

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

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

- |   |    |                        |
|---|----|------------------------|
| <b>1. CALL TO ORDER</b>   |    | Mayor                  |
| <b>2. INVOCATION and PLEDGE OF ALLEGIANCE</b>   |    | Council Member Pernell |
| <b>3. MOTION</b>  |    |                        |
| 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          |
| <b>4. APPROVAL OF MINUTES</b>   |    |                        |
| a) July 12, 2016 City Council Meeting   | 6  | Mayor/Council          |
| <b>5. CITIZEN COMMENTS</b>  |    |                        |
| <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> |    |                        |
| <b>6. DISCUSSION/ACTION</b>   |    |                        |
| a) Consider a motion appointing Ashley M. Tarver to the Convention and Visitors Bureau Advisory Board for a term ending July 26, 2018.  | 10 | Staff: Trahan          |
| b) Consider a motion appointing Jacqueline M. Singleton to the Convention and Visitors Bureau Advisory Board for a term ending July 26, 2018.   | 13 | Staff: Trahan          |

- 7. PRESENTATION**
- a) Presentation by financial advisor and bond counsel on proposed Tax & Revenue Certificates of Obligation, Series 2016. Guy Goodson, Germer PLLC
- 8. RESOLUTION**
- a) Consideration and possible action to approve a resolution expressing official intent to reimburse with tax-exempt obligation proceeds for costs associated with contractual obligations and improvements to city water and wastewater systems. 16 Guy Goodson, Germer PLLC
- 9. ORDINANCE**
- a) Consideration and possible action to approve an ordinance authorizing and approving publication of Notice of Intention to issue City of Orange, Texas Tax & Revenue Certificates of Obligation, Series 2016 (the "Certificates") in a maximum principal amount not to exceed \$5,110,000; authorizing the Mayor, City Manager, City Secretary, City Staff, City Financial Advisors, Legal Counsel and Bond Counsel to take all actions deemed necessary in connection with the issuance and sale of such certificates; and providing an effective date. 19 Guy Goodson, Germer PLLC
- 10. DISCUSSION/ACTION**
- a) Consideration and possible action to engage Germer PLLC as bond counsel. 23 Guy Goodson, Germer PLLC
- 11. PUBLIC HEARING**
- a) Conduct a public hearing to receive comments on the proposed Substantial Amendment to the Five Year Consolidated Plan and the 2014 Annual Action Plan for the City of Orange's Community Development Block Grant Program.
- The Substantial Amendment will consist of:
- The reallocation of \$1,477.45 remaining in a 2011 Street project that came in under budget, completing that project and closing out 2011 grant program year.
- The reallocation of \$70,000.00 remaining in a 2013 Water/Sewer project that went through the full procurement process without receiving any bidders, cancelling that project and closing out the 2013 grant program year.
- The increase in funding for the 2014 Park Improvements Project, Sunset Park, proposed Skate Park, from \$60,000.00 to \$131,794.45.

The addition of Emergency Services for utility disconnection and mortgage & rental assistance to prevent homelessness or the threat of homelessness to the 2014 Annual Action Plan. Emergency Services will be provided through a change in the scope of work of a Public Service agency, Christian Women's Job Corp., currently funded in that grant program year. Scope of work/funding, from education & job training, paying salary of a Site Coordinator to the provision of Emergency Services and using the funds for those services.

26 Staff: Wilson

**12. RESOLUTION**

- a) Consider a resolution formally adopting the substantial amendment to the Five Year Consolidated Plan increasing the 2014 Park Improvements Project to \$131,794.45 through the reallocation of funds from a 2011 Street Improvements Project, \$1,477.45 and through the reallocation of funds from a 2013 Water/Sewer Project, \$70,000.00. Additionally, adding emergency services for utility disconnection, mortgage assistance to prevent foreclosure, rental assistance to prevent eviction and/or housing to prevent homelessness will be added to the 2014 Annual Action Plan through a public service agency currently funded.

28 Staff: Wilson

**13. ORDINANCE**

- a) First Reading:

Consider an ordinance granting a franchise to Piney Woods Sanitation, Inc. to operate a commercial closed container garbage collection service in the City of Orange; providing the terms, conditions, obligations, and limitations of such service; providing indemnity to the City, retaining authority to regulate rates; providing for franchise payments; and providing for severability.

31 Staff: Knauf

**14. RESOLUTIONS**

- a) Consider a resolution awarding a contract to Excavation & Construction, LLC in the amount of \$164,107.66 for the SH 62 water extension, 900' N of IH-10 to TxDOT Office.
- b) Consider a resolution authorizing the City Manager to enter into a SFY2016 ILL Lending Reimbursement Program Grant Agreement to receive reimbursement for postage and processing of interlibrary loans made to other Texas libraries.

44 Staff: Wolf

48 Staff: Manasco

**15. DISCUSSION/ACTION**

- a) Consider a motion approving the Orange Economic Development Corporation's motion authorizing the expenditure of funds for infrastructure improvements at Eagle Point, Interstate 10 in Orange, Texas in an amount not to exceed \$650,000.00 for the purpose of economic development. 56 Staff: Trahan
- b) Consider a motion acknowledging receipt of the Orange Economic Development Corporation Financial Report for the quarter ending June 30, 2016. 61 Staff: Zeto, Cheryl
- c) Consider a motion acknowledging receipt of the Orange Economic Development Corporation Investment Report for the quarter ending June 30, 2016. 68 Staff: Zeto, Cheryl

**16. REPORTS**

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

**17. ADJOURN TO CLOSED EXECUTIVE SESSION**

- a) Deliberation regarding Personnel Matters pursuant to Chapter 551 of the Texas Government Code:
  - (1) Deliberation regarding personnel matters as authorized by subsection 551.074 involving City Manager's Contract. Mayor/Council

**18. RECONVENE IN OPEN SESSION**

- a) Take action as necessary regarding item 17 a (1) above. Mayor/Council

**19. 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 }

July 12, 2016

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

<b>COUNCIL MEMBERS PRESENT:</b>	Jimmy Sims Larry Spears Jr. Patrick A. Pullen Essie Bellfield Annette Pernel Bill Mello	Mayor Mayor Pro Tem Council Member Council Member Council Member Council Member
<b>COUNCIL MEMBERS ABSENT:</b>	Dr. Wayne Guidry	Council Member
<b>STAFF MEMBERS PRESENT:</b>	Dr. Shawn Oubre Jay Trahan  Rhonda Haskins Patricia Anderson Lane Martin David Frenzel Cheryl Zeto Jim Wolf Kelvin Knauf  Brenna Manasco Mike Zeto Kelly Griffin Brandy Judice Chris Smith	City Manager Assistant City Manager, Director of Economic Development City Secretary Deputy City Secretary Chief of Police Fire Chief Director of Finance Director of Public Works Director of Planning and C o m m u n i t y Development Library Director CIS Manager Police Evid. & ID Tech CVB Coordinator City Attorney

**STAFF MEMBERS ABSENT:** None

Mayor Sims called the meeting to order at 9:00 A.M.

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

**MOTION FINDING THAT THE ADVANCE POSTING AND NOTICE REQUIREMENTS OF ARTICLE 8.1200 OF THE CODE OF ORDINANCES OF THE CITY OF ORANGE, TEXAS HAVE BEEN MET IN RELATION TO ALL MINUTES AND PENDING ORDINANCES AND**

**RESOLUTIONS ON THIS AGENDA AND THAT THE READING OF SUCH ITEMS BE CONFINED TO THE CAPTION OF THE ORDINANCES AND RESOLUTIONS.**

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

**APPROVAL OF MINUTES**

Council Member Pernell moved to approve the minutes of the June 23, 2016 Special Call Meeting of the Orange City Council. Second to the motion was made by Council Member Pullen which carried unanimously.

Council Member Pernell moved to approve the minutes of the June 28, 2016 Regular Meeting of the Orange City Council. Second to the motion was made by Mayor Pro Tem Spears which carried unanimously.

**CITIZEN COMMENTS**

Mary McKenna, 312 Pine Avenue: in favor of Humane Society agenda item; 4<sup>th</sup> of July fireworks were awesome; thanked the police officers and firefighters.

Brandy Judice: 4<sup>th</sup> of July events were a success; thanked everyone involved; two upcoming events- July 30<sup>th</sup> National Dance Day and September 16<sup>th</sup> through 18<sup>th</sup> SPORT Tunnel Boat Races.

Jim Clark, 6803 Horseshoe Bend, advised he is in favor of the Humane Society agenda item.

Chuck Petterson, 802 Cherry Avenue: concerned about Front Street and the railroad tracks; in favor of a fence being placed around Sunset Park; in favor of the skate park being installed at Sunset Park, but would like to see an additional skate park built for smaller children.

**ORDINANCES**

**FINAL READING:**

ORDINANCE OF THE CITY OF ORANGE, TEXAS APPROVING 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 Bellfield moved to approve the ordinance. Second to the motion was made by Council Member Pernell which carried unanimously.

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

**RESOLUTIONS**

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RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE SOUTHEAST TEXAS REGIONAL PLANNING COMMISSION 911 FOR THE INSTALLATION OF A 120' MONOPOLE ANTENNA LOCATED IN THE REAR PARKING LOT OF THE POLICE DEPARTMENT. THIS ANTENNA WILL HOLD 2 MICROWAVE DISHES, ONE TO POINT AT THE SHERIFF'S OFFICE AND THE SECOND DISH TO BE POINTED AT THE PINEHURST POLICE DEPARTMENT. THIS NEW EQUIPMENT WILL PROVIDE BACKUP TO THE EMERGENCY SERVICE NETWORK FOR THE 911 CALLS, THIS WILL ENHANCE THE PUBLIC SAFETY IN THE CITY OF ORANGE AND THE REGION AS A WHOLE.

Pete De La Cruz, 9-1-1 Emergency Network, gave an overview of the tower project. He advised the agency was notified last week that the monopole antenna will be 125' instead of 120'.

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

A copy of this resolution is being made a part of these minutes as Resolution Number 2016-40.

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE HUMANE SOCIETY OF SOUTH EAST TEXAS REGARDING THE RELEASE OF ANIMALS.

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

A copy of this resolution is being made a part of these minutes as Resolution Number 2016-41.

**CITY MANAGER REPORT**

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Dr. Oubre advised that the South East Texas Regional Planning Commission is gathering information to update the South East Texas Area Regional Public Transportation Coordination Plan. He advised the 4<sup>th</sup> of July events was an excellent event. He commended Mr. Trahan, Ms. Judice, Ms. Haynes, the Parks Department, and the Police Department for their hard work. He thanked Russell Covington for his support of the event.

**CITY COUNCIL REPORT**

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Council Member Pullen: 4<sup>th</sup> of July event was great; thanked Mr. Trahan; hearts out to the cities who lost officers.

Council Member Bellfield: wants Orange on the water tower located on Turrett Street; wants fence to be placed around Sunset Park; lots look better.

Council Member Pernell thanked Reverend Van Stedman Barnett, Sr. who passed away July 3<sup>rd</sup>.

Mayor Sims thanked Mr. Trahan, Ms. Judice and Ms. Haynes on the 4<sup>th</sup> of July event. He also thanked the Council for their approval of the 4<sup>th</sup> of July event.

**ADJOURNMENT**

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

The meeting adjourned at 9:33 A.M.

\_\_\_\_\_  
Jimmy Sims, Mayor

**ATTEST:**

\_\_\_\_\_  
Rhonda Haskins, City Secretary

## MOTION

Motion appointing Ashley M. Tarver to the Convention and Visitors Bureau Advisory Board for a term ending July 26, 2018.

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Jimmy Sims, Mayor

**ATTEST:**

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Rhonda Haskins, City Secretary

July 26, 2016

CITY OF ORANGE  
BOARDS AND COMMISSIONS  
INFORMATION STATEMENT AND APPLICATION

PLEASE CHECK THE BOARD OR COMMISSION FOR WHICH YOU ARE APPLYING:

- |  |   |
|--|---|
| <input type="checkbox"/> BOARD OF ADJUSTMENT         | <input type="checkbox"/> LIBRARY ADVISORY BOARD                   |
| <input type="checkbox"/> CIVIL SERVICE COMMISSION    | <input type="checkbox"/> PLANNING AND ZONING COMMISSION           |
| <input type="checkbox"/> CONSTRUCTION APPEALS BOARD  | <input type="checkbox"/> CITIZENS ADVISORY COMMITTEE              |
| <input type="checkbox"/> CREATIVE HOUSING BOARD      | <input checked="" type="checkbox"/> OTHER(Please List) <u>CVB</u> |
| <input type="checkbox"/> HISTORIC PRESERVATION BOARD | <input type="checkbox"/> OTHER(Please List) _____                 |
| <input type="checkbox"/> HOUSING AUTHORITY BOARD     | <input type="checkbox"/> OTHER(Please List) _____                 |

THE FOLLOWING INFORMATION WILL BECOME PUBLIC RECORD IF YOU ARE APPOINTED:

Name: Tarver, Ashley M.  
Last First Middle Initial

Home Address: 212 W. New York St

Home Telephone: (409) 988-5322 Fax: \_\_\_\_\_

Profession: Registered Nurse

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

PERSONAL REFERENCES:

- |    |                                 |                          |
|----|---------------------------------|--------------------------|
| 1) | <u>Gina Simar</u>               | <u>(409) 882-3311</u>    |
|    | <small>Name and Address</small> | <small>Telephone</small> |
| 2) | <u>Carmen Puhon</u>             | <u>(409) 988-1644</u>    |
|    | <small>Name and Address</small> | <small>Telephone</small> |

Voter Registration No: \_\_\_\_\_

Resident of Orange for 30 Years

-over-

If you have previously served on a City of Orange Board or Commission, please specify Board or Commission and approximate dates of service: NO

Do you have experience that qualifies you for service on a particular Board or Commission (i.e., licenses, degrees, certificates)? Certain Boards require qualifications such as plumbers, architects, electricians: N/A

If you have been involved in any community endeavors, please explain: Spouse races in DSEA and I participate with the Race Command during the races. Also a crew member of Krewe C'est Bon for Mardi gras parade in Orange.  
Willy Tarver Signature 6/27/16 Date

#### QUALIFICATIONS FOR APPOINTMENT TO CITY OF ORANGE BOARDS

The City of Orange Policy establishes certain qualifications which must be met by all members of City Boards and Commissions. In addition to any special qualifications for service on a particular board, a board member must:

- 1) Not be delinquent on any City taxes or utilities. ✓
- 2) Be a qualified City of Orange voter at the time of appointment. ✓ per Cheryl 6/29/16
- 3) Have been a resident of Orange for at least six months before the date of appointment.
- 4) Have not been finally convicted of a felony. @
- 5) Have not been determined mentally incompetent by a final judgement of court.

Thank you for taking the time to complete this application. It will be helpful to the City Council in making appointments.

*This application must be fully completed for consideration by the City Council.*

You may also attach a resume if you so desire.

Please return this form to the address below:

RHONDA HASKINS  
CITY SECRETARY  
P. O. BOX 520  
ORANGE, TEXAS 77631 (OR FAX TO 883-1096)

-over-

## MOTION

Motion appointing Jacqueline M. Singleton to the Convention and Visitors Bureau Advisory Board for a term ending July 26, 2018.

\_\_\_\_\_  
Jimmy Sims, Mayor

**ATTEST:**

\_\_\_\_\_  
Rhonda Haskins, City Secretary

July 26, 2016

CITY OF ORANGE  
BOARDS AND COMMISSIONS  
INFORMATION STATEMENT AND APPLICATION

PLEASE CHECK THE BOARD OR COMMISSION FOR WHICH YOU ARE APPLYING:

- |  |   |
|--|---|
| <input type="checkbox"/> BOARD OF ADJUSTMENT         | <input type="checkbox"/> LIBRARY ADVISORY BOARD                   |
| <input type="checkbox"/> CIVIL SERVICE COMMISSION    | <input type="checkbox"/> PLANNING AND ZONING COMMISSION           |
| <input type="checkbox"/> CONSTRUCTION APPEALS BOARD  | <input type="checkbox"/> CITIZENS ADVISORY COMMITTEE              |
| <input type="checkbox"/> CREATIVE HOUSING BOARD      | <input checked="" type="checkbox"/> OTHER(Please List) <u>CVR</u> |
| <input type="checkbox"/> HISTORIC PRESERVATION BOARD | <input type="checkbox"/> OTHER(Please List) _____                 |
| <input type="checkbox"/> HOUSING AUTHORITY BOARD     | <input type="checkbox"/> OTHER(Please List) _____                 |

THE FOLLOWING INFORMATION WILL BECOME PUBLIC RECORD IF YOU ARE APPOINTED:

Name: Singleton Jacqueline M.  
Last First Middle Initial

Home Address: 5222 Bob Hall Rd Orange TX 77632

Home Telephone: 409.313.4349 Fax: \_\_\_\_\_

Profession: Registered Nurse

Business Name: Contract nurse at Exxon Mobil

Business Address: 2250 Chrove St. Beaumont TX 77701

Business Telephone: 409.757.3712 Fax: \_\_\_\_\_

PERSONAL REFERENCES:

- |  |                          |
|--|--------------------------|
| 1) <u>Denise Herron 4725 Coolidge Dr. Beaumont TX 77706 MO. 500-0597</u> | <u>MO. 500-0597</u>      |
| <small>Name and Address</small>  | <small>Telephone</small> |
| 2) <u>Leslie Warkle 2319 Lisa Ln. Orange TX 77630 409.697.0278</u>       | <u>409.697.0278</u>      |
| <small>Name and Address</small>  | <small>Telephone</small> |

Voter Registration No: 1204987334

Resident of Orange for 30 Years

-over-

If you have previously served on a City of Orange Board or Commission, please specify Board or Commission and approximate dates of service: N/A

Do you have experience that qualifies you for service on a particular Board or Commission (i.e., licenses, degrees, certificates)? Certain Boards require qualifications such as plumbers, architects, electricians: N/A

If you have been involved in any community endeavors, please explain: Frequently attend and participate in family centered community events such as parades, bass tournaments, boat races, concerts, etc.

Jacqueline Hingleton  
Signature

6-8-16

Date

#### QUALIFICATIONS FOR APPOINTMENT TO CITY OF ORANGE BOARDS

The City of Orange Policy establishes certain qualifications which must be met by all members of City Boards and Commissions. In addition to any special qualifications for service on a particular board, a board member must:

- 1) Not be delinquent on any City taxes or utilities. ✓
- 2) Be a qualified City of Orange voter at the time of appointment. ✓ per Cheryl 6-27-16
- 3) Have been a resident of Orange for at least six months before the date of appointment.
- 4) Have not been finally convicted of a felony. @
- 5) Have not been determined mentally incompetent by a final judgement of court.

Thank you for taking the time to complete this application. It will be helpful to the City Council in making appointments.

*This application must be fully completed for consideration by the City Council.*

You may also attach a resume if you so desire.

Please return this form to the address below:

RHONDA HASKINS  
CITY SECRETARY  
P. O. BOX 520  
ORANGE, TEXAS 77631 (OR FAX TO 883-1096)

-over-

CITY OF ORANGE, TEXAS

**RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE  
WITH TAX-EXEMPT OBLIGATION PROCEEDS FOR COSTS  
ASSOCIATED WITH CONTRACTUAL OBLIGATIONS AND  
IMPROVEMENTS TO CITY WATER AND WASTEWATER SYSTEMS**

**WHEREAS**, the City desires to reimburse itself for costs associated with the projects more specifically described in **Exhibit "A"** (the "Projects") from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof;

**WHEREAS**, the City is authorized to finance its activities by creating obligations, the interest on which is excludable from gross income for federal income tax purposes ("tax-exempt obligations") pursuant to §103 of the Internal Revenue of 1986, as amended (the "Code");

**WHEREAS**, the Internal Revenue Service and the U.S. Treasury Department have promulgated §1.150-2 of the Treasury Regulations (the "Regulations") which authorize an issuer to reimburse itself for expenditures made with respect to projects prior to the issuance of tax-exempt obligations for such projects;

**WHEREAS**, the City acknowledges that it will make, or has made not more than 60 days prior to the date hereof, payments with respect to the Projects; and

**WHEREAS**, the City acknowledges that it expects to issue tax-exempt obligations to reimburse itself for the costs associated with the Projects.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Orange, Texas that:

**Section 1.** The City declares its official intent pursuant to Regulation §1.150-2 to incur debt, as one or more series of obligations, with an aggregate maximum principal amount currently estimated not to exceed \$5,110,000, a portion of the proceeds of which are to reimburse the City for the purpose of paying capital expenditures, cost of issuance of the obligations or other expenditures eligible for reimbursement under Regulation §1.150-2(d)(3) for the purpose of paying for the Projects.

**Section 2.** Other than (i) expenditures to be paid or reimbursed from sources other than proceeds of the obligations, (ii) expenditures contemplating preliminary expenditures within the meaning of Regulation §1.150-2(f)(2) or (iii) expenditures in a "de minimus" amount as defined in Regulation §1.150-2(f)(1), no original expenditures for the Projects have been paid by the City more than sixty (60) days prior to the date of this Resolution.

**Section 3.** No tax-exempt obligation will be issued by the City in furtherance of this Resolution after a date which is later than eighteen (18) months after the later of (i) the date the expenditures are paid or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service.

**Section 4.** The foregoing notwithstanding, no tax-exempt obligation will be issued pursuant to this Resolution more than three (3) years after the date any expenditure which is to be reimbursed is paid.

**Section 5.** The terms that are defined in the recitals to this Resolution are hereby adopted and incorporated in this Resolution.

**Section 6.** The City Council hereby finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Resolution was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED, APPROVED AND ADOPTED this 26<sup>th</sup> day of July, 2016.

City of Orange, Texas

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Legal counsel

EXHIBIT "A"

Wastewater Treatment Plant Improvements	\$1,078,906
Water Tower and Related Water System Improvements	1,354,698
Water Plant Improvements	2,300,000
Engineering	216,396
Land Acquisition	50,000
<b>Total</b>	<b><u>\$5,000,000</u></b>



**WHEREAS**, the City Council authorizes the City Secretary to provide notice of the Council's intention to issue the Certificates by publication of the Notice of Intent to Issue the Certificates set forth in **Exhibit "A"** to this Ordinance once a week for two (2) consecutive weeks in the newspaper of general circulation for the City, as hereinafter specified, the date of the first publication to be before the thirtieth (30<sup>th</sup>) day before the date tentatively set for the passage of the Ordinance authorizing the issuance of the Certificates.

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

**Section 1.** The Recitals to this Ordinance are incorporated within this Ordinance as if fully set forth below.

**Section 2.** That the attached Notice of Intention to Issue Certificates set forth and marked **Exhibit "A"** is the form of notice of intent to issue certificates (the "Notice"), the form and substance of which is hereby passed and approved.

**Section 3.** That the City shall cause the Notice to be published, in substantially the form attached hereto as **Exhibit "A"**, in *The Orange Leader Publishing Co.*, a newspaper of general circulation in Orange, Orange County, Texas, for two consecutive weeks, the date of the first publication to be before the thirtieth (30<sup>th</sup>) day before the day tentatively proposed for authorizing the issuance of the Certificates as shown in the Notice.

**Section 4.** That the Projects to be financed with proceeds from the proposed Certificates are to be used for the purposes described in the attached Notice.

**Section 5.** That all costs to be reimbursed pursuant to this Ordinance will be authorized expenditures; the proposed Certificates shall be issued within eighteen (18) months of the later of (i) the date the expenditures are paid or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service; and the foregoing notwithstanding, the Certificates will not be issued pursuant to this Ordinance on a date that is more than three years after the date any expenditure which is to be reimbursed is paid.

**Section 6.** That the City Manager, City's staff and the City's financial advisor, legal counsel and bond counsel are hereby authorized to take any such actions as may be appropriate to carry out the intent of this Ordinance.

**Section 7.** This Ordinance is hereby adopted and approved effective this 26<sup>th</sup> day of July, 2016 with the affirmative vote of all Council members present and voting at its reading on the 26<sup>th</sup> day of July, 2016.

PASSED, APPROVED AND ADOPTED this 26<sup>th</sup> day of July, 2016.

CITY OF ORANGE, TEXAS

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**Jimmy Sims, Mayor**

ATTEST:

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**Rhonda Haskins, City Secretary**

APPROVED AS TO FORM:

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Legal Counsel

**EXHIBIT "A"**

**NOTICE OF INTENTION TO ISSUE  
CITY OF ORANGE, TEXAS  
CERTIFICATES OF OBLIGATION**

NOTICE IS HEREBY GIVEN that the City Council of the City of Orange, Texas shall convene at 9:00 a.m. on Tuesday, September 13, 2016, at its regular meeting place at the Orange Public Library Auditorium located at 220 North Fifth Street, Orange, Texas, and during such meeting, the City Council will consider the passage of an Ordinance and take such other actions as may be deemed necessary to authorize the issuance of the **City of Orange, Texas \$5,110,000 Tax & Revenue Certificates of Obligation, Series 2016** (the "Certificates") for the purpose of paying, in whole or in part, contractual obligations to be incurred for design, construction, repair, replacement, improvement or rehabilitation and equipping (i) water system, water plant, wastewater system and wastewater treatment plant improvements for the City (collectively the "Projects"), (ii) professional services for engineering, surveying, geotechnical, auditing, financial advisory, bond counsel, legal counsel and (iii) cost of issuance of the Certificates. The Certificates shall be payable from an ad valorem tax levied, within the limits prescribed by law, on taxable property located within the City and from a limited pledge of the Net Revenues of the City's water and wastewater system (the "System"). The Certificates shall mature not later than forty (40) years from the date of the Certificates and with interest payable semi-annually at a rate not in excess of that prescribed by Chapter 1204, Government Code.

This Notice is issued pursuant to the authority and direction of the City Council of the City of Orange, Texas and in accordance with the provisions of the Certificate of Obligation Act of 1971, as amended, Local Government Code §271.041, et seq. and the Public Securities Procedures Act, as amended, §1201.001, et seq., Government Code.

**CITY OF ORANGE, TEXAS**

/s/ Rhonda Haskins  
**City Secretary**

July 26, 2016

Mr. Shawn Oubre  
City of Orange Manager  
803 W. Green Avenue  
Orange, Texas 77631

Re: City of Orange, Texas (the "City") – \$5,110,000\* Tax & Revenue Certificates of  
Obligation, Series 2016 (the "Certificates")

Dear Mr. Oubre:

This letter will confirm the terms pursuant to which Germer PLLC would serve as bond counsel for the City in the issuance of the above-referenced Certificates. It is understood that while the amount of the Certificate issue has not been determined, the Certificates would be sold in the year 2016.

The services which we propose to provide will include:

- 1) preparation and drafting of all documents customarily prepared by bond counsel in order to issue the Certificates;
- 2) preparation of our firm's opinion relative to the tax-exempt status of the Certificates and the absence of registration requirements;
- 3) preparation and filing of all documents necessary to obtain approval of the Attorney General of the State of Texas and the Comptroller of Public Accounts;
- 4) review and examination of all insurance agreements, if applicable;
- 5) assistance in the preparation of any Purchase Agreement and Private Placement or Offering Memorandum for the public or private sale of the Certificates and the preparation of any disclosure certificates to be delivered by the City;

- 6) review of the disclosure investigations which are actually made on behalf of the City; and

The services above shall be provided for a fee as specified in the attached **Exhibit "A"** and premises upon a bond issue amount as approved by the City. The fee will be subject to an amendment in accordance with the face amount of the Certificates. In addition, we are to be reimbursed for our reasonable and actual out-of-pocket expenses incurred incident to rendering these services.

Upon execution of this engagement letter, the City shall be the client of the undersigned, and an attorney-client relationship exists between us. We assume that all other parties to the proposed transaction for issuance of the Certificates understand that we represent only the City in the transaction and are not counsel to any other party and are not acting as an intermediary among parties. Our services as bond counsel are limited to those contracted for in this engagement letter, and the City's execution hereof acknowledges those limitations. Our representation of the City will not affect, however, our responsibility to render an objective opinion as to the Certificates.

We very much appreciate the opportunity to serve the City in this matter.

Yours very truly,

**GERMER PLLC**

By:   
Guy N. Goodson

GNG/mgm  
Attachment

**APPROVED AND ACCEPTED** by City Council of the City on the 26<sup>th</sup> day of July, 2016.

**CITY OF ORANGE, TEXAS**

---

Mayor

**EXHIBIT "A"**

**FEE SCHEDULE PER PAR AMOUNT**

The fee for each issue of debt obligations will be as follows:

Par Amount up to \$5,000,000 - \$25,000

Plus 0.50% of Par Amount Over \$5,000,000

MEMORANDUM  
July 19, 2016

TO: Kelvin Knauf, Director of Planning and Community Development

FROM: Sandra Wilson, Grants Planner

RE: Substantial Amendment to Five Year Consolidated Plan and 2014 Annual Action Plan

---

Please place the following Public Hearing on the City Council Agenda for Tuesday, July 26, 2016 to receive comments on the proposed Substantial Amendment to the Five Year Consolidated Plan and 2014 Annual Action Plan.

Should you have any questions, please call me.

**Public Hearing**

**July 26, 2016**

**5:30 p.m.**

**Public Hearing**

Conduct a public hearing to receive comments on the proposed Substantial Amendment to the Five Year Consolidated Plan and the 2014 Annual Action Plan for the City of Orange's Community Development Block Grant Program.

The Substantial Amendment will consist of:

The reallocation of \$1,477.45 remaining in a 2011 Street project that came in under budget, completing that project and closing out 2011 grant program year.

The reallocation of \$70,000.00 remaining in a 2013 Water/Sewer project that went through the full procurement process without receiving any bidders, cancelling that project and closing out the 2013 grant program year.

The increase in funding for the 2014 Park Improvements Project, Sunset Park, proposed Skate Park, from \$60,000.00 to \$131,794.45.

The addition of Emergency Services for utility disconnection and mortgage & rental assistance to prevent homelessness or the threat of homelessness to the 2014 Annual Action Plan. Emergency Services will be provided through a change in the scope of work of a Public Service agency, Christian Women's Job Corp., currently funded in that grant program year. Scope of work/funding, from education & job training, paying salary of a Site Coordinator to the provision of Emergency Services and using the funds for those services.

MEMORANDUM  
July 19, 2016

**TO:** Kelvin Knauf, Director of Planning Community Development  
**FROM:** Sandra Wilson, Grants Planner  
**RE:** Substantial Amendment to the Five Year Consolidated Plan

---

Please place the attached resolution on the City Council agenda for Tuesday, July 26, 2016, for City Council's review and formal adoption. The Substantial Amendment to the Five Year Consolidated Plan and the 2014, Year One Annual Action Plan increases the 2014 Annual Action Plan, Park Improvements Project from \$60,000 to \$131,794.45. Remaining funds from a 2011 Street Improvements project, completed under budget, of \$1,477.45 would be reallocated and that project would be completed, closing out the 2011 Grant Program Year. Funds of \$70,317.00 from a 2013 Water/Sewer project, a project that went through the procurement process and did not receive any bidders, would be reallocated and that project would be cancelled at this time, closing out the 2013 grant program year. Emergency services for utility disconnection, mortgage payment assistance to prevent foreclosure and rental assistance to prevent eviction will be added to the 2014 Annual Action Plan to prevent homelessness or the threat of homelessness. This will be accomplished through changing the scope of work currently being provided by, Christian Women's Job Corps, a Public Service nonprofit organization.

Upon review and formal adoption by City Council, and considering all comments received through 5:00 p.m., Tuesday, August 9, 2016 when the City plans to submit our Substantial Amendment to the U. S. Department of Housing and Urban Development, Houston Field Office.

**A RESOLUTION FORMALLY ADOPTING THE SUBSTANTIAL AMENDMENT TO THE FIVE YEAR CONSOLIDATED PLAN INCREASING THE 2014 PARK IMPROVEMENTS PROJECT TO \$131,794.45 THROUGH THE REALLOCATION OF FUNDS FROM A 2011 STREET IMPROVEMENTS PROJECT, \$1,477.45 AND THROUGH THE REALLOCATION OF FUNDS FROM A 2013 WATER/SEWER PROJECT, \$70,000.00. ADDITIONALLY, ADDING EMERGENCY SERVICES FOR UTILITY DISCONNECTION, MORTGAGE ASSISTANCE TO PREVENT FORECLOSURE, RENTAL ASSISTANCE TO PREVENT EVICTION AND/OR HOUSING TO PREVENT HOMELESSNESS WILL BE ADDED TO THE 2014 ANNUAL ACTION PLAN THROUGH A PUBLIC SERVICE AGENCY CURRENTLY FUNDED.**

**WHEREAS** the City of Orange receives Community Development Block Grant funds as an Entitlement Community under Title 1 of the Housing and Community Development Act of 1974, and;

**WHEREAS,** an entitlement must not have more than 1.5 times their annual allocation undisbursed as per CFR 24 Part 570.901(a)(I), and;

**WHEREAS** the City of Orange is following the Citizens Participation Plan outlined and approved by the U. S. Department of Housing and Urban Development in its Five Year Consolidated Plan.

**BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF ORANGE, TEXAS, APPROVE and ADOPT** the substantial amendment to its Five Year Consolidated Plan as shown and detailed in attachment A.

**APPROVED AND ADOPTED** on this the 26th day of July, 2016.

\_\_\_\_\_  
Jimmy Sims, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Rhonda Haskins, City Secretary

\_\_\_\_\_  
City Attorney

**Attachment A**

**As per our Five Year Consolidated Plan the Substantial Amendment will be comprised of the following changes:**

<b>Description</b>	<b>Remaining Funds</b>	<b>Inc or (Dec)</b>	<b>Amended</b>
Street Improvements Grant Number B-11-MC-48-0004 HUD Project #5 HUD Activity #306 City of Orange Project Number 37000.011	\$1,477.45	(\$1,477.45)	\$0.00 Project Completed
Water/Sewer Improvements Grant Number B-13-MC-48-0004 HUD Project #6 HUD Activity #305 City of Orange Project Number 39000.011	\$70,317.00	(\$70,317.00)	\$0.00 Project Cancelled
Park Improvements - Sunset Park Grant Number B-14-MC-48-0004 HUD Project #5 HUD Activity #317 City of Orange Project Number 40000.011	\$60,000.00	\$71,794.45	\$131,794.45
Public Service - Christian Women's Job Corps Grant Number B-14-MC-48-0004 HUD Project #2 HUD Activity #312 City of Orange Project Number 40000.006	\$5,669.95	\$0.00	Scope of Work/Funding From Education and Job Training to Emergency Services

**MEMORANDUM**

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**To:** Dr. Shawn Oubre Ph.D., City Manager  
**From:** Kelvin Knauf, Director of Planning and Community Development  
**Subject:** Consider a franchise ordinance for Piney Woods Sanitation Inc. to collect solid waste from commercial establishments  
**Date:** July 13, 2016

---

**Background**

Piney Woods Sanitation, Inc. has submitted an application to operate a solid waste collection service for commercial (non single-family) establishments. Piney Woods Sanitation currently serves unincorporated areas of Orange County, the City of Diboll, the City of Hudson, and the City of San Augustine. The city manager or city administrator of Diboll, Hudson and San Augustine gave Piney Woods Sanitation very high recommendations as far as service delivery, condition of vehicles and condition of dumpsters/roll-offs. In addition, the Republic Services landfill gave Piney Woods Sanitation a very high recommendation and there are no problems between Piney Woods Sanitation and the Republic Landfill.

I visited the Piney Woods Sanitation facility in Silsbee and their trucks are clean and well maintained. Their facility in Silsbee is clean and well-organized. Piney Woods Sanitation appears to be a well-run organization that is capable of servicing the solid waste needs of commercial customers.

Attached for your consideration is a proposed ordinance that provides the same term and conditions for Piney Woods Sanitation as are extended to other commercial solid waste franchisees in the City.

**Recommendation**

I recommend that the City Council approve an ordinance granting a solid waste franchise to operate a commercial (non single-family) solid waste collection service.

**AN ORDINANCE GRANTING A FRANCHISE TO PINEY WOODS SANITATION, INC. TO OPERATE A COMMERCIAL CLOSED CONTAINER GARBAGE COLLECTION SERVICE IN THE CITY OF ORANGE; PROVIDING THE TERMS, CONDITIONS, OBLIGATIONS, AND LIMITATIONS OF SUCH SERVICE; PROVIDING INDEMNITY TO THE CITY, RETAINING AUTHORITY TO REGULATE RATES; PROVIDING FOR FRANCHISE PAYMENTS; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, Piney Woods Sanitation, Inc. has requested a franchise to operate commercial container garbage collection service within the City of Orange, Texas (the "City"); and,

**WHEREAS**, the City desires to grant such franchise; now therefore

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

**Section 1. Grant of Authority**

There is hereby granted by the City ("Grantor") to Piney Woods Sanitation ("Company"), the right and privilege to operate and maintain within the City of Orange a commercial container garbage collection service (the "service"). For purposes of this franchise, it shall be unlawful for any person, partnership, association or corporation to provide commercial container garbage collection services in the City without first obtaining a franchise from the City. "Commercial Container Garbage Collection Service" is defined as a regular collection of the garbage from mechanically emptied "dumpster or roll-on" type containers from locations in the City which are not single-family locations, and disposal of such material in accordance with the law. The franchise granted herein is non-exclusive and franchises may be granted to other persons for service.

**Section 2. Term of Franchise**

The franchise herein granted shall take effect thirty (30) days after its final passage. Prior to becoming effective the franchise must be accepted by the grantee in writing and filed with the City Secretary

as required by Article XI of the Charter of the City of Orange. The franchise shall be in effect for a term of five years from the effective date of the second reading of this ordinance.

### **Section 3. Franchise Fee**

The Company shall pay to the City, on or before the twenty-fifth (25th) day of each month, a sum equal to ten percent (10%) of total gross collections for the previous month (number of customers times amount collected per customer) for all containers located within the corporate confines of the City . Said amount as payment for the use of the City's streets, alleys and right-of-way. The payments herein provided do not relieve Company from the payment of ad valorem taxes, special assessments, charges or other fees applicable to the public generally.

Any payment not received by the 25<sup>th</sup> of the each month shall be subject to a five percent (5%) penalty on the total amount due. The payment will also be subject to a one percent (1%) per month interest charge for all days past due.

The City shall have the right at any reasonable time to audit the books and records of the Company and Company is hereby required to make such books and records available at the request of City. The following reports shall be filed monthly with the City Manager or his designee, along with the street rental payment required herein:

1. A list of all existing commercial accounts served, including customer name, address, frequency of pick-up, size of container (in cubic yards) or type of service and charge for same.
2. A list of all new commercial accounts served, including customer name, address, frequency of pick-up, size of container (in cubic yards) or type of service and charge for same.
3. Names and addresses of commercial customers dropped from service for any reason and the reason, if available, that such customer was dropped from service.

4. A listing of all vehicles used in providing service and all vehicles which have been added to or removed from providing such service. Such listing shall include state license number, year, make, model and manufacturer's rated capacity for each vehicle.
5. A statement under oath attesting to the accuracy of all items covered in this section.

#### **Section 4. Indemnity, Insurance and Bond**

The Company shall at all times during the effective period of this franchise, carry liability insurance as provided herein.

The Company agrees to defend, indemnify and hold Grantor harmless from and against all damages, costs, losses or expenses (a) for the repair, replacement, or restoration of Grantor's property, equipment, materials, structures and facilities which are damaged, destroyed or found to be defective as a result of such Company's negligent acts or omissions; and (b) provided The Company shall have sole control of any action or proceeding and all negotiations for settlement and compromise, 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 Grantee, its agents, officers, employees, and subcontractors), and the Grantor, its agents, officers, and employees, and 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 Company, the Company's subcontractors or a subcontractor's agents, officers and employees, the agent, officers and employees of the Grantor, and any third parties), arising out of, incident to, concerning or resulting from the negligent acts or omissions of such Company, its agents, employees, contractors and/or subcontractors or the employees of them, in the performance of activities pursuant to such franchise, no matter how, or to whom such loss may occur, and whether the same is caused or contributed to by the negligence of the Grantor, its officers, agents or employees.

Indemnity Obligations. The Company acknowledges its express intent to assume all

indemnity obligations under this franchise without regard to cause or regardless of any negligence of the Grantor:

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 Company under the terms of this franchise 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. Company's obligation to indemnify Grantor against claims by parties other than Grantor shall not exceed the limits of Grantor's liability under the provisions of the Texas Tort Claims Act. The Company shall not be obligated to indemnify Grantor under the provisions of this franchise to the extent Grantor's sovereign immunity has not been waived by state or federal statute or a claim against Grantor is subject to the workers compensation laws of the State of Texas.

Notice. The Company or Grantor must promptly advise the other in writing of any action, administrative or legal proceeding or investigation of which Grantor or The Company have become aware and to which the indemnification contained under this Section 4 may apply, and Grantor agrees to cooperate with The Company in the investigation and resolution of any claim to which the indemnification under this Section 4 may apply.

Insurance. The Company agrees to carry insurance as follows:

1. **Workers Compensation** - The Company shall furnish the City Secretary a certificate of insurance indicating workers compensation coverage as required by the State of Texas.
2. **Automobile Liability Insurance** - The Company shall carry in its own name, a policy in comprehensive form to insure the automobile liability of its operation with limits to not less than \$1,000,000 per occurrence for bodily injury and, in addition, not less than \$100,000 property

damage. This policy shall name City as an additional insured and provide for thirty (30) days notice to City prior to cancellation. A certification of insurance certifying such coverage shall be filed with the City Secretary before the effective date of this franchise, and it shall be maintained in force during the term of this franchise.

3. **General Liability** - The Company shall carry, in its own name, a comprehensive liability insurance policy including contractual coverage for operations other than automobile with limits of not less than \$1,000,000 per occurrence for bodily injury, and \$100,000 per occurrence for property damage. The policy shall name the City as a named insured and provide for thirty (30) days notice to City prior to cancellation. A certificate of insurance certifying such coverage shall be filed with the City Secretary before the effective date of this franchise and maintained in force during the term of the franchise.

4. **Performance Bond** - The Company shall furnish a performance bond for the faithful performance of all provisions of this franchise, said performance bond to be executed by a responsible surety company authorized to do business in the State of Texas and be in the amount of \$50,000. Said performance bond, payable to the City, shall be furnished by the Company and remain in force during the entire term of the franchise and shall indemnify the City against any loss resulting from any failure of performance by the Company under this franchise. Said bond shall be approved by the City Attorney and filed with the City Secretary before the effective date of this franchise. A suitable cash deposit or letter of credit may be substituted for the foregoing bond upon conditions approved by the City Attorney.

#### **Section 5. Compliance with Laws and Ordinances**

The Company shall at all times during the term of this franchise, be subject to all lawful exercise of police power by the City and to such reasonable rate regulations as the City shall hereafter by

ordinance provide. In addition, the Company will observe all City, County, State and Federal laws regulating the collection and disposal of garbage and trash and comply with all provisions of Article XI of the Charter of the City of Orange.

#### **Section 6. Service Standard and Equipment**

The Company shall maintain and operate its collection system and equipment in good order to render efficient service subject to the terms of this franchise. The Company shall obtain and maintain in good working order sufficient equipment to provide regular service throughout the City of Orange. The trucks used in the collection of garbage or refuse shall be all metal, water tight, and shall be equipped with closed bodies equipped with hydraulically operated devices for compacting collected garbage and meet all Federal and State laws and regulations and are subject to approval by the City. Collection vehicles and all containers shall be painted and numbered and shall have the Company's name and telephone number painted in letters of a contrasting color. All vehicles and containers shall be kept in a clean and sanitary condition.

#### **Section 7. Providing Service**

The Company shall provide service to any person, firm, corporation, association or entity inside the City of Orange who request such service and is not delinquent in the payment of Collection charges due the Company.

#### **Section 8. Office**

The Company shall establish and maintain an office with telephone service and shall keep said office open for business from 9:00 a.m. to 5:00 p.m. each day and every day except for Saturday, Sunday and holidays which are recognized by the City for its general employees.

#### **Section 9. Interruption of Services**

In the event that service shall be interrupted, for any reason, for more than forty-eight (48) hours, the City shall have the right to make temporary independent arrangements for the purposes of

continuing this necessary service to its residents in order to provide or protect the public health and safety. If the interruption in service mentioned herein continues for a period of seventy-two (72) hours, then the City shall have the right to terminate the rights and privileges granted in this franchise.

#### **Section 10. Termination**

In the event that any provision of this franchise is violated by the Company, the City may serve written notice upon the Company and the surety of its intention to terminate this franchise. The notