in the account and all purchase dollar limitations are met then a computerized Numeric Purchase Order is generated.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

5. The Finance Department will place the order. (Unless the Department has made other arrangements.)
6. The Vendor will deliver the item(s) to the location specified. The employee receiving the item(s) should sign the receiving slip. It is very important that all paperwork be retained. This is the proof that the City received the item(s).
7. The Department will then enter the receipt of goods into the City's purchase order system. Forward the signed receiving slip or acknowledgment of the Purchase Order to the Finance Department.
8. The invoice will be mailed to the Finance Department. If the Department receives any MSDS (Material Safety Data Sheets) sheets copies of each sheet should be turned into Finance.
8. Finance will verify the invoice with the receiving slip or acknowledgment. If all items are in order, the invoice will be processed for payment.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

XI. Purchases by Purchase Order - More Than \$3,000 But Less than \$50,000

Routine purchases of supplies and equipment by Purchase Order form. These purchases must go through the formal purchase order system.

Under State Purchasing Law, routine purchases over \$3,000 but less than \$50,000 require that the City contact at least two disadvantaged businesses (supplying the item(s) within Orange County) on a rotating basis. A list of HUB (Historically Underutilized Businesses) vendors is available in the Finance Department. If there are no HUB vendors for a particular item(s) within Orange County it should be noted on the bottom of the purchase order form. If you are using a new vendor please make sure they know the City is tax exempt. The Finance Department will mail a tax exempt certificate to any new vendors.

It is suggested that at least three vendors be contacted to assure that the City is receiving the lowest possible price. These three vendors could include HUB vendors contacted if applicable. This is not necessary in the case where (1) annual bids are already in place or (2) where only one vendor supplies the product.

Never tell a vendor you are ordering an item unless you have received a purchase order from the Finance Department. The City is not responsible for the purchase of an item(s) without having issued a Purchase Order.

Purchase Order Procedure:

1. The Department recognizes a need for supplies or equipment.
2. The Department will enter the purchase order information into the City's computerized purchase order system.
 - a. Enter all required information into the City's computerized purchase order system.
 - b. Scan and attach any related documents.
 - c. Scan and attach any quote documents. Three quotes are suggested. Check availability of HUB vendor.
 - d. Enter any additional information regarding the purchase into the note section.
 - d. Approve the purchase order within the computer system.
 - e. Purchase order will automatically be forwarded to the next person in the system.
3. The purchase order system checks unencumbered account balances and purchase limitations. If the Department has sufficient funds in the account and all purchase dollar limitations are met then a computerized Numeric Purchase Order is generated.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

5. The Finance Department will place the order. (Unless the Department has made other arrangements.)
6. The Vendor will deliver the item(s) to the location specified. The employee receiving the item(s) should sign the receiving slip. It is very important that all paperwork be retained. This is the proof that the City received the item(s).
7. The Department will then enter the receipt of goods into the City's purchase order system. Forward the signed receiving slip or acknowledgment of the Purchase Order to the Finance Department.
8. The invoice will be mailed to the Finance Department. If the Department receives any MSDS (Material Safety Data Sheets) sheets copies of each sheet should be turned into Finance.
8. Finance will verify the invoice with the receiving slip or acknowledgment. If all items are in order, the invoice will be processed for payment.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

XII. Purchase Orders - Additional Information

An effective purchasing system must be based on a notice to buy and this is accomplished through the purchase order. Purchase orders must be prepared far enough in advance of the actual need to allow for processing and delivery.

The approval of purchase orders are electronic within the purchase order system. Each Department or Division can have multiple levels of approval. The normal levels of approval are (1) approval by the employee who enters the purchase into the system, (2) approval by the Division Supervisor, (3) approval by the Department Head, (4) approval by Purchasing within the Finance Department, (5) approval by the Director of Finance and (6) approval by the City Manager.

It is also the responsibility of the Department Head to notify the Finance Department if anyone in the chain of approval is to be out of the office for an extended length of time. Adjustments can be made to the levels of approval in these cases.

Purchase orders must be as complete as possible. Please fill out all sections of the purchase order within the system. Attach all documentation that you have available and make additional notes to assist with the approval process.

Please remember the next person approving the purchase order will not have a physical document to review. They will be relying on the information you have entered into the system and the documents you have attached.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

XIII. Bid Items - \$50,000 or more

State law requires that purchases of \$50,000 or more require competitive sealed bids or proposals. Except for insurance contracts of \$5,000 or over from one or more fund which must be bid.

Competitive proposals may be used only for high-technology purchases.

The following items are exempt from the State bidding requirements:

1. items purchased in case of public calamity to relieve the needs of the citizens or to preserve city property;
2. items to preserve or protect the public health or safety of the residents of the city;
3. items necessary because of unforeseen damage to public property;
4. personal or professional services
5. work paid for on a daily basis (day labor);
6. land or right-of-way;
7. items available from only one source, such as patented, copyrighted, natural monopoly, or secret process items, films, manuscripts, or books, electric power, gas, or other utilities, books, papers, other library materials subject to exclusive distribution rights, and management services provided by a non-profit organization to a municipal museum, park, zoo, or other facility which the organization has financially or otherwise supported;
8. rare books, papers and other library materials for a public library;
9. paving, street widening and other public improvements where at least one-third of the costs are paid by special assessments;
10. a public improvement project which has been authorized but for which there is a deficiency of funds to complete in accordance with the plans as authorized;
11. a payment under a contract by which a developer participates in the construction of public improvement under Subchapter C, Chapter 212;
12. personal property sold at a public auction by a licensed auctioneer, or sold at a going out of business sale, or sold by another political subdivision of the state, a state agency or the federal; government; and
13. services performed by blind or severely disabled persons.

The State law states that any separate, sequential or component purchases used to go around the competitive bidding requirements do not in fact keep the City from having to meet to comply with competitive bids or proposals.

The Office of the City Secretary is responsible for the coordination of all bid activities of the City. The City of Orange bidding procedure is outlined as follows:

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

1. Technical Specifications - Bid specifications should be forwarded to the City Secretary. Specifications are explicit descriptions of the article or articles to be purchased. All specifications must be written to invite competition and not “closed” so that only one manufacturer or brand can meet the requirements.
2. Vendor Mailing List - The Department should supply a vendor mailing list to the City Secretary. The City Secretary maintains some vendor mailing lists on past projects. A list may be requested in advance for updating.
3. Contract - In some situations a contract is needed in addition to the resolution. For guidance the Department should look at the documentation of prior bids of this type. In these cases a sample contract can be worked up from prior situations. The Department should notify the City Secretary if they need a contract on a bid.
4. Advertising - In accordance with State Statute and any additional guidelines within State or Federal financial assistance programs.
5. Mailing - The bid packages are mailed out by the City Secretary.
6. Bid Opening - The bids will be opened in the Office of City Secretary at the date and time specified in the bid packages. As required by State law the bids will be publicly opened and read aloud.
7. Tabulation - Bid tabulation sheets will be prepared by the City Secretary and given to the corresponding Department Head. The originals and bid bonds will be retained by the City Secretary.
8. Recommendation - The Department Head will then submit a recommendation to the City Council to (1) either award the bid to the lowest responsible bidder or (2) reject all bids.
9. Notification - After the award of the bid the City Secretary will notify the unsuccessful bidders and return bid bonds. The Department Head (or designee) will notify the successful bidder of the bid award, purchase order number (see Number 10) and City contact employee on the project (if applicable).
10. Texas House Bill 1295 Requirements - Effective January 1, 2016, any contract approved by the City Council must comply with Texas House Bill 1295. Texas House Bill 1295 requires an electronic vendor certification. Please see the section of Texas House Bill 1295 for further information.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

11. Purchase Order - The Department will be responsible for submitting a purchase order to the Finance Department. The purchase order should be supported by the necessary council approval. The Finance Department will then issue a purchase order number to be used on the purchase.
12. Contract File - The Department Head (or designee) will be responsible for the execution of contract documents, making sure the property insurance certificate, payment bond, and performance bond are executed and all documents filed with the City Secretary in the Official Contract File.
13. Payments - The Department will be responsible for submitting any payments requests/invoices associated with the bid to the Finance Department. There the payment requests/invoices will be processed for payment in accordance with the bid.
14. Completion - The City Secretary will return the successful bidder's bid bond when authorized to do so by the Department Head.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

XIV. Advertising for competitive sealed bids or proposals

The City is required to advertise in a local newspaper as to our intent to accept sealed bids for goods and services that exceed \$50,000 in value. However, legal notices to bidders may be published from time to time for goods and services that are of a lesser amount.

State law requires that when advertising the notice must:

1. appear, in a newspaper published in the city, once a week for two consecutive weeks prior to the bid opening;
2. the first advertisement must appear at least 14 days before the bid opening;
3. must contain notice of date and time when bid will be publicly opened and read aloud;
4. and give general specifications for machinery if for the purchase of road maintenance or construction machinery.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

XV. Identical Bids

If the City received lowest and best bids from two or more responsible bidders that are identical in amount or substance then the following procedure will be used to select the bidder to be awarded the bid:

1. If only one of the low/responsible bidders resides in the City then that bidder shall be awarded the bid.
2. If one or more of the low/responsible bidders reside in the City then lots shall be drawn to award the bid.
3. If none of the low/responsible bidders reside in the City then lots shall be drawn to award the bid.
4. In all cases the bid shall be awarded to one of the low responsible bidders.

The method of drawing lots shall be directed by the Mayor or Council in a public meeting.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

XVI. Contracts for Professional Services

Professional services are services performed by:

- Certified Public Accountants
- Licensed Architects
- Physicians
- Optometrists
- Surgeons
- Registered Surveyors
- Engineers
- any group or association of the above

Professional services can not be awarded on the basis of bids. Professional services are awarded on the basis of demonstrated competence and qualifications. Professional fees should be consistent with recommended fees of the professions and can not exceed any maximums established by State law.

Prior to the contracting for professional services the City Manager will have an item placed on the City Council agenda for authorization to negotiate a contract. Any contracting for professional services should be coordinated through the office of the City Secretary.

When awarding contracts for engineering or architectural services the following procedures should be followed:

1. the City selects the most qualified firm on the basis of competence and qualifications
2. the City then attempts to negotiate a fair and reasonable contract with this firm;
3. if the City cannot negotiate a contract then negotiations are ended with this firm;
4. the next qualified firm is then selected;
5. negotiations begin with the next firm;
6. this procedure is repeated until a fair and reasonable contract is made.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

XVII. Texas House Bill 1295

Texas House Bill 1295 (HB 1295) amended the Government Code to prohibit a governmental entity from entering into a contract, that requires an action or vote by the entity's governing body or has a value of at least \$1 million, unless the person submits a disclosure of interested parties at the time the vendor submits the signed contract to the entity.

The Form 1295 Certificate of Interested Parties form is completed on the Texas Ethics Commission web site at www.ethics.state.tx.us.

Intergovernmental contracts, such as HGAC, do not have to comply with HB 1295. The Vendor should have already completed the Form 1295 Certificate of Interested Parties with the intergovernmental agency.

Steps to assure compliance with HB 1295:

1. Once the contract or purchase has been approved by the City Council it is the responsibility of the Department Head to contact the vendor and assure that they comply with HB 1295.
2. The vendor must sign on to the Texas Ethics Commission website to complete the Form 1295 Certificate of Interested Parties for the approved contract or purchase. The vendor will then print the Certificate of Interested Parties and have it notarized.
3. The vendor must then submit the notarized Form 1295 Certificate of Interested Parties to the Department Head associated with the purchase.
4. The Department Head, or their designee, will then sign on to the Texas Ethics Commission website and acknowledge the Certificate of Interested Parties form.
5. A copy must be printed and attached to the contract. A copy should also be electronically attached to the purchase order when entered.

The City cannot proceed with any contract or purchase that is covered by HB 1295 until there is a certified, notarized and acknowledged Certification of Interested Parties on file.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

XVIII. Emergency Purchases

Emergency purchases may be categorized as follows: Items to preserve or protect the public health or safety of the residents of the city. Items necessary because of unforeseen damage to public property.

Competitive bidding or proposal requirements do not apply to these two situations. It is the responsibility of the Department to notify the Finance Department if an emergency purchase becomes necessary. Any purchase orders submitted on these purchases should clearly state that they are emergency purchases.

These types of purchases should be kept to a minimum. The Department will be responsible for justification of the emergency situation. What you consider an emergency may not be considered an emergency by Management or Council.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

XIX. Purchasing under Interlocal Cooperation Act

The Interlocal Cooperation Act allows the City to contract with, or enter into agreements with, one or more other local governments and/or with agencies of the State of Texas or adjoining States to perform “governmental functions and services” which include purchasing. The agreement must include provisions for payments in amounts that fairly compensate the performing party for the services performed.

A cooperative purchasing agreement should be signed between the City and local government or agency prior to the purchase taking place. Any specifics about cooperative purchasing should be directed either to the Finance Department or the City Secretary Office.

According to State law:

Local governments are defined as counties, home rule cities, general law cities, towns or villages, special districts, school districts, junior college districts, and any other legally constituted district of this state or of adjoining state or a combination of political subdivisions.

An agency of the state is defined as a department, board, bureau, commission, court, office, authority, council, institution, university, college, any service or part of a state institution of higher education, and any statewide job or employment training program for disadvantaged youth that is substantially funded by federal funds and created by executive order.

City of Orange, Texas
Purchasing Policies and Procedures - April 2016

XX. Invoices/Delivery Tickets/Sales Receipts

An invoice is the document offered by the vendor for payment of goods delivered or picked up. A delivery ticket or sales receipt is the vendors proof that the goods or services have been delivered or picked up by an employee.

In order for the Finance Department to pay for goods and services we must first be aware that the goods or services have been delivered or picked up. The proof of this is the delivery ticket or sales receipt. It is important that the department keep all documentation and forward it to Finance. We will not be able to pay invoices unless we have proof of the transaction. If there is a back-order on the purchase order it will be documented by the delivery ticket.

The Department should enter a receipt of goods into the City purchasing system as soon as a purchase is received. The delivery ticket or sales receipt must be attached as a document within the purchasing system.

It is sometimes necessary to do a certain amount of follow-up on purchases. Any variations from the purchase specified goods, prices, terms or conditions should be noted on the receiving tickets. The following information can be useful:

1. Did the vendor deliver as promised?
2. Where all terms and conditions of the order met?
3. Did the delivered goods or services meet the specifications of the purchase order?
4. Does the price shown agree with the prices, terms and conditions of the purchase order?

The City is tax exempt and should never pay sales tax. Please be aware of this when you make any purchases. Tax should never be reimbursed from Petty Cash.

Under the Prompt Payment Act the City is required to pay for invoices within 30 days or the invoice date or the date the invoice is received which ever is later. If the invoice is not paid within the 30 days the City is required to pay interest on the late payment at the rate of 1% per month. There are some exceptions to this Act but in general the City pays all invoices within 30 days. This Act also requires vendor to pay their subcontractors within 30 days or pay interest on the payment.

City of Orange
Purchasing Policies and Procedures
Classification of Expenditures by Object Code - Revised April 2016

| <u>Personal Services</u> | | |
|---------------------------------|-------------------------------|--|
| 4010 | Salaries | Includes salaries and wages paid to full-time employees. Also, includes educational incentive pay for police and fire employees. |
| 4020 | Salaries-Temporary Help | Includes salaries and wages paid to employees whose positions are budgeted for less than a full year or those paid through special employment programs. |
| 4040 | Overtime | Accounts for all salaries paid to employees who work in excess of their normal work period. |
| 4050 | Longevity | Accounts for longevity pay which is paid to eligible employees. |
| 4060 | Retirement Contributions | Accounts for City's participation in retirement programs, including the Texas Municipal Retirement System, Orange Firemen's Relief and Retirement Fund and ICMA Retirement Fund. |
| 4061 | Group Insurance | Accounts for the City's share of group medical insurance coverage. |
| 4062 | Social Security Contributions | Accounts for the City's share of FICA and Medicare costs. |
| 4063 | Workers' Compensation | Accounts for the City's cost of coverage for Workers' Compensation Insurance. |
| 4064 | Unemployment Compensation | Accounts for the City's expense for participation in unemployment insurance plan. |

City of Orange
Purchasing Policies and Procedures
Classification of Expenditures by Object Code - Revised April 2016

| <u>Supplies</u> | | |
|------------------------|----------------------|---|
| 4101 | Office Supplies | All supplies necessary for operation of the office and including stationery, forms, binders, botanical items, small items of equipment, film and film processing, labels, envelopes, etc. |
| 4102 | Fuels | Includes gasoline, diesel fuel, kerosene, propane, butane, grease, lubricating oil and packing waste. Typically fuels that are not purchased through the Fleet Maintenance Division. |
| 4103 | Food | Includes food for human consumption (specifically concessions at the City Natatorium) and ice. |
| 4104 | Uniforms | Includes uniforms, boots, safety shoes, belts, badges, blankets, rain suits, etc. |
| 4105 | Tools | Includes small tools and furniture items costing less than \$5,000 and which are subject to rapid depreciation, but does not include purchase of telephone equipment. Includes drills, hand tools, saws, calculators, flash lights, other small tools, etc. |
| 4106 | Janitorial Supplies | Includes cleaning preparations, soap, toilet tissue, towels, wax, floor oils, disinfectants, mops, brooms, deodorants and other supplies used for cleaning. |
| 4107 | Chemical Supplies | Includes first aid supplies, chlorine, firefighting chemicals, sewer solvents, lime, weed killer and other chemicals not associated with janitorial supplies. Also, includes the cost of employment related physicals for employees, chemical and medical supplies for the Animal Shelter, and breathing air for the Fire Department. |
| 4108 | Educational Supplies | Includes materials for training of personnel, safety training aids, books and reference materials used by individual departments, ammunition and safety awards. |
| 4109 | Election Supplies | All expenses involved in conducting regular and special elections, including supplies, advertisements, hiring of judges, etc. |
| 4111 | Copying Supplies | Expenditures for copy supplies for city owned copy machines. |
| 4116 | Printing | Printing and printed materials purchased from an outside vendor, including the purchase of such things as maps, brochures, ticket books, report forms, etc. |

City of Orange
Purchasing Policies and Procedures
Classification of Expenditures by Object Code - Revised April 2016

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| 4117 | Postage | All charges for stamps, mailing charges, overnight delivery services, etc. |
| 4118 | Banking Expense | Fees paid for banking and investment expenses pursuant to the City's depository agreement(s). This account should only be used by the Finance Department. |
| 4119 | Computer Software Expense | Purchase of computer software to be utilized in city owned computer equipment. |
| 4120 | Employee Service Awards | Certificates, plaques and other items used by the City to reward employees with long time service to the City. This account should only be used by the Human Resource Department. |
| 4122 | Employee Recruitment Expense | Cost for recruiting new City employees. To include travel and lodging as required. Does not include advertising. |
| 4125 | Equipment | The cost of equipment that is less than \$5,000 and subject to rapid depreciation. Including printers, office furniture, file cabinets, pumps, vacuum cleaners, pressure washers, etc. |
| 4127 | Safety Supplies | Cost of items used to assure a safe working environment for the City employees. Including such items as gloves and safety glasses. |

City of Orange
Purchasing Policies and Procedures
Classification of Expenditures by Object Code - Revised April 2016

| <u>Maintenance and Services</u> | | |
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| 4201 | Building Services Expense | Charges for the maintenance of City owned facilities. Includes such items as plumbing, heating and air conditioning, painting and general maintenance. Also, includes such items as safety signals, pumps and filtration plants. The cost of any specific job is normally below \$5,000. |
| 4202 | Grounds Maintenance | All expenditures made for improvement and upkeep of grounds, including shrubbery, plants and flagpoles. |
| 4203 | Sewer Maintenance | Expenditures for the maintenance and repairs of sanitary sewer and storm sewers. Does not include the cost of sewer line expansions. |
| 4204 | Street Maintenance | Expenditures for the maintenance and repairs of streets, alleys, bridges, sidewalks, curbs, gutters and culverts. |
| 4205 | Storage Tank Maintenance | Expenditures for the maintenance and repairs of storage tanks, including ground and elevated water storage tanks and underground storage tanks used for fuels and lubricants. |
| 4206 | Water System Maintenance | Expenditures for the maintenance and repairs of water mains and fire hydrants. |
| 4207 | Machinery Maintenance | Includes expenditures made to maintain or repair machinery, equipment, tools, pumps or instruments not specifically covered in any other category. Also, includes the maintenance of the main City communication system and computer equipment. |
| 4208 | Instrument Maintenance | Expenditures made to maintain or repair radar equipment, radio equipment and other electronic testing or measuring devices. Does not include the maintenance of telephone equipment. |
| 4209 | Vehicle Maintenance | The cost to maintain or repair vehicles of any type owned by the City. This line item should be used for payments to outside vendors. |
| 4211 | Meter Maintenance | Maintenance and repair of water meters and settings. |
| 4212 | Signal Maintenance | Maintenance and repair of City traffic, safety and fire alarm systems. Includes the cost of switches, bulbs, light standards, electronic parts, etc. |
| 4213 | Furniture Maintenance | Maintenance and repair of furniture and building fixtures. |

City of Orange
Purchasing Policies and Procedures
Classification of Expenditures by Object Code - Revised April 2016

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| 4214 | Sign Maintenance | Maintenance and repair of signs, including paint, sign blanks, sign poles and other items used in marking traffic flow. |
| 4216 | Technical Resources | Books and technical manuals, to be used by the departments, for continuing education purposes. |
| 4217 | Permits | The cost of permit fees paid to other governmental agencies or organizations for the operation of City facilities or programs. |
| 4220 | Vehicle Allowance | Allowances and reimbursements made to employees for the use of privately owned vehicles within the vicinity of the City. This line item should not be used for out of town travel. |
| 4221 | Rentals | Rental of equipment for the City, such as copiers, postage meters, heavy equipment and other equipment as need by the various departments. Also includes the cost of renting the Police and Fire entrance exams and the cost of residential/small commercial contracted sanitation service. |
| 4222 | Special Services | To account for expenses that are not routine or recurring in nature. The department must have prior approval for the use of this line item. |
| 4223 | Periodicals | The purchase of periodicals for the City. Major use of this line item is the purchase of periodicals for the City Library. |
| 4224 | Advertising | The cost for all advertising for the City. To include such items as legally required advertising for meetings for the City Council, boards and commissions. Also, includes the cost of advertising such things as bids, job openings, etc. All advertising cost should be coordinated through the City Secretary office. |
| 4225 | Laundry Service | Includes all expenditures for laundry or dry cleaning services for uniforms, linens, towels, etc. where authorized by the City. |
| 4226 | Support of Prisoners | The payments made to Orange County for the cost associated with the confinement of City prisoners. |
| 4228 | Education Expense | This line item should have been phased out and replaced by line item #260. Presently still used by Confined Space Rescue Fund. |
| 4229 | Natural Gas Expense | Natural gas utility cost for all City buildings and facilities. |

City of Orange
Purchasing Policies and Procedures
Classification of Expenditures by Object Code - Revised April 2016

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| 4230 | Electricity Expense | Electricity utility cost for all City buildings and facilities. |
| 4231 | Communications Expense | Includes charges for telephone equipment, long distance phone calls, paging services, internet services, fax lines, cellular services, etc. |
| 4232 | Dues | Payment of membership fees in professional or governmental organizations as well as payment of fees to other governmental agencies for specific purposes. |
| 4233 | Other Maintenance/Services | Includes any expenditure for maintenance and contractual services which does not fall in any other object code classification. Use of this line item must have prior approval by the Finance Director. |
| 4234 | Automotive Supplies | Includes any expenditure for parts to maintain or repair the City's rolling stock. All charges to this line item should be coordinated through the Fleet Maintenance Division. |
| 4236 | Petroleum Purchases | All expenses incurred by the City for the purchase of fuels or lubricants. All charges to this line item should be coordinated through the Fleet Maintenance Division. Does not include the cost of fuel used by employees in out of town travel to educational seminars or classes or other approved purposes. |
| 4239 | Liability/Property Insurance | The premium costs for the property and liability insurance coverage of the City. Also, includes the cost of deductibles under such insurance. |
| 4240 | Notary Bonds | Expense of notary bonds for certain approved City employees. |
| 4243 | Legal Expense | The cost of legal services for the City. To include the retainer paid on a monthly basis as well as special counsel to represent the City on certain legal matters. This line item is also used for the legal fees associated with the operation of Municipal Court |
| 4244 | Juror Expense | Payment to jurors for the City. |
| 4245 | Landfill Fees | Any landfill fees paid by the City. |
| 4246 | Building Maintenance Services | All supplies and parts used by the Building Services Division for the maintenance and repair of City owned buildings, traffic signals, ballfields, parking lot lighting, etc. |
| 4247 | Water Utility Expense | Water utility costs for all City owned buildings and facilities. |

City of Orange
Purchasing Policies and Procedures
Classification of Expenditures by Object Code - Revised April 2016

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| 4250 | Audit Expense | The costs associated with the annual audit of the City. Also, used for any special audit services approved by the City Council. |
| 4251 | Consultant Expense | Cost for contracted professional services, such as engineering, planning consulting, management consulting, etc. that are not otherwise categorized. |
| 4253 | Sanitation Bad Debt Expense | Accounts for sanitation bad debt written off in accordance with the City policy. To be used by the Finance Department. |
| 4254 | Sewer Bad Debt Expense | Accounts for sewer bad debt written off in accordance with the City policy. To be used by the Finance Department. |
| 4255 | Water Bad Debt Expense | Accounts for water bad debt written off in accordance with the City policy. To be used by the Finance Department. |
| 4260 | Conference & Training | All cost for approved City travel under the City travel policy. To include per diem, mileage, hotels, registration, parking, etc. All out of town travel expenses should be charged to this line item. These expenditures must be reconciled with a completed travel form upon return. |
| 4262 | Animal Feed | The cost of feed for animals at the City animal shelter. |

City of Orange
Purchasing Policies and Procedures
Classification of Expenditures by Object Code - Revised April 2016

| Capital Outlay | | |
|-----------------------|------------------------------|--|
| 4301 | Land | All expenditures for land (including easements), including appraisal costs, surveys, abstracts, assessments, recording of deeds, title insurance, inspections and miscellaneous legal expense, if any. |
| 4309 | Building Maintenance-Capital | The maintenance and repair of major building components, such as air conditioners, roofs, floor coverings, etc. The cost for any specific job including the cost of materials and labor should be greater that \$5,000. |
| 4310 | Buildings | All expenses associated with new building construction, including additions, to exiting buildings. Cost should be greater that \$5,000. |
| 4311 | Sewer Construction | All expenditures for original cost of installation of new sanitary sewers or storm sewers, including expenditures for sewer mains, pipes, fittings, drainage inlets, valves, and other items which are needed to complete the particular extension or betterment. Cost should be greater that \$5,000. |
| 4312 | Street Construction | All expenditures associated with new construction and/or betterment of streets and drainage ways, including construction expenditures for streets, alleys, bridges, sidewalks, culverts, concrete ditch linings, gutters and curbs. Cost should be greater that \$5,000. |
| 4313 | Storage Tank Construction | All expenditures for original cost of installation of ground and elevated water storage tanks. Also, includes the original cost of installation of underground storage tanks for fuels and lubricants, including other associated costs such as plumbing, pumps or fill dirt. Also, includes the cost of removal of existing underground, ground or elevated storage tanks. Cost should be greater that \$5,000. |
| 4314 | Water System Construction | All expenditures for original cost of installation of new water line extensions and/or betterments, including expenditures for water mains, fire hydrants, pipes, fittings, valves, meters and other items which are needed to complete the particular extension or betterment. Cost should be greater that \$5,000. |
| 4320 | Furniture | Expenditures for desks, tables, cabinets, shelving and other types of furniture having a cost greater that \$5,000. |

City of Orange
Purchasing Policies and Procedures
Classification of Expenditures by Object Code - Revised April 2016

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| 4321 | Machinery and Equipment | Expenditures for machinery and equipment that is not otherwise accounted for in any line item. This category could include such items as tire changing machinery, service jacks, lathes, playground equipment, computer equipment, fire hoses, etc. Cost should be greater than \$5,000. |
| 4322 | Instruments and Apparatus | Expenditures for instruments, such as radio units, radar units, and apparatus of a similar nature, having a cost greater than \$5,000. |
| 4323 | Vehicles | All types for vehicular expenditures, including the cost of all cars, trucks and any types of heavy equipment. Cost should be greater than \$5,000. |
| 4325 | Books | The purchase of library books. Only the Library should use this line item. |
| 4326 | Meters and Settings | The purchase of water meters and settings have a cost greater than \$5,000. |
| 4328 | Other Capital Outlay | Any other capital outlay item that is not specifically categorized in another line item. Expenditures must have a cost greater than \$5,000. Use of this line item must be approved by the Finance Director. |

MOTION

Motion approving the review and update of the City of Orange, Texas Purchasing Policies and Procedures - April 2016.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

April 26, 2016

MEMORANDUM

To: Dr. Shawn Oubre Ph.D., City Manager
From: Kelvin Knauf, Director of Planning and Community Development
Subject: Discussion and possible action regarding waiving permitting and tap fees for repairs or temporary housing due to damages caused by the March 2016 flood event
Date: April 18, 2016

Background

Because of the March 2016 floods, some residents in the flooded areas experienced damage to their homes. After Hurricane Ike, the City Council approved waiving the permit fees for permits issued for repairs related to damages from the hurricane.

Recommendation

I recommend that the City Council authorize waiving permit fees and tap fees for repairs or temporary housing due to the March 2016 flood event.

MOTION

Motion approving waiving permit fees and tap fees for repairs or temporary housing due to the March 2016 flood event.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

April 26, 2016

MEMORANDUM

To: Dr. Shawn Oubre Ph.D., City Manager

From: Kelvin Knauf, Director of Planning and Community Development

Subject: Discussion and possible action regarding allowing of parking, use and occupancy of recreational vehicles, travel trailers or other temporary housing authorized by the Federal Emergency Management Agency (FEMA) on residential property as temporary housing by property owners for a period of six months while damage to property caused by the March 2016 flood is being repaired

Date: April 18, 2016

Background

Because of the March 2016 floods, some residents in the flooded areas experienced damage to their homes which may cause vacating their home while the damage is being repaired. After Hurricane Ike, the City Council approved the use of and occupancy of recreational vehicles and travel trailers on residential property as temporary housing due to the flooding caused by the hurricane.

On April 15, 2016 the City received from FEMA a list of 12 addresses that potentially could receive temporary housing.

Recommendation

I recommend that the property owners be allowed to park (including in the building setback area), use and occupy a recreational vehicle, travel trailer or other temporary housing authorized by the Federal Emergency Management Agency (FEMA) on their property while repairs due to the March 2016 flood are being made for a period of six months.

MOTION

Motion approving of parking, use and occupancy of recreational vehicles, travel trailers or other temporary housing authorized by the Federal Emergency Management Agency (FEMA) on residential property as temporary housing by property owners for a period of six months while damage to property caused by the March 2016 flood is being repaired.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

April 26, 2016