

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

**May 10, 2016
9:00 A.M.**

- | | | |
|---|----|----------------------|
| 1. CALL TO ORDER | | Mayor |
| 2. INVOCATION and PLEDGE OF ALLEGIANCE | | Council Member Mello |
| 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) April 26, 2016 City Council Meeting | 5 | 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. PROCLAMATIONS | | |
| a) The Club of Southeast Texas Awareness Month | 11 | Mayor/Council |
| b) Economic Development Week | 12 | Mayor/Council |

- 7. PRESENTATION**
- a) Presentation by Rob Clark, architect, regarding the Train Depot Renovation Project. 13 Rob Clark
- 8. ORDINANCES**
- a) Final 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. First Reading April 26, 2016 14 Staff: Oubre
- b) Final 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. First Reading April 26, 2016 18 Staff: Knauf
- 9. PUBLIC HEARING**
- a) Conduct a public hearing to receive comments concerning amending the Land Use Matrix of the Zoning Ordinance to allow day care centers to operate in the C-S “Commercial-Special” zoning district by Special Exception. 30 Staff: Knauf
- 10. ORDINANCE**
- a) First Reading:
 Consider an ordinance amending the Land Use Matrix of the Zoning Ordinance to allow day care centers, Standard Industrial Code Classification 8351 as a use within the C-S “Commercial Special” zoning district by special exception; making certain findings thereto; establishing an effective date; repealing all conflicting ordinances and providing a severability clause. 31 Staff: Knauf

11. RESOLUTIONS

- a) Consider a resolution authorizing the City Manager to execute an agreement with Community Christian School for use of the Orange Municipal Natatorium. 36 Staff: Wolf
- b) Consider a resolution authorizing the City Manager to enter into an agreement with Fittz & Shipman, Inc. in the amount of \$16,460.00 for professional engineering services for a force main for Tulane Road lift station. 45 Staff: Wolf
- c) Consider a resolution reaffirming Ordinance 1996-6 providing for homestead exemptions on ad valorem (property) taxes for the taxable year 2016. 49 Staff: English
- d) Consider a resolution to consolidate the City of Orange Vital Records to Orange County Clerk. 56 Staff: Howlett
- e) Consider a resolution to consolidate the City of Orange local registrar duties to Orange County Justice of the Peace, Precinct One. 62 Staff: Howlett

12. DISCUSSION/ACTION

- a) Consider a motion acknowledging receipt of the Quarterly Investment Report for the period ending March 31, 2016. 68 Staff: English

13. REPORTS

- a) City Manager Report
- b) City Council Report

14. 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

STATE OF TEXAS }
COUNTY OF ORANGE }

April 26, 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 26, 2016.

COUNCIL MEMBERS PRESENT:

Jimmy Sims	Mayor
Mary McKenna	Mayor Pro Tem
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
Lane Martin	Chief of Police
David Frenzel	Fire Chief
Kelvin Knauf	Director of Planning and C o m m u n i t y Development
Brenna Manasco	Library Director
Lee Anne Brown	Deputy Fire Chief
Mike Zeto	CIS Manager
Hillary Haynes	S o c i a l M e d i a Coordinator
Michael Patterson	Engineering Tech
John Cash Smith	City Attorney

STAFF MEMBERS ABSENT:

Gail English	Director of Finance
Jim Wolf	Director of Public Works

Mayor Sims called the meeting to order at 5:30 P.M.

Mayor Pro Tem McKenna 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 Bellfield moved to approve the motion. Second to the motion was made by Council Member Spears which carried unanimously.

APPROVAL OF MINUTES

Council Member Pullen moved to approve the minutes of the February 2, 2016 Planning and Zoning Commission Meeting. Second to the motion was made by Council Member Guidry which carried unanimously.

Council Member Guidry moved to approve the minutes of the April 12, 2016 Regular Meeting of the Orange City Council. Second to the motion was made by Council Member Spears which carried unanimously.

CITIZEN COMMENTS

Leslie Barras, 912 W. Cypress, advised she would like the City to consider the purchase of the Capital One Bank building located on Green Avenue for re-locating City Hall. She presented Council with a drawing for the renovation proposal.

ORDINANCES

FINAL 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 Guidry which carried unanimously.

A copy of this ordinance is being made a part of these minutes as Ordinance Number 2016-6.

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

A copy of this ordinance is being made a part of these minutes as Ordinance Number 2016-7.

FIRST READING:

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.

Council Member Mello moved to approve the ordinance. Second to the motion was made by Mayor Pro Tem McKenna which carried unanimously.

FIRST READING:

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.

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

RESOLUTIONS

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.

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

A copy of this resolution is being made a part of these minutes as Resolution Number 2016-19.

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.

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 2016-20.

DISCUSSION/ACTION

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.

Mr. Trahan introduced Jim Gilliam, owner of Bates & Company, Inc. and The HT Group. Mr. Gilliam advised this is a request for financial assistance to help offset the cost to remodel and revitalize the 2400 square foot commercial property located at 707 W. Front Street. The request is for \$60,000.00. The total project cost is approximately \$350,000.00 including \$100,000.00 to purchase the property. The property will be occupied by two entities, Bates & Company and The HT Group. The two entities currently have seven employees with an average salary of \$95,000.00 and with expected future growth, additional hires are anticipated.

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

MOTION ACKNOWLEDGING THE REVIEW AND ADOPTION OF THE CITY OF ORANGE, IDENTITY THEFT PREVENTION PROGRAM.

Council Member Spears 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 INVESTMENT REPORT FOR THE QUARTER ENDING MARCH 31, 2016.

Council Member Spears moved to approve the motion. Second to the motion was made by Mayor Pro Tem McKenna which carried unanimously.

MOTION APPROVING THE REVIEW AND UPDATE OF THE CITY OF ORANGE, TEXAS PURCHASING POLICIES AND PROCEDURES - APRIL 2016.

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

MOTION APPROVING WAIVING PERMIT FEES AND TAP FEES FOR REPAIRS OR TEMPORARY HOUSING DUE TO THE MARCH 2016 FLOOD EVENT.

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

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.

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 there are twelve Orange residents that are eligible for FEMA trailers. Twenty-nine million dollars is the total funds spent in recovery efforts from FEMA for the ones that were affected by the flood. He encouraged citizens if they were affected by the flood to register with FEMA.

CITY COUNCIL REPORT

Council Members Spears, Mayor Pro Tem McKenna, Council Member Bellfield, Council Member Pullen and Mayor Sims thanked everyone for attending the meeting.

Council Member Mello, Council Member Guidry and Mayor Sims offered their condolences to the family and friends of former Council Member Jeff Holland.

Council Member Spears, Mayor Pro Tem McKenna, and Council Member Pullen thanked Mr. Gilliam for re-locating his business in Orange.

Mayor Pro Tem McKenna advised early voting has started and encouraged citizens to get out and vote.

Council Member Guidry wished all students good luck on the STAR Testing. He advised the first week in May is Teacher Appreciation Week and encouraged citizens to thank all teachers.

Council Member Pullen thanked Mr. Zeto for all his work on the new phone system. He advised the groundbreaking for the Train Depot was a great success.

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.

The Council met in closed executive session at 6:29 P.M.

RECONVENE IN OPEN SESSION

The Council reconvened in open session at 6:35 P.M.

TAKE ACTION AS NECESSARY REGARDING ITEM 10 a (1) ABOVE.

No action was taken.

ADJOURNMENT

There being no further business before the Council, Council Member Bellfield moved to adjourn the meeting which carried unanimously.

The meeting adjourned at 6:35 P.M.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

P roclamation

OFFICE OF THE MAYOR

City of Orange

WHEREAS the I00 Club of Southeast Texas established May Awareness Month in Southeast Texas for the purpose of educating the public about the Club's goals and benefits and the need to provide financial assistance to spouse and dependent children of first responders in Jefferson, Hardin and Orange counties when tragedy strikes; and

WHEREAS through the I00 Club private citizens and businesses provide financial and moral support to peace officers and firefighters with the primary focus of providing immediate financial assistance to spouse and dependent children of those who lose their lives while performing their duties; and

WHEREAS the Club incorporated as The I00 Club of Jefferson County in May of 1988, just two months after Beaumont Police Officer Paul Hulsey, Jr., became the victim of a gunshot wound, leaving behind a wife and two young daughters; and

WHEREAS the leadership for the Club comes from a volunteer board of directors made up of a cross-section of citizens, business and civic leaders, and public officials with law enforcement and firefighters providing valuable guidance and advice; and

WHEREAS the I00 Club appreciates its individual and corporate members who make it possible to offer benefits to officers and firefighters throughout Jefferson, Hardin and Orange counties who risk their lives for us every day; and

WHEREAS we all have a stake in the fight against crime and in the life-saving skills of our emergency responders who serve to provide for the well being of our area families and to enhance the quality of life in Southeast Texas; and

WHEREAS I00 Club members derive satisfaction from letting area first responders know they stand behind them 100 percent and appreciate the job they are doing;

NOW THEREFORE I, Jimmy Sims, Mayor of the City of Orange, Texas, do hereby proclaim the month of May 2016, as

THE CLUB OF SOUTHEAST TEXAS AWARENESS MONTH

in the City of Orange and we urge all citizens to educate themselves about the work of the I00 Club and to join in to expand the Club's ability to provide benefits for spouse and dependent children of fallen officers.

IN WITNESS WHEREOF I have hereunto set my hand and have caused the seal of the City of Orange, Texas to be hereto affixed this the 10TH day of May, 2016.

Jimmy Sims, Mayor

Proclamation

OFFICE OF THE MAYOR

City of Orange

WHEREAS the International Economic Development Council is celebrating its 90th anniversary in 2016 and is the largest professional economic development organization dedicated to serving economic development; and

WHEREAS the International Economic Development Council provides leadership and excellence in economic development for communities, members and partners through conferences, training courses, advisory services and research; and

WHEREAS economic developers promote economic well-being and quality of life for their communities by creating, retaining, and expanding jobs that facilitate growth, enhance wealth and provide a stable tax base; and

WHEREAS economic developers stimulate and incubate entrepreneurship in order to help establish the next generation of new businesses, which is the hallmark of the American economy;

NOW THEREFORE I, Jimmy Sims, Mayor of the City of Orange, Texas, do hereby proclaim the week of May 8 - 12, 2016 as

ECONOMIC DEVELOPMENT WEEK

in the City of Orange, encouraging all of our citizens to recognize and commend those who are committed to the development of vibrant communities and the improvement of the quality of life.

IN WITNESS WHEREOF I have hereunto set my hand and have caused the seal of the City of Orange, Texas to be hereto affixed this the 10TH day of May, 2016.

Jimmy Sims, Mayor

MEMORANDUM

To: Dr. Shawn Oubre Ph.D., City Manager
From: Kelvin Knauf, Director of Planning and Community Development
Subject: Presentation on train depot renovation
Date: May 3, 2016

Background

On April 25, 2016, the Historic Preservation Commission approved a Certificate of Appropriateness for renovation of the train depot. The renovations are to the exterior and the interior of the building. Rob Clark, architect for the project, will give a presentation to the City Council at the May 10th Council meeting about the renovation project.

The City Council does not need to take any action concerning the project.

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: May 3, 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.

On April 26, 2016 the City Council voted to adopt the ordinance on first reading.

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 10th day of May, 2016.

Jimmy Sims, Mayor

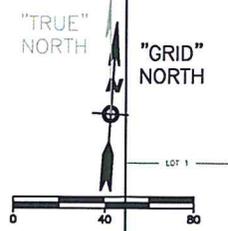
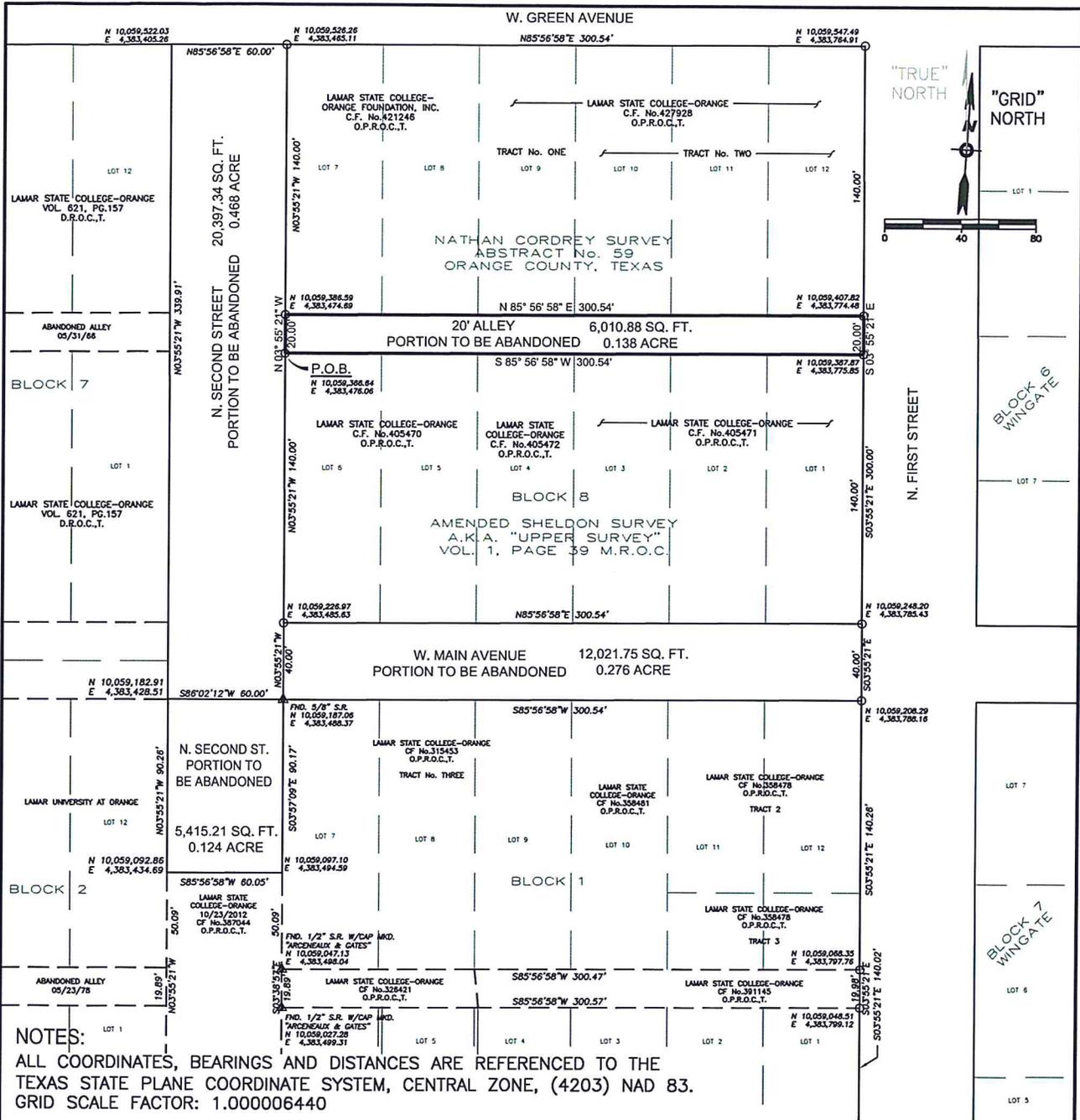
ATTEST:

Rhonda Haskins, City Secretary

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A" - 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



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: EJV



**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

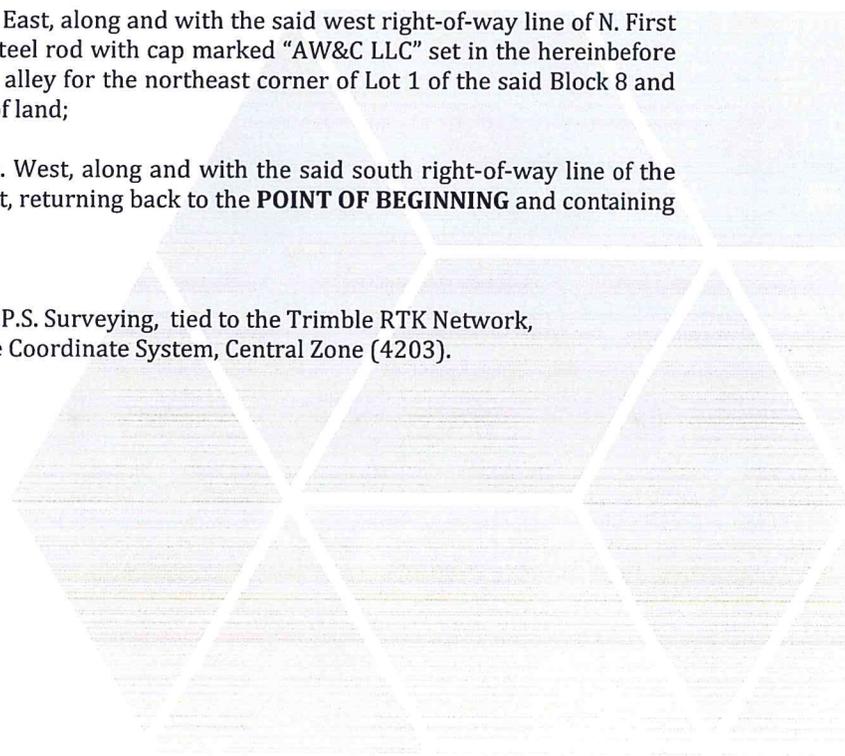
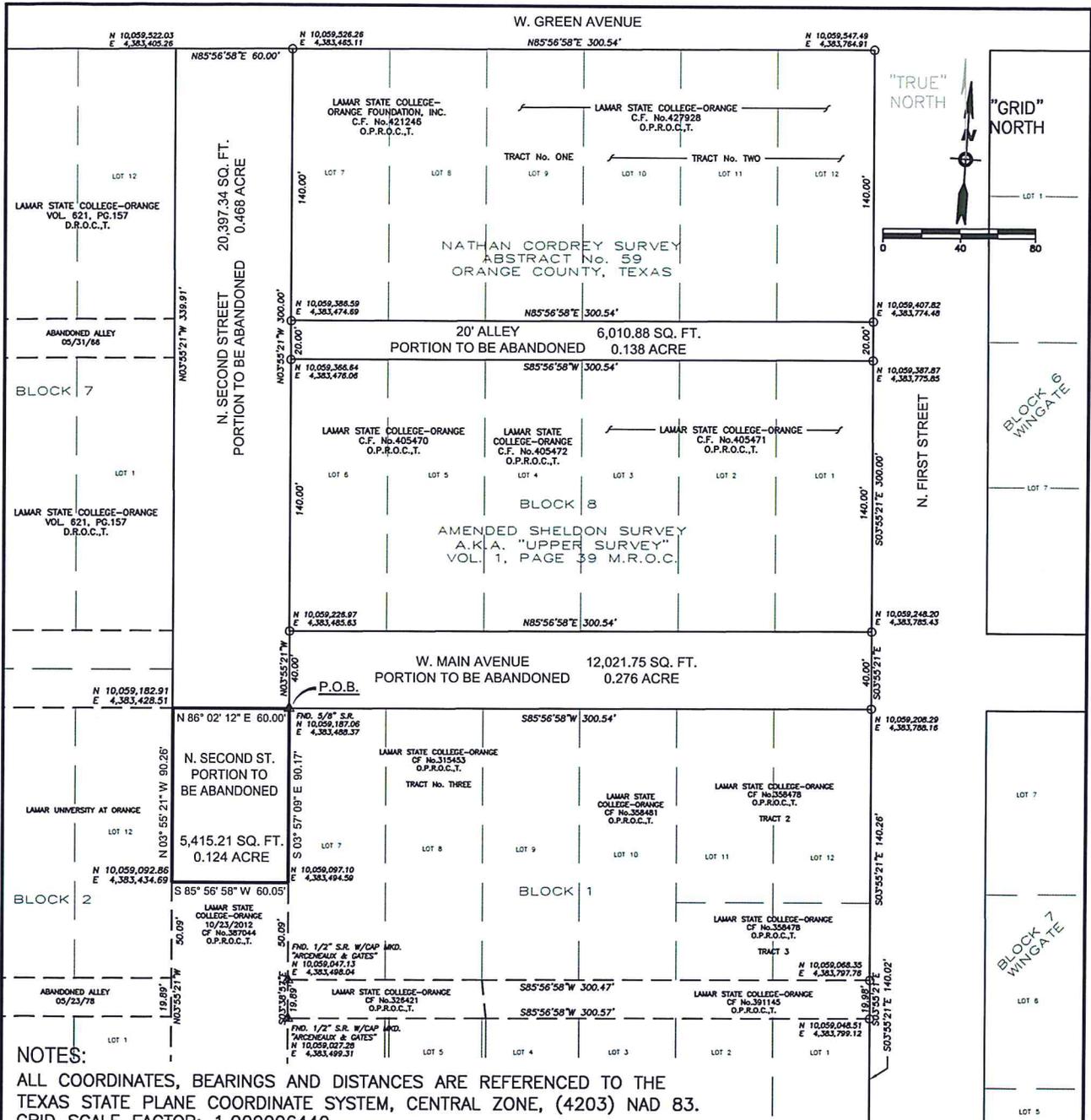


EXHIBIT "B" - PAGE 1 of 2



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



AWC
ARCENEUX WILSON & COLE
engineering | surveying | planning

2901 Turtle Creek Drive, Suite 320
Port Arthur, TX 77642

409 724 7888
awceng.com

PLAT OF 0.124 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



ARCENEUX WILSON & COLE
engineering | surveying | planning

**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



**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;

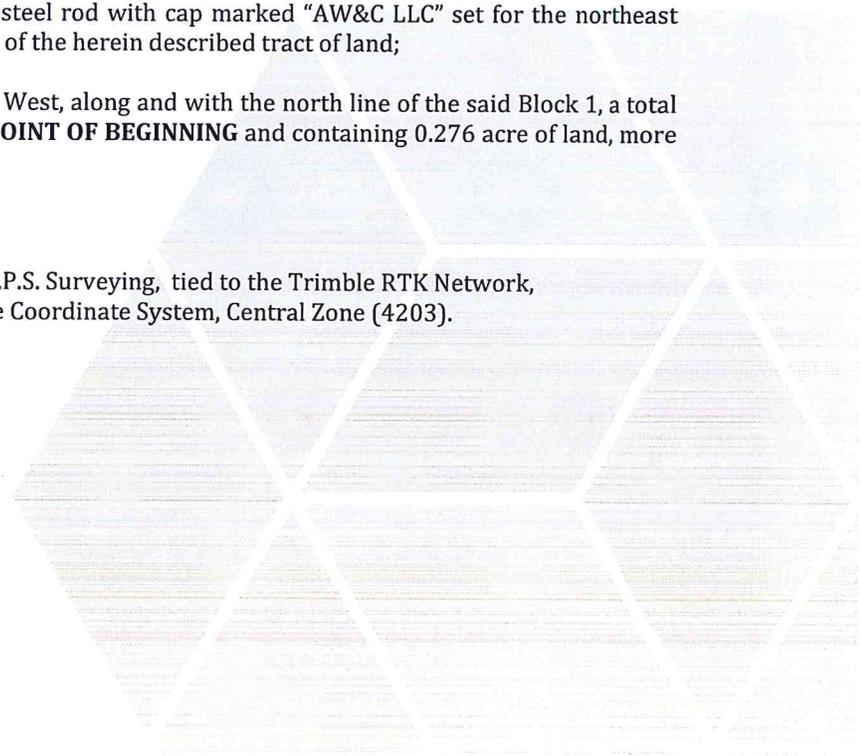
THENCE South 85 deg. 56 min. 58 sec. West, along and with the north line of the said Block 1, a total distance of 300.54 feet, returning back to the **POINT OF BEGINNING** and containing 0.276 acre of land, more or less.

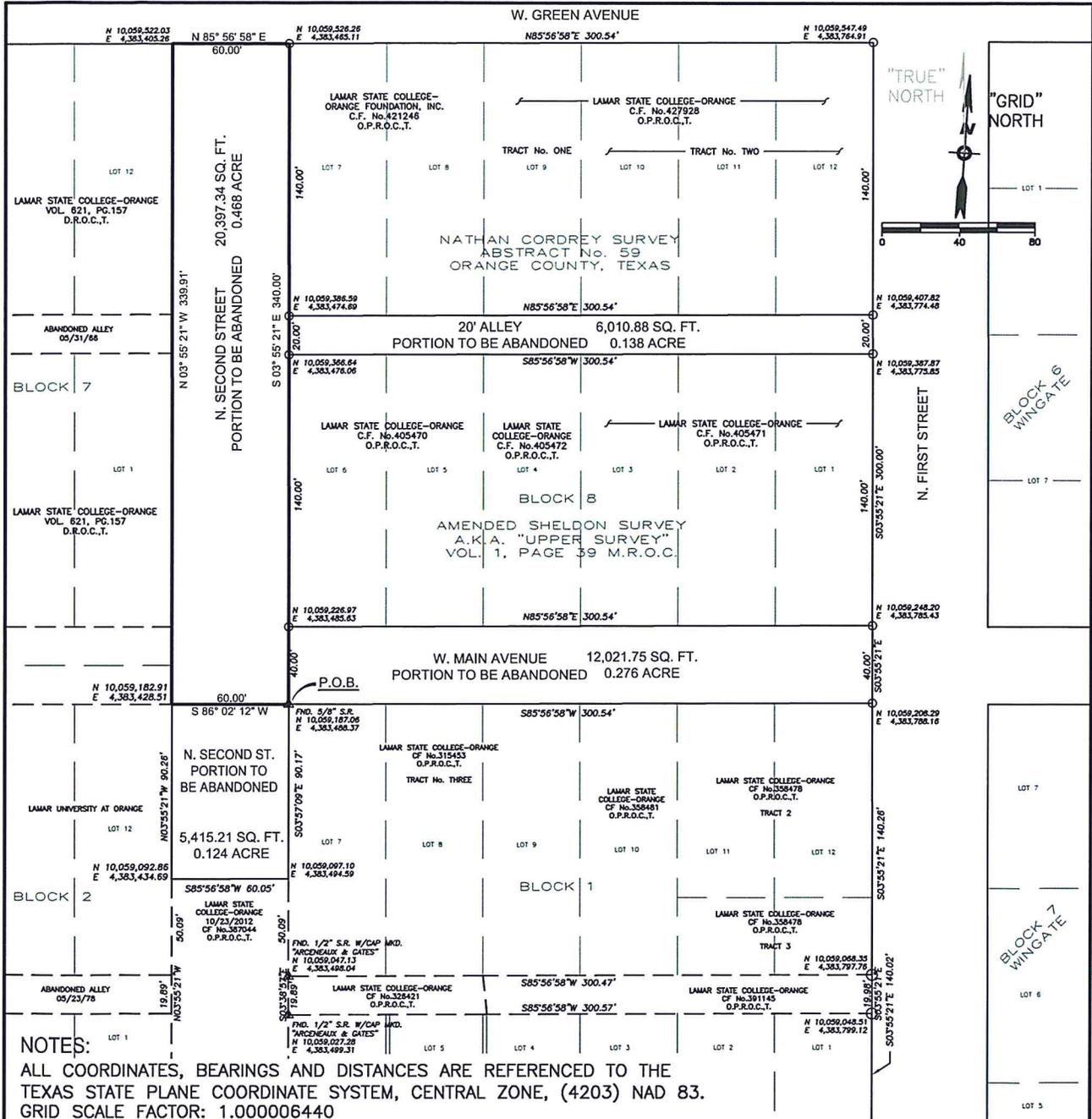
NOTE:

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

AWC
 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: EJV

LAST PRINTED: Friday, April 15, 2016 10:44:50 AM FROM: ZAME ENGINEERING TAG PROJECTS\FBK-040\DRAWINGS\SPK-040 CLOSURE EXHIBITS REVISED.DWG 14 2016 PWP



**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

MEMORANDUM

To: Dr. Shawn Oubre, Ph.D., City Manager
From: Kelvin Knauf, Director of Planning and Community Development
Subject: Conduct a public hearing on amending the Land Use Matrix of the Zoning Ordinance to allow day care centers to operate in the C-S “Commercial-Special” zoning district by Special Exception
Date: May 3, 2016

Background

The zoning ordinance, through the land use matrix, does not allow day care centers to operate in the C-S “Commercial Special” zoning district. The City has been approached by the Orange Church of God to allow a day care center at their church located at 1907 16th Street.

On April 5, 2016 the Planning and Zoning Commission voted to recommend that the City Council amend the zoning ordinance to allow day care centers, Standard Industrial Classification code 8351, in the C-S “Commercial-Special” zoning district.

Recommendation

I recommend that the City Council conduct a public hearing to receive comments concerning amending the Land Use Matrix to allow day care centers in the C-S “Commercial-Special” zoning district as a Special Exception.

MEMORANDUM

To: Dr. Shawn Oubre, Ph.D., City Manager
From: Kelvin Knauf, Director of Planning and Community Development
Subject: Consider an ordinance amending the Land Use Matrix of the Zoning Ordinance to allow day care centers, Standard Industrial Classification code 8351, to locate and operate in the C-S “Commercial-Special” zoning district by Special Exception
Date: May 3, 2016

Background

The zoning ordinance, through the land use matrix, does not allow day care centers to operate in the C-S “Commercial Special” zoning district. The City has been approached by the Orange Church of God to allow a day care center at their church located at 1907 16th Street.

Land Uses allowed by right in the C-S zoning district are:

Transportation services	Arrangement of freight and cargo
Arrangement of Passenger Transportation	Building materials, hardware, garden supply
General merchandise stores	Foods stores
Automotive dealers	Gasoline service stations
Apparel and accessory stores	Home furniture, furnishings and equipment stores
Eating and drinking places	Miscellaneous retail
Liquor stores	Fuel Oil Dealers
LPG (Bottle gas) dealers	Fuel dealers
Depository institutions	Non-depository institutions
Security and commodity brokers, dealers Exchanges and services	Insurance carriers
Insurance agents, brokers, and service	Real estate
Holding and other investment offices	Hotels, motels
B&B’s, rooming houses, other than lodging places	Personal services
Business services	Automobile rental
Movie and video production	Amusement and recreation services
Health services	Legal services

Educational services	Private schools
Homes for destitute men and women	Museum, art galleries, and botanical and zoological gardens
Engineering, accounting, research, management and related services	Condominiums
Miscellaneous services	Executive, legislative and general government except finance
Justice public order, and safety	Public finance and taxation
Human resource programs	Environmental quality and housing programs
Economic programs	National security and internal affairs
Single-family detached homes	Apartments
Duplex	Townhomes
Fishing, hunting and trapping	
Land Uses which require a <u>Special Exception</u> in the C-S zoning district are:	
Fruit and Nut trees	Horticultural specialities
General Farms	Heavy construction other than building construction-contractors
Railroad transportation	Local and suburban transit
Motor freight transportation and warehousing	Mini warehouses
U.S. Postal Service	Air transportation
Pipelines, except natural gas	Rental of railroad cars
Transportation Misc. Services	Communications
Electric, gas and sanitary services	Wholesale trade-durable goods
Camps/campgrounds, RV parks	Automotive detail shop
Miscellaneous repair services	Commercial sports
Misc. amusement and recreation services	Shooting ranges-temporary
Membership organizations	HUD Code-temporary FEMA manufactured homes and parks

Day care centers located in facilities that accommodate the parking requirements, restrooms, safety and convenience for children could be a benefit to the community. There may be some locations in the C-S zoning district, such as a church, that could be an acceptable location for a day care center.

However, there may be other locations in the C-S zoning district, such as next to a home for destitute men and women or next to an establishment where there is a lot of truck traffic that would not be conducive to a day care center. By requiring a Special Exception, the Board of Adjustments could look at the location, neighborhood safety, parking, facilities and operation of a day care center before deciding on whether to allow a day care center in a particular location.

The Planning and Zoning Commission at their regular meeting on April 5, 2016 conducted a public hearing and then voted to recommend that the zoning ordinance allow day care centers, Standard Industrial Classification code 8351, be allowed in the C-S “Commercial-Special” zoning district by Special Exception.

Recommendation

I recommend that the City Council adopt an ordinance allowing day care centers, SIC Code 8351, be allowed in the C-S “Commercial-Special” zoning district as a Special Exception. The reason for this change would be help accommodate the need for day care centers in the community.

AN ORDINANCE AMENDING THE LAND USE MATRIX OF THE ZONING ORDINANCE TO ALLOW DAY CARE CENTERS, STANDARD INDUSTRIAL CODE CLASSIFICATION 8351 AS A USE WITHIN THE C-S “COMMERCIAL SPECIAL” ZONING DISTRICT BY SPECIAL EXCEPTION; MAKING CERTAIN FINDINGS THERETO; ESTABLISHING AN EFFECTIVE DATE; REPEALING ALL CONFLICTING ORDINANCES AND PROVIDING A SEVERABILITY CLAUSE

WHEREAS, the Planning and Zoning Commission at their regular meeting on April 5, 2016 conducted a public hearing and considered allowing day care centers as a Special Exception in the Commercial-Special Zoning District; and

WHEREAS, the Planning and Zoning Commission voted unanimously to recommend that the City Council amend the zoning ordinance to allow day care centers within the C-S “Commercial-Special” zoning district; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE

Section 1. That day care centers, Standard Industrial Classification code 8351, be allowed within the C-S “Commercial-Special” zoning district by Special Exception.

Section 2. That the City Manager, or his designee, is hereby authorized to amend the zoning ordinance including the land use matrix to allow day care centers, Standard Industrial Classification code 8351, in the C-S “Commercial-Special” zoning district by Special Exception.

Section 3. That the City Council of the City of Orange, Texas hereby legislatively finds and determines that this ordinance 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 4. That this ordinance shall become effective upon second and final reading and publication as required by State law.

Section 5. 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 6. 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.

PASSED AND APPROVED on first reading this the 10th day of May, 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

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF ORANGE

C O N T R A C T

The Contract, made and executed in duplicate by and between the CITY OF ORANGE, hereinafter referred to as "the City", and COMMUNITY CHRISTIAN SCHOOL, hereafter referred to as "Lessee":

W I T N E S S E T H

In consideration of the terms, provisions and covenants herein contained, to be made and performed by the Lessee, the City hereby agrees with the Lessee to provide Lessee, for Lessee's instruction on swim classes, the use of the swimming pool facilities situated in that certain City of Orange building known as the Orange Municipal Natatorium, and situated on Fourteenth Street at Orange Avenue in the City of Orange, Texas, hereinafter referred to as "Natatorium", for the sum of TWENTY AND NO/100 (\$20.00) DOLLARS per hour per visit, and ONE (\$1.00) DOLLAR PER PARTICIPANT PER VISIT which will be paid on or before September 15, 2016. However, Lessee shall only be charged for actual use of the Natatorium.

II.

The City and the Lessee hereby agree that the swim classes will be held during a period of Ten (10) WEEKS as follows:

For one (1) hour on TUESDAY and THURSDAY for a period of ten (10) weeks starting June 7, 2016 and ending August 11, 2016, from 1:00 P.M. to 2:00 P.M.

III. INDEMNITY

3.1 Lessee's Indemnification. Lessee agrees to defend, indemnify and hold City harmless from and against all damages, costs, losses or expenses (a) for the repair, replacement, or restoration of City's property, equipment, materials, structures and facilities which are damaged, destroyed or found to be defective as a result of such Lessee's negligent acts or omissions, (b) from and against any and all claims, demands, suits, causes of action, and judgments for: (I) damage to or loss of the property of any person (including, but not limited to such Lessee, its agents, officers, employees, and subcontractors), and the City, its agents, officers and employees, third parties); and/or (ii) death, bodily injury, illness, disease, worker's compensation, loss of services, or loss of income or wages to any Person (including but not limited to the agents, officers and employees of such Lessee, the Lessee's subcontractors or a subcontractor's agents, officers

and employees, the agent, officers and employees of the City, and any third parties), arising out of, incident to, concerning or resulting from the negligent acts or omissions of such Lessee, its agents, employees, contractors and/or subcontractors or the employees of them, in the performance of activities pursuant to this contract, no matter how, or to whom such loss may occur, and whether the same is caused or contributed to by the negligence of the City, its officers, agents or employees.

3.2 Indemnity Obligations. Lessee acknowledges its express intent to assume all indemnity obligations under this contract without regard to cause or regardless of any negligence of the City:

"Except as otherwise expressly limited herein, it is the express intent of the parties hereto that all indemnity obligations and/or liabilities assumed by the Lessee under the terms of this contract be without limit and without regard to the cause or causes thereof, strict liability, or the negligence of any party or parties, whether such negligence be sole, joint or concurrent, active or passive."

Limitation. Lessee's obligation to indemnify City against claims by parties other than City shall not exceed the limits of City's liability under the provisions of the Texas Tort Claims Act. Lessee shall not be obligated to indemnify City under the provisions of this contract to the extent City's sovereign immunity has not been waived by state or federal statute or a claim against

City is subject to the workers compensation laws of the State of Texas.

3.3 Notice to Lessee. Lessee must promptly advise the City's representative in writing of any action, administrative or legal proceedings or investigation as to which the indemnification contained under this Section III may apply.

IV.

Lessee agrees to indemnify and hold harmless the City from any liability whatsoever arising out of Lessee's use of the above described premises and in connection therewith, Lessee agrees to carry comprehensive general liability insurance for personal injury claims in the amount of not less than \$1,000,000.00 per occurrence for personal injury claims and in an amount not less than \$1,000,000.00 per occurrence for property damage claims, covering such liability, and so evidence of such coverage, present the City with a copy of the insurance certificate naming the City as an additional insured.

V.

It is expressly agreed that the Lessee shall provide qualified adult supervision of such facilities at the time of use

by the Lessee as set out in this contract. Lessee will provide necessary personnel to maintain the facility in a clean and orderly condition.

VI.

Lessee agrees that the City in no way supports or guarantees the instruction or quality of Lessee's swim classes.

VII.

The City will have the right to terminate this Contract upon failure of Lessee to comply with any of the terms or conditions set out in this Contract. Either party may terminate this Contract with a sixty (60) day written notice, and shall provide a copy of a roster of all participants.

IN WITNESS HEREOF, the parties to these presents have executed this Contract in DUPLICATE ORIGINALS, each of which shall be deemed an original on this the _____ day of _____, 2016.

CITY OF ORANGE, TEXAS

BY:

Shawn Oubre,
CITY MANAGER

ATTEST:

Rhonda Haskins,
CITY SECRETARY

COMMUNITY CHRISTIAN SCHOOL

BY:

David Martinez,
Executive Pastor and Treasurer



3400 MLK DR
Orange, TX 77632
409-883-4498

April 21, 2016

Mr. Jim Wolf
City of Orange
303 N. 8th Street
P.O. Box 520
Orange, TX 77631

RE: Request to use the City Natatorium

Mr. Wolf,

Community Christian School a Ministry of Community Church Assembly of God Church Inc. is requesting permission to use the city's natatorium during the summer of 2016. The pool will be needed each Tuesday and Thursday beginning June 7th and ending August 11th. The pool will be needed for one hour on each day beginning at 1:00PM and ending 2:00PM. We are requesting at least two certified life guards to be on duty during the requested time period.

Thank you for your assistance and cooperation.

Sincerely,

David Martinez
Executive Pastor and Treasurer



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/22/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER AG Financial Insurance Solutions, LLC 3900 S Overland Ave Springfield MO 65807		CONTACT NAME: Shauna Kiehl PHONE (A/C, No, Ext): (866) 662-8210 FAX (A/C, No): (417) 447-7475 E-MAIL ADDRESS: skiehl@agfinancial.org	
INSURED Community Church Assembly of God 3400 Martin Luther King Jr Dr Orange TX 77632		INSURER(S) AFFORDING COVERAGE INSURER A: Philadelphia Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 23850

COVERAGES CERTIFICATE NUMBER: CL1642203990 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			PHPK1431116	12/13/2015	12/13/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COM/OP AGG \$ 3,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Certificate issued for verification of coverage only.

CERTIFICATE HOLDER**CANCELLATION**

City of Orange Natatorium Mr. Jim Wolf 1405 W. Orange Avenue Orange, TX 77630	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Kevin Townsend/KISH <i>Kevin Townsend</i>
--	--

ACORD 25 (2014/01)
 INS025 (201401)

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A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH COMMUNITY CHRISTIAN SCHOOL FOR USE OF THE ORANGE MUNICIPAL NATATORIUM.

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

That the City Manager is hereby authorized to execute a contract with Community Christian School for the use of the Orange Municipal Natatorium located at 14th Street and Orange Avenue during the times set forth in the attached contract.

PASSED, APPROVED and ADOPTED on this the 10th day of May 2016.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

APPROVED:

City Attorney

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

April 21, 2016

To: Dr. Shawn Oubre, City Manager

From: Jim Wolf, Public Works Director

Re: Professional Engineering Services
Fittz & Shipman, Inc.
Force Main for Tulane Road Lift Station

Please find attached the proposal for Civil Engineering and Surveying Services on the referenced project. We recommend acceptance of this proposal from Fittz & Shipman, Inc. in the amount of \$ 16,460.00 plus reimbursable expenses and additional services if needed. Services include Topographic Surveying, Design Phase, Bidding Phase, and Construction Phase.

This is an approved budget Capital Outlay Project in the Water and Sewer Fund (20-641-4311 Sewer Operations) adopted by Council on September 8, 2015.

If you agree please place on the next Council's agenda.

Ronald D. Fittz, P.E., R.P.L.S. (1948-1987)
Terry G. Shipman, P.E., President
Billy J. Smith, Jr., Chief Operating Officer
Donald R. King, P.E.
Mitchell L. Brackin, R.P.L.S.

April 14, 2016

Mr. Shawn Oubre, City Manager
City of Orange
P. O. Box 520
Orange, Texas 77630

**** ENGAGEMENT LETTER ****

**RE: Civil Engineering & Surveying Services
Force Main for Tulane Road Lift Station
Tulane Road – UPRR to 350' West of MLK**

Dear Mr. Oubre:

Fittz & Shipman, Inc. is pleased to provide this proposal for Civil Engineering & Surveying Services for preparation of construction plans and bidding documents for a 6" Force Main Sewer Line to serve the Tulane Road Lift Station. It is anticipated the sewer force main will extend eastward along the north side of Tulane Road from the Tulane Road Lift Station beneath the UP Railroad, then extend eastward to Martin Luther King Drive (FM3247) then under MLK and eastward approximately 350 feet to an existing manhole (approximately 2500 feet). It is also anticipated that the proposed force main will be constructed within the existing Right-Of-Way of Tulane Road and no additional easements will be required.

PRELIMINARY DESIGN

Services to be provided by Fittz & Shipman, Inc. for Water & Sewer Facilities Design include:

- Conduct Topographic surveying along the proposed route for force main to determine existing ground elevations, drainage flow patterns, existing pavements, railroad track location and elevations, obstructions, location of existing utility lines, pipelines, and other route information.
- Coordinate with local utility companies and pipeline companies to determine locations of existing fiber optic, telephone, gas, electric, cable TV, pipelines, and other underground utilities which might occur along the route. Coordinate with City of Orange regarding location of existing water lines and sanitary sewer lines.
- Prepare preliminary layout for sewer force main, fittings, connections, borings, and air relief valves.

DESIGN PHASE

- Prepare Construction Plan & Profile drawings for 6" sewer force main from the existing Lift Station eastward along the north side of Tulane Road eastward to approximately 350 feet east of Martin Luther King Drive (FM3247).
- Coordinate with Union Pacific Railroad, determine crossing requirements for bore, submit forms and documentation, and obtain approval for crossings beneath UP Railroad.
- Coordinate with Texas Department of Transportation (TxDOT), determine crossing requirements for bore, submit forms and documentation, and obtain approval for crossings beneath MLK Drive.
- Prepare specifications, quantities and bidding documents for installation of proposed 6" sewer force main, fittings, connections, borings, and air relief valves.
- Prepare an Erosion Control Plan plans as a basis for Contractor to prepare required Storm Water Pollution Prevention Plan (SWP3) plan.

Mr. Shawn Oubre, City Manager
April 14, 2016
Page 2

Civil Engineering & Surveying
Force Main for Tulane Road Lift Station
Tulane Road – UPRR to 350' West of MLK

- Submit final construction plans to City of Orange for review and approval. Submit plans to Texas Commission on Environmental Quality (TCEQ) and other review agencies (if required) for review and comment. Make reasonable revisions if required for approval for agencies.
- Prepare a detailed construction cost estimate based upon the final plans and specifications.

BIDDING PHASE

- Provide documents to bidders and suppliers and maintain a bidders list.
- Conduct a Pre-Bid Conference for discussion of Contractor questions and inquiries from Bidders.
- Respond to Bidder Questions, Comments, and Design Clarifications.
- Attend Bid Opening and Assist Owner with opening of Bids.
- Evaluate bids received, evaluate submission of low bidder, and make recommendation for Award.
- Assist Owner in reviewing bonds and preparing Project Contract Agreement for final signatures.

CONSTRUCTION PHASE

- Perform monitoring of critical construction procedures.
- Answer questions and provide design clarifications to provide supplementary information during the construction of the project.
- Attend Final Project Inspection and Project Acceptance In Conjunction with City of Orange.

COMPENSATION

FITZ & SHIPMAN, INC. proposes to provide the above outlined surveying/engineering services for a fixed fee at the following rates:

Topographic Surveying	\$4,850.00
Preliminary & Design Phases	6,250.00
Bidding Phase	2,100.00
Construction Phase	<u>3,260.00</u>
TOTAL BASIC SERVICES	\$16,460.00

Fitz and Shipman, Inc. shall submit monthly statements for Services rendered and for Reimbursable Expenses incurred based on percentage of completion for each Engineering phase. Reimbursable Expenses mean the actual expenses incurred for reproduction of Drawings, Specifications, Application Fees, and similar Project-related items. Reimbursable Expenses shall include the amount billed to Fitz & Shipman, Inc. by special consultants employed by Fitz & Shipman, Inc., (as authorized by you) for such consultants' services and Reimbursable Expenses Plus a management fee of 15%.

Services not Included in this contract are: Costs for Soils Testing Consultant, Revisions to Approved plans. Although these services are not authorized, this contract may be amended to provide additional services at the published standard rates. Preparation of descriptions for parcels or easements may be provided at our standard rates.

If you wish to discuss our proposed scope of services or fees, please feel free to contact me. If this proposal meets with your approval please sign and return one original copy of this letter to signify your approval and acceptance.

Sincerely,

Accepted:

FITZ & SHIPMAN, INC.

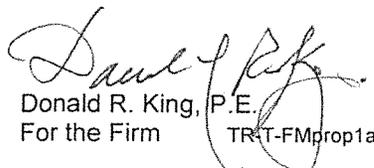
CITY OF ORANGE

by:

Donald R. King, P.E.
For the Firm

by:

Date



Fitz&Shipman, Inc.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH FITTZ & SHIPMAN, INC. IN THE AMOUNT OF \$16,460.00 FOR PROFESSIONAL ENGINEERING SERVICES FOR A FORCE MAIN FOR TULANE ROAD LIFT STATION.

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

That the City Manager is hereby authorized to enter into an agreement with Fittz & Shipman, Inc. in the amount of SIXTEEN THOUSAND AND FOUR HUNDRED SIXTY (\$16,460.00) AND NO/100 plus reimbursable expenses for professional engineering services and surveying services for a 6" force main sewer line to serve the Tulane Road Lift Station.

PASSED, APPROVED and ADOPTED on this the 10th day of May 2016.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

APPROVED:

City Attorney



LYNDA GUNSTREAM, PCC
 ORANGE COUNTY
 TAX ASSESSOR-COLLECTOR
 P. O. BOX 1568
 ORANGE, TEXAS 77631-1568
 Email: lgunstream@co.orange.tx.us

(409) 882-7971
 (409) 769-0064

Fax
 (409) 882-7912

TO: TAXING JURISDICTION

FROM: LYNDA GUNSTREAM

RE: EXEMPTION APPROVAL REQUEST

The time is upon us again to start preparing for the new tax year. Our first step is for the governing body to adopt the residence homestead exemptions for the coming tax year. Listed below are the local option exemptions:

	TYPE OF EXEMPTION	PROPERTY TAX CODE	DEADLINE
1.	Local Option Percentage Homestead	Sec. 11.13 (n)	July 1
2.	65 or Older Exemption	Sec. 11.13 (d)(e)	N/A
3.	Disabled Exemption	Sec. 11.13 (d)(e)	N/A

In your email you should have also received:

- (1) an exemption form to complete and return
- (2) a prior year exemption comparison chart
- (3) a copy of the tax code in reference to each type exemption

Once approved, please return the signed approval form reflecting the action of the governing body. You can return the completed form by email, fax, or mail.

If I can be of any assistance, please do not hesitate to contact me.

Respectfully,
 Lynda Gunstream
 Orange County Tax Assessor-Collector

ORANGE COUNTY
2015
TAX RATE AND EXEMPTION CHART

TAXING ENTITY		TAX RATE per \$100	HOMESTEAD		OVER 65		DISABILITY	
			Local Option	STATE MANDATED	Local Option	STATE MANDATED	Local Option	STATE MANDATED
COUNTY WIDE	COUNTY	.54150	20%	0	25,000	0	25,000	0
	F/M	.00250	20%	3,000	25,000	0	25,000	0
	TOTAL COUNTY RATE	0.54400						
	DRAIN	.10726	20%	0	22,000	0	22,000	0
	PORT	.00765	20%	0	25,000	0	25,000	0
CITY	BRIDGE CITY	.49920	20%	0	22,000	0	22,000	0
	ORANGE	.70000	20%	0	15,000	0	15,000	0
	PINE FOREST	.13789	20%	0	20,000	0	20,000	0
	PINEHURST	.69799	20%	0	10,000	0	10,000	0
	PORT ARTHUR	.79200	20%	0	25,000	0	25,000	0
	ROSE CITY	.38612	20%	0	5,000	0	5,000	0
	VIDOR	.72900	20%	0	15,000	0	15,000	0
	WEST ORANGE	.42500	20%	0	17,000	0	17,000	0
SPECIAL DIST.	EMERGENCY SERV. DIST. #1 (ESD#1)	.10000	NONE	0	10,000	0	10,000	0
	EMERGENCY SERV. DIST. #2 (ESD#2)	.10000	NONE	0	15,000	0	15,000	0
	EMERGENCY SERV. DIST. #3 (ESD#3)	.06000	NONE	0	10,000	0	5,000	0
	EMERGENCY SERV. DIST. #4 (ESD#4)	.03000	NONE	0	5,000	0	5,000	0
	WATER CONTROL & IMP. DIST #1 (WCID#1)	.38726	NONE	0	10,000	0	5,000	0
SCHOOL	BRIDGE CITY I.S.D.	1.19000	0%	25,000	10,000	10,000	NONE	10,000
	LITTLE CYPRESS-MAURICEVILLE C.I.S.D.	1.43000	15%	25,000	NONE	10,000	NONE	10,000
	ORANGEFIELD I.S.D.	1.30000	20%	25,000	NONE	10,000	NONE	10,000
	VIDOR I.S.D.	1.21652	15%	25,000	NONE	10,000	NONE	10,000
	WEST ORANGE-COVE C.I.S.D.	1.42500	20%	25,000	NONE	10,000	NONE	10,000

CITY OF ORANGE

Approval of Local Option Residence Homestead Exemptions for the Tax Year 2016

1. Percentage Exemption

Reference: State Property Tax Code Section 11.13(n).

Requires adoption before July 1

The percentage adopted by the taxing unit may not exceed 20% and not less than \$5,000 of the appraised value.

Yes, Percentage Amount Approved in the amount of % .

No Percentage Exemption Approved

Reference: State Property Tax Code Section 11.13 (d) (e)

An individual who is disabled or is 65 or older is entitled to an exemption of a portion of residence homestead if adopted by the governing body of the taxing unit.

(An eligible disabled person who is 65 or older may not receive both exemptions)

2. \$ - Portion of Value Approved for 65 or Older Exemption

3. \$ - Portion of Value Approved for Disabled Exemption

City Council Approval Date:

Mayor

ATTEST:

Secretary

TEXAS PROPERTY TAX CODE

Sec. 11.13 Residence Homestead

(a) A family or single adult is entitled to an exemption from taxation for the county purposes authorized in Article VIII, Section 1-a, of the Texas Constitution of \$3,000 of the assessed value of his residence homestead.

(b) An adult is entitled to exemption from taxation by a school district of \$15,000 of the appraised value of the adult's residence homestead, except that \$10,000 of the exemption does not apply to an entity operating under former Chapter 17, 18, 25, 26, 27, or 28, Education Code, as those chapters existed on May 1, 1995, as permitted by Section 11.301, Education Code.

(c) In addition to the exemption provided by Subsection (b) of this section, an adult who is disabled or is 65 or older is entitled to an exemption from taxation by a school district of \$10,000 of the appraised value of his residence homestead.

→ (d) In addition to the exemptions provided by Subsections (b) and (c) of this section, an individual who is disabled or is 65 or older is entitled to an exemption from taxation by a taxing unit of a portion (the amount of which is fixed as provided by Subsection (e) of this section) of the appraised value of his residence homestead if the exemption is adopted either:

- (1) by the governing body of the taxing unit; or
- (2) by a favorable vote of a majority of the qualified votes of the taxing unit at an election called by the governing body of the taxing unit, and the governing body shall call the election on the petition of at least 20 percent of the number of qualified voters who voted in the preceding election of the taxing unit.

→ (e) The amount of an exemption adopted as provided by Subsection (d) of this section is \$3,000 of the appraised value of the residence homestead unless a larger amount is specified by:

- (1) the governing body authorizing the exemption if the exemption is authorized as provided by Subdivision (1) of Subsection (d) of this section; or
- (2) the petition for the election if the exemption is authorized as provided by Subdivision (2) of Subsection (d) of this section.

(f) Once authorized, an exemption adopted as provided by Subsection (d) of this section may be repealed or decreased or increased in amount by the governing body of the taxing unit or by the procedure authorized by Subdivision (2) of Subsection (d) of this section. In the case of a decrease, the amount of the exemption may not be reduced to less than \$3,000 of the market value.

(g) If the residence homestead exemption provided by Subsection (d) of this section is adopted by a county that levies a tax for the county purposes authorized by Article VIII, Section 1-a, of the Texas Constitution, the residence homestead exemptions provided by Subsections (a) and (d) of this section may not be aggregated for the county tax purposes. An individual who is eligible for both exemptions is entitled to take only the exemption authorized as provided by Subsection (d) of this section for purposes of that county tax.

(h) Joint, community or successive owners may not each receive the same exemption

) provided by or pursuant to this section for the same residence homestead in the same year. An eligible disabled person who is 65 or older may not receive both a disabled and an elderly residence homestead exemption but may choose either. A person may not receive an exemption under this section for more than one residence homestead in the same year.

(i) The assessor and collector for a taxing unit may disregard the exemptions authorized by Subsection (b), (c), (d), or (n) of this section and assess and collect a tax pledged for payment of debt without deducting the amount of the exemption if:

- (1) prior to adoption of the exemption, the unit pledged the taxes for the payment of a debt; and
- (2) granting the exemption would impair the obligation of the contract creating the debt.

(j) For purposes of this section:

(1) "Residence homestead" means a structure (including a mobile home) or a separately secured and occupied portion of a structure (together with the land, not to exceed 20 acres, and improvements used in the residential occupancy of the structure, if the structure and the land and improvements have identical ownership) that:

(A) is owned by one or more individuals, either directly or through a beneficial interest in a qualifying trust;

(B) is designed or adapted for human residence;

(C) is used as a residence; and

(D) is occupied as his principal residence by an owner or, for property owned through a beneficial interest in a qualifying trust, by a trustor of the trust who qualifies for the exemption.

(2) "Trustor" means a person who transfers an interest in residential property to a qualifying trust, whether by deed or by will, or the person's spouse.

(3) "Qualifying trust" means a trust:

(A) in which the agreement or will creating the trust provides that the trustor of the trust has the right to use and occupy as the trustor's principle residence residential property rent free and without charge except for taxes and other costs and expenses specified in the instrument:

(i) for life;

(ii) for the lesser of life or a term of years; or

(iii) until the date the trust is revoked or terminated by an instrument that describes the property with sufficient certainty to identify it and is recorded in the real property records of the county in which the property is located; and

(B) that acquires the property in an instrument of title that:

(i) describes the property with sufficient certainty to identify it and the interest acquired;

(ii) is recorded in the real property records of the county in which the property is located; and

(iii) is executed by the trustor or the personal representative of the trustor.

(k) A qualified residential structure does not lose its character as a residence homestead if a portion of the structure is rented to another or is used primarily for other purposes that are incompatible with the owner's residential use of the structure. However, the amount of any residence homestead exemption does not apply to the value of that portion of the structure that is used primarily for purposes that are incompatible with the owner's residential use.

(l) A qualified residential structure does not lose its character as a residence homestead when the owner who qualifies for the exemption temporarily stops occupying it as a principal residence if that owner does not establish a different principal residence and intends to return and occupy the structure as his principal residence.

(m) In this section:

(1) "Disabled" means under a disability for purposes of payment of disability insurance benefits under Federal Old-Age, Survivors, and Disability Insurance.

(2) "School district" means a political subdivision organized to provide general elementary and secondary public education. "School district" does not include a junior college district or a political subdivision organized to provide special education services.

→ (n) In addition to any other exemptions provided by this section, an individual is entitled to an exemption from taxation by a taxing unit of a percentage of the appraised value of his residence homestead if the exemption is adopted by the governing body of the taxing unit before July 1 in the manner provided by law for official action by the body. If the percentage set by the taxing unit produces an exemption in a tax year of less than \$5,000 when applied to a particular residence homestead, the individual is entitled to an exemption of \$5,000 of the appraised value. The percentage adopted by the taxing unit may not exceed 20 percent. If the percentage set by the voters produces an exemption in a tax year of less than \$5,000 when applied to a particular residence homestead, the individual is entitled to an exemption of \$5,000 of the appraised value. The percentage adopted by the voters may not exceed 20 percent.

(o) For purposes of this section, a residence homestead also may consist of an interest in real property created through ownership of stock in a corporation incorporated under the Cooperative Association Act (Article 1396-50.01, Vernon's Texas Civil Statutes) to provide dwelling places to its stockholders if:

- (1) the interests of the stockholders of the corporation are appraised separately as provided by Section 23.19 of this code in the tax year to which the exemption applies
- (2) ownership of the stock entitles the owner to occupy a dwelling place owned by the corporation;
- (3) the dwelling place is a structure or a separately secured and occupied portion of a structure; and

**RESOLUTION REAFFIRMING ORDINANCE 1996-6 PROVIDING FOR
HOMESTEAD EXEMPTIONS ON AD VALOREM (PROPERTY) TAXES
FOR THE TAXABLE YEAR 2016.**

WHEREAS, on April 23, 1996, the City Council of the City of Orange, Texas did adopt Ordinance 1996-6 providing for homestead exemptions on ad valorem taxes as provided for in Section 11.13(n)(d) of the State Property Tax Code; now therefore

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

That the City Council of the City of Orange, Texas hereby reaffirms the homestead exemptions on ad valorem (property) taxes as provided in Ordinance 1996-6 adopted on April 23, 1996 and attached hereto as "Attachment A", for the taxable year 2016.

PASSED and **APPROVED** on this the 10th day of May, 2016.

ATTEST:

Jimmy Sims, Mayor

Rhonda Haskins, City Secretary

APPROVED:

City Attorney

MEMORANDUM

Date: April 27, 2016
To: City Manager and Council
From: Ramie Howlett, Customer Service Manager
RE: Consolidation of the Vital Statistics to the County

On April 19, 2016, the Orange County Commissioner's Court approved the transfer of the Texas Department of State Health Services, Vital Statistics Records from the City of Orange to the Orange County Clerk. At the same time, Commissioner's Court approved the transfer of the Texas Department of State Health Services, Local Registrars' Duties from the City of Orange to Justice of the Peace, Precinct One.

This consolidation came at the recommendation of the Texas Department of State Health Services Field Auditor, Derek Johnson. He performed a field audit on February 5, 2015. At the conclusion of his review he recommended the City consolidate with the County to centralize the Vital Records and the Local Registrars' Duties. He indicated to staff that the State Health Services were in the process of reducing the number of "low volume" entities they had oversight of by recommending consolidation. The City of Orange has been considered "low volume" since May 2013 when Baptist Hospital of Orange closed the obstetrics unit. The City only registered two births between May 2013 and February 2015, of which, both were home deliveries.

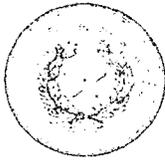
The City staff discussed the possibility of consolidation, but continued on with business as usual.

On October 7, 2015, the City received the new updated contract to renew our access to all State of Texas Birth Records known as our remote access contract. This renewal contract was for the period of September 1, 2015 to August 31, 2017. This renewal contract came with new requirements that the City staff could not meet in the time frame allotted. The State required the City create, approve, adopt and submit to the State a Data Use Agreement. There were also extensive wording changes to the contract from the previous execution now there was a statement that the City must comply with all applicable state and federal laws relating to the privacy and confidentiality of data and records.

City staff was concerned that the lack of a private area for the parents to discuss and execute an Acknowledgement of Paternity (AOP) could be a compliance issue. Previously, in June, 2015 the State Attorney General's office contacted our office regarding the need to provide a private area for a parent to listen to a DVD in English and Spanish of their rights and to privately discuss and execute with City Staff the AOP. The AOP is a way for a father's name to be added, changed or deleted from a birth certificate based on a paternity test ordered by the Attorney General's office. This document cannot leave the sight of the City Staff until it is fully executed and submitted to the State. We currently provide this duty in the lobby at City Hall while customer's wait in line to pay their water bills, it is not a private area to discuss such sensitive information.

In November, 2015 the City Manager and City staff attending a public workshop at Orange County Commissioner's Court to discuss the possibility of consolidation.

City staff is recommending the consolidation of all vital records (birth and death) to the Orange County Clerk and the consolidation of the Local Registrars' duties to Orange County Justice of the Peace, Precinct One. The City staff believes centralizing all birth and death records for all of Orange County at one location to be in the best interest of the Citizens of Orange. This would allow the Citizens to obtain birth, death, marriage, and divorce records at one location. This would also award a more private setting in the Justice of the Peace, Precinct One's Office for parents to discuss and execute an AOP.



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

KIRK COLE
INTERIM COMMISSIONER

P.O. Box 149347
Austin, Texas 78714-9347
1-888-963-7111
TTY: 1-800-735-2989
www.dshs.state.tx.us

CONCLUSIONS

In order to ensure your office is currently meeting the statutorily required duties required of local registrars, please address all areas noted in the above findings report. With the exception of the documentation requested in the report, a statement from your office explaining the corrections made in order to bring your office into compliance is not required; however, please feel free to contact me with any questions or concerns you may have regarding this visit and report.

Given the areas of compliance that need to be addressed, I would recommend that you consider officially consolidating either with one of the local justices of the peace or the Orange County Clerk's office and have them assume the local registrar functions currently performed by your office. This will not change nor interfere with your present duties; that is an entirely separate function. You may review the additional documentation for guidance should you pursue consolidation.

We thank you for the time and effort your staff dedicated to our visit.

/s/ Derek Johnson

February 20, 2015

Signature of VSU Field Representative

Date

Derek Johnson
Area Representative—Regions 6/5S
Department of State Health Services—Vital Statistics Unit
Phone: (512) 776-2530
Fax: (512)458-7538

RESOLUTION TO CONSOLIDATE THE CITY OF ORANGE VITAL RECORDS TO ORANGE COUNTY CLERK

AN INTERLOCAL AGREEMENT AUTHORIZING THE CONSOLIDATION OF THE VITAL RECORDS OF THE CITY OF ORANGE, TEXAS WITH THE COUNTY OF ORANGE, TEXAS FOR THE MAINTENANCE OF BIRTH AND DEATH RECORDS AND DECLARING AN EFFECTIVE DATE.

WHEREAS: Section 191.022, Subsection (b) Texas Health and Safety Code, provides that the municipal clerk or city secretary is the local registrar of births and deaths in a municipality with a population of 2,500 or more; and

Whereas: Section 191.023, Subsection (a) provides that the duties imposed by law relating to the maintenance of birth and death records of a municipality with a population of 2,500 or more may be transferred to the county in which the municipality is located.

Whereas: The Orange County Commissioners Court, in accordance with Section 191.023, subsection (b) has attested that the office of Orange County Clerk, has sufficient resources and finance to assume those duties; and, The City of Orange agrees to provide to the Orange County Clerk a single OKIDATA Microline 491 dot matrix printer to be used to carry out the process of issuing remote birth certificates from the Texas Department of State Health Services – Vital Statistics Unit system. The City of Orange agrees to provide a file of metadata of all birth and death records archived in our imaging system to the Orange County Clerk to complete their records.

Whereas: The office of the City of Orange, Orange County, Texas desires to consolidate the birth, death and fetal death records of the municipality and Orange County by complying with Section 191.023, Subsection (b) that requires that the municipality adopt a concurring resolution agreeing to the transfer and timetable established, said resolution to be considered at the regular meeting of the City of Orange Council; and

Whereas: The citizens of Orange County would be better served by having all birth and death records in a central location.

Now, therefore be it RESOLVED, by County Commissioner’s Court of Orange, Texas that:

Effective July 1, 2016, the Orange County Clerk of Orange County, Texas and the Commissioner’s Court of Orange, Texas hereby accept the consolidation and transfer of the maintenance of birth and death records of the City of Orange, a municipality with a population of more than 2,500 and all duties imposed by Title 3 of the Texas Health and Safety Code related thereto.

Adopted at a regular meeting of the Commissioner’s County, Orange, Texas on this the 19th day of April 2016.

Stephen Brint Carlton
County Judge

David L. Dubose
County Commissioner, Precinct 1

Barry M. Burton
County Commissioner, Precinct 2

John W. Banken
County Commissioner, Precinct 3

Jody E. Crump
County Commissioner, Precinct 4

Attest:

Brandy Robertson
County Clerk

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council, Orange, Texas on this the 10th day of May, 2016.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

APPROVED:

City Attorney

MEMORANDUM

Date: April 27, 2016
To: City Manager and Council
From: Ramie Howlett, Customer Service Manager
RE: Consolidation of the Vital Statistics to the County

On April 19, 2016, the Orange County Commissioner's Court approved the transfer of the Texas Department of State Health Services, Vital Statistics Records from the City of Orange to the Orange County Clerk. At the same time, Commissioner's Court approved the transfer of the Texas Department of State Health Services, Local Registrars' Duties from the City of Orange to Justice of the Peace, Precinct One.

This consolidation came at the recommendation of the Texas Department of State Health Services Field Auditor, Derek Johnson. He performed a field audit on February 5, 2015. At the conclusion of his review he recommended the City consolidate with the County to centralize the Vital Records and the Local Registrars' Duties. He indicated to staff that the State Health Services were in the process of reducing the number of "low volume" entities they had oversight of by recommending consolidation. The City of Orange has been considered "low volume" since May 2013 when Baptist Hospital of Orange closed the obstetrics unit. The City only registered two births between May 2013 and February 2015, of which, both were home deliveries.

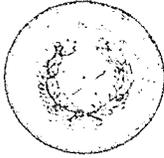
The City staff discussed the possibility of consolidation, but continued on with business as usual.

On October 7, 2015, the City received the new updated contract to renew our access to all State of Texas Birth Records known as our remote access contract. This renewal contract was for the period of September 1, 2015 to August 31, 2017. This renewal contract came with new requirements that the City staff could not meet in the time frame allotted. The State required the City create, approve, adopt and submit to the State a Data Use Agreement. There were also extensive wording changes to the contract from the previous execution now there was a statement that the City must comply with all applicable state and federal laws relating to the privacy and confidentiality of data and records.

City staff was concerned that the lack of a private area for the parents to discuss and execute an Acknowledgement of Paternity (AOP) could be a compliance issue. Previously, in June, 2015 the State Attorney General's office contacted our office regarding the need to provide a private area for a parent to listen to a DVD in English and Spanish of their rights and to privately discuss and execute with City Staff the AOP. The AOP is a way for a father's name to be added, changed or deleted from a birth certificate based on a paternity test ordered by the Attorney General's office. This document cannot leave the sight of the City Staff until it is fully executed and submitted to the State. We currently provide this duty in the lobby at City Hall while customer's wait in line to pay their water bills, it is not a private area to discuss such sensitive information.

In November, 2015 the City Manager and City staff attending a public workshop at Orange County Commissioner's Court to discuss the possibility of consolidation.

City staff is recommending the consolidation of all vital records (birth and death) to the Orange County Clerk and the consolidation of the Local Registrars' duties to Orange County Justice of the Peace, Precinct One. The City staff believes centralizing all birth and death records for all of Orange County at one location to be in the best interest of the Citizens of Orange. This would allow the Citizens to obtain birth, death, marriage, and divorce records at one location. This would also award a more private setting in the Justice of the Peace, Precinct One's Office for parents to discuss and execute an AOP.



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

KIRK COLE
INTERIM COMMISSIONER

P.O. Box 149347
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CONCLUSIONS

In order to ensure your office is currently meeting the statutorily required duties required of local registrars, please address all areas noted in the above findings report. With the exception of the documentation requested in the report, a statement from your office explaining the corrections made in order to bring your office into compliance is not required; however, please feel free to contact me with any questions or concerns you may have regarding this visit and report.

Given the areas of compliance that need to be addressed, I would recommend that you consider officially consolidating either with one of the local justices of the peace or the Orange County Clerk's office and have them assume the local registrar functions currently performed by your office. This will not change nor interfere with your present duties; that is an entirely separate function. You may review the additional documentation for guidance should you pursue consolidation.

We thank you for the time and effort your staff dedicated to our visit.

/s/Derek Johnson

February 20, 2015

Signature of VSU Field Representative

Date

Derek Johnson
Area Representative—Regions 6/5S
Department of State Health Services—Vital Statistics Unit
Phone: (512) 776-2530
Fax: (512)458-7538

RESOLUTION TO CONSOLIDATE THE CITY OF ORANGE LOCAL REGISTRAR DUTIES TO ORANGE COUNTY JUSTICE OF THE PEACE, PRECINCT ONE

AN INTERLOCAL AGREEMENT AUTHORIZING THE CONSOLIDATION OF THE LOCAL REGISTRAR DUTIES OF THE CITY OF ORANGE, TEXAS WITH THE COUNTY OF ORANGE, TEXAS JUSTICE OF THE PEACE, PRECINCT ONE, FOR THE REGISTRATION AND MAINTENANCE OF BIRTH AND DEATH RECORDS AND DECLARING AN EFFECTIVE DATE.

WHEREAS: Section 191.022, Subsection (b) Texas Health and Safety Code, provides that the municipal clerk or city secretary is the local registrar of births and deaths in a municipality with a population of 2,500 or more; and

Whereas: Section 191.023, Subsection (a) provides that the duties imposed by law relating to the registration and maintenance of birth and death records of a municipality with a population of 2,500 or more may be transferred to the county in which the municipality is located.

Whereas: The Orange County Commissioners Court, in accordance with Section 191.023, subsection (b) has attested that the office of Orange County Justice of the Peace, Precinct One has sufficient resources and finance to assume those duties; and,

Whereas: The office of the City of Orange, Orange County, Texas desires to consolidate the birth, death and fetal death records of the municipality and Orange County by complying with Section 191.023, Subsection (b) that requires that the municipality adopt a concurring resolution agreeing to the transfer and timetable established, said resolution to be considered at the regular meeting of the City of Orange Council; and

Whereas: The citizens of Orange County would be better served by having all birth and death records in a central location.

Now, therefore be it RESOLVED, by County Commissioner's Court of Orange, Texas that:

Effective July 1, 2016, the Justice of the Peace, Precinct One of Orange County, Texas and the Commissioner's Court of Orange, Texas hereby accept the consolidation and transfer of the registration and maintenance of birth and death records of the City of Orange, a municipality with a population of more than 2,500 and all duties imposed by Title 3 of the Texas Health and Safety Code related thereto.

Adopted at a regular meeting of the Commissioner's County, Orange, Texas on this the 19th day of April 2016.

Stephen Brint Carlton
County Judge

David L. Dubose
County Commissioner, Precinct 1

Barry M. Burton
County Commissioner, Precinct 2

John W. Banken
County Commissioner, Precinct 3

Jody E. Crump
County Commissioner, Precinct 4

Attest:

David L. Peck
Justice of the Peace, Precinct One

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council, Orange, Texas on this the 10th day of May, 2016.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

APPROVED:

City Attorney

City of Orange Investment Report
For the Quarter Ending March 31, 2016

On September 12, 1995 the City Council adopted an investment policy in compliance with recently revised state law. This policy was last reviewed on February 23, 2016 Chapter 2256 Section 023 Subsection (b) of the Government Code requires that the Director of Finance shall prepare an investment report at least quarterly. The investment report must include a management summary and the detail as set forth in the Subsection (b).

Cash and Investment Summary

The following chart shows the change in the City investment portfolio over the last quarter. Detailed information for each fund is attached.

<i>Investment of all Funds at:</i>	<i>3/31/2016</i>	<i>12/31/2015</i>	<i>9/30/2015</i>	<i>6/30/15</i>	<i>3/31/15</i>	<i>12/31/14</i>
<i>Investments/Purchase Cost</i>	\$ 5,182,000.00	\$ 5,182,000.00	\$ 5,182,000.00	\$ 4,937,000.00	\$ 5,186,871.67	\$ 5,186,871.67
<i>Accrued Book Value</i>	\$ 5,182,000.00	\$ 5,182,000.00	\$ 5,182,000.00	\$ 4,937,000.00	\$ 5,186,967.92	\$ 5,186,962.50
<i>Fair Value</i>	\$ 5,182,000.00	\$ 5,182,000.00	\$ 5,182,000.00	\$ 4,937,000.00	\$ 5,186,905.00	\$ 5,186,725.00
<i>Maturity Value</i>	\$ 5,182,735.00	\$ 5,182,735.00	\$ 5,182,735.00	\$ 4,937,000.00	\$ 5,187,000.00	\$ 5,187,000.00
<i>Average Length to Maturity</i>	46	45	48	30	35	35
<i>Annualized Rate of Return- Net of Fees</i>	0.100%	0.348%	0.281%	0.240%	0.163%	0.146%
<i>Treasury Bills</i>	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
<i>Government Agencies</i>	0.00%	0.00%	0.00%	0.00%	4.82%	4.82%
<i>Certificates of Deposit</i>	4.730%	4.730%	4.730%	0.000%	0.000%	0.000%
<i>Savings</i>	95.27%	95.27%	95.27%	100.00%	95.18%	95.18%
<i>Cash Balances (Covered by Collateral) Savings</i>	\$ 18,271,036.61	\$ 11,830,315.00	\$ 12,832,783.07	\$ 10,128,931.97	\$ 11,571,125.87	\$ 3,430,213.21
<i>CD's (Covered by Collateral)</i>	\$ 245,000.00	\$ 245,000.00	\$ 245,000.00	\$ 0.00	\$ 0.00	\$ 0.00
<i>Savings (Covered by Collateral)</i>	\$ 4,937,000.00	\$ 4,937,000.00	\$ 4,937,000.00	\$ 4,937,000.00	\$ 4,937,000.00	\$ 4,937,000.00
<i>Total Covered by Collateral</i>	\$ 23,453,036.61	\$ 17,012,315.00	\$ 18,014,783.07	\$ 15,065,595.30	\$ 16,508,125.87	\$ 8,367,213.21
<i>Collateral Pledged (Market)</i>	\$ 26,292,389.76	\$ 19,182,151.00	\$ 20,287,136.25	\$ 17,381,114.60	\$ 18,481,571.55	\$ 14,027,976.33

Performance

The Investment Policy specifies that the portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. One benchmark to use is the average yield rate for six month treasury bills. We use the weekly sale information from the Wall Street

Journal to compute an average rate of return for the quarter. For the quarter ending March 31, 2016 the average rate of return on six month treasury bills was .461%. The City's annualized earnings rate was 0.100% which is less than the average treasury bill rate. By the end of this quarter the City had 0% in Treasury Bills, 0% in Government Agencies, 4.73% in Collateralized CD's and 95.27% in Collateralized Savings Account. The City always attempts to receive the best rate that fits (1) investment policy provisions for portfolio split and (2) maturity dates to match payments or payrolls. The City's present rate annualized would mean \$5,178.30 in earnings if we maintained the level of investments and yields we currently have. At the end of fiscal year 2014 the City had actual interest earnings of \$23,900 and at the end of fiscal year 2015 the City has actual interest earnings of \$30,978. The total interest earnings for the fiscal years includes interest earnings that the City receives on our cash accounts.

The interest rate on six month treasury bills was 0.475% at the end March 31, 2016, with the average for the quarter being 0.461%. During the last three years we have seen the average interest rate on six month treasury bills increase 0.35%. Rates have been below 1% for the last twenty nine quarters. The rate on the six month treasury bill went from 0.550% at the beginning of the quarter to 0.475% at the end of the quarter. For the last year we have seen the average six month rate go from 0.092% to 0.461%.

<u>Quarter Ending Date</u>	<u>Average Interest Rate Per Quarter</u>	<u>Change</u>
3/31/13	0.111%	0.000%
6/30/13	0.086%	-0.025%
9/30/13	0.056%	-0.030%
12/31/13	0.071%	0.015%
3/31/14	0.078%	0.007%
6/30/14	0.054%	-0.024%
9/30/14	0.052%	-0.002%
12/31/14	0.063%	0.011%
3/31/15	0.092%	0.029%
6/30/15	0.088%	-0.004%
9/30/15	0.180%	0.092%
12/31/15	0.317%	0.137%
3/31/16	0.461%	0.144%

The 46 day average length to maturity, at the end of the quarter, is up slightly from the prior quarter. The City has now completed the first quarter of fiscal year 2016 and the rates on all investment options continue to stay very low.

For several years now the City has been keeping investment short term to take advantage of any increase in yields. Interest rates on six month treasury bills are still well below the 1% level. The City has not seen any change in the interest rates on Treasuries and Agencies.

This quarter the earnings rate on the City's savings account is below the treasury rate for the first quarter in many years. Per the City's 2008 depository contract the interest earning rate was set at 85% of the 90 day LIBOR. Per the City's 2013 depository contract the interest earnings rate was set at the WF Texas Managed Rate. Until this quarter the City was earning at the 85% of 90 day LIBOR rate. We are now earning the WF Texas Manger Rate as specified in the most recent depository contract.

Since the City had not purchasing treasuries or agencies for an extended period of time the City made the decision, in June 2015, to close our trust account at J.P. Morgan Trust and save the trust fees. At this time the City needs to open another trust account in order to get back in the market for treasuries and agencies. This is something that will need to be accomplished in the near future. With the Finance Director staff change taking place this was delayed. Options are now being explored concerning setting up a new trust arrangement with another third party bank.

In June 2013 the City was able to start allowing customers to view and pay their utility billings online through the City's ESuite module. The payment link is located on the City of Orange website at orangetexas.net. We also continue to offer to debit customer's bank accounts for water/sewer/garbage billings.

Compliance

The City is presently investing in collateralized savings accounts and certificates of deposit At the end of this quarter the City did not have any investments in Government Agencies or Treasury Bills.

The savings accounts are collateralized, or covered by FDIC Insurance, in the same manner in which the City's cash accounts and CD's are collateralized or insured. On March 31, 2016 the City had 95.27%, \$4,937,000.00, of the portfolio balance in the collateralized high yield savings accounts. On March 31, 2016 the Investment Savings were earning 0.09% (on 365 day basis). At the end of this quarter the savings rate is lower than the average treasury bill rate.

The City invested in a certificate of deposit at First Financial Bank in a prior quarter. This investment is earning 0.30% which is slightly more than the Investment Savings account current rate.

The investment policy specifies that the investments, in order of priority, be (1) suitable for the entity (2) provide for preservation and safety of principal (3) liquid (4) marketable if the need arises (5) diverse types of investments in the portfolio and (6) able to achieve a fair yield.

For the City our present investments meet all the requirements. With the setting of percentage factors

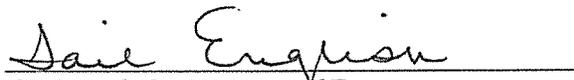
for portfolio investment types (within our Investment Policy as required by State Law) the City is striving to diversify its investments and still maximize the rate of return. The specific reason for the diversity of a portfolio is to eliminate the risk of loss from over concentration of assets in a specific maturity, specific issuer, or specific class of securities. The City is presently unable to obtain instruments backed by the full faith and credit of the federal government the City's investments are not as diverse as they have been in the past.

The City is currently in compliance with the Public Funds Investment Act. The present investment options have made it very difficult to stay within the City's Investment Policy and Strategies. The City also is getting less diversification within the portfolio than normally recommended.

The City Council will continue to receive financial information on a quarterly basis and the quarterly investment report.

Submitted by City of Orange Designated Investment Officers:


Shawn Oubre, City Manager


Gail English, Director of Finance


Sherry Jackson, Accounting Manager

City of Orange Investment Report
for the Quarter Ending March 31, 2016

	Total All Funds	General	Debt Service	CIP General	Water & Sewer	W/S & S	Utility CIP	Sanitation	Internal Service	Special Revenue
Investments 12/31/2015										
Purchase Cost	5,182,000.00	3,707,000.00	0.00	0.00	0.00	0.00	0.00	275,000.00	95,000.00	1,105,000.00
Accrued Book Value	5,182,000.00	3,707,000.00	0.00	0.00	0.00	0.00	0.00	275,000.00	95,000.00	1,105,000.00
Fair Value	5,182,000.00	3,707,000.00	0.00	0.00	0.00	0.00	0.00	275,000.00	95,000.00	1,105,000.00
Maturity Value	5,182,735.00	3,707,735.00	0.00	0.00	0.00	0.00	0.00	275,000.00	95,000.00	1,105,000.00
Earnings on Investments at Maturity	2,202.58	1,764.12	0.00	0.00	0.00	0.00	0.00	81.75	28.24	328.47
Average Length of Maturity	45	50	0	0	0	0	0	31	31	31
Annualized Earnings	0.348%	0.347%	0.000%	0.000%	0.000%	0.000%	0.000%	0.350%	0.350%	0.350%
Quarterly Trust Fees	0.00									
Annualized Earnings (Net of Fees)	0.348%									
Investment Change										
Investment Purchases (Reinvestments)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Investment Maturities	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Investments 12/31/2015										
Purchase Cost	5,182,000.00	3,707,000.00	0.00	0.00	0.00	0.00	0.00	275,000.00	95,000.00	1,105,000.00
Accrued Book Value	5,182,000.00	3,707,000.00	0.00	0.00	0.00	0.00	0.00	275,000.00	95,000.00	1,105,000.00
Fair Value	5,182,000.00	3,707,000.00	0.00	0.00	0.00	0.00	0.00	275,000.00	95,000.00	1,105,000.00
Maturity Value	5,182,735.00	3,707,735.00	0.00	0.00	0.00	0.00	0.00	275,000.00	95,000.00	1,105,000.00
Earnings on Investments at Maturity	1,100.20	991.09	0.00	0.00	0.00	0.00	0.00	20.34	7.03	81.74
Average Length of Maturity	46	52	0	0	0	0	0	30	30	30
Annualized Earnings	0.100%	0.104%	0.000%	0.000%	0.000%	0.000%	0.090%	0.090%	0.090%	0.090%
Quarterly Trust Fees	0.00									
Annualized Earnings (Net of Fees)	0.100%									
Change in Market Value	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Treasury Bills	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Percentage of Portfolio	0.00%									
Government Agencies	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Percentage of Portfolio	0.00%									
CD Covered by Collateral	245,000.00	245,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Percentage of Portfolio	4.73%									
Savings Account	4,937,000.00	3,462,000.00	0.00	0.00	0.00	0.00	0.00	275,000.00	95,000.00	1,105,000.00
Percentage of Portfolio	95.27%									
Total	5,182,000.00	3,707,000.00	0.00	0.00	0.00	0.00	0.00	275,000.00	95,000.00	1,105,000.00
Percentage of Total Portfolio	100%	72%	0%	0%	0%	0%	0%	5%	2%	21%
Maturity Less Than 90 Days	4,937,000.00	3,462,000.00	0.00	0.00	0.00	0.00	0.00	275,000.00	95,000.00	1,105,000.00
Maturity 90-180 Days	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Maturity 181-365 Days	245,000.00	245,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	5,182,000.00	3,707,000.00	0.00	0.00	0.00	0.00	0.00	275,000.00	95,000.00	1,105,000.00

City of Orange Investment Analysis

March 31, 2016

	Original Purchase Cost	Accrued Book Value	Present Market Value	Maturity Value	Purchase Date	Maturity Date	Yield %	Earnings	Annualized Earnings	Term Days	Days to Maturity
1	1	WF Savings	3,462,000.00	3,462,000.00	01-Apr-16	30-Apr-16	0.090%	256.09	3,115.80	30	30
1	1	First Financial	245,000.00	245,000.00	13-Aug-15	13-Aug-16	0.300%	735.00	735.00	365	135
			3,707,000.00	3,707,735.00			0.104%	991.09	3,850.80	52	
28	1	WF Savings	275,000.00	275,000.00	01-Apr-16	30-Apr-16	0.090%	20.34	247.50	30	30
			275,000.00	275,000.00			0.090%	20.34	247.50	30	
30	1	WF Savings	95,000.00	95,000.00	01-Apr-16	30-Apr-16	0.090%	7.03	85.50	30	30
			95,000.00	95,000.00			0.090%	7.03	85.50	30	
40	1	WF Savings	525,000.00	525,000.00	01-Apr-16	30-Apr-16	0.090%	38.84	472.50	30	30
50	1	WF Savings	350,000.00	350,000.00	01-Apr-16	30-Apr-16	0.090%	25.89	315.00	30	30
51	1	WF Savings	50,000.00	50,000.00	01-Apr-16	30-Apr-16	0.090%	3.70	45.00	30	30
56	1	WF Savings	25,000.00	25,000.00	01-Apr-16	30-Apr-16	0.090%	1.85	22.50	30	30
63	1	WF Savings	50,000.00	50,000.00	01-Apr-16	30-Apr-16	0.090%	3.70	45.00	30	30
64	1	WF Savings	25,000.00	25,000.00	01-Apr-16	30-Apr-16	0.090%	1.85	22.50	30	30
65	1	WF Savings	5,000.00	5,000.00	01-Apr-16	30-Apr-16	0.090%	0.37	4.50	30	30
70	1	WF Savings	75,000.00	75,000.00	01-Apr-16	30-Apr-16	0.090%	5.55	67.50	30	30
			1,105,000.00	1,105,000.00			0.090%	81.74	994.50	30	
			5,182,000.00	5,182,000.00			0.100%	1,100.20	5,178.30	46	

MOTION

Motion acknowledging receipt of the Quarterly Investment Report for the period ending March 31, 2016.

Jimmy Sims, Mayor

ATTEST:

Rhonda Haskins, City Secretary

_____, 2016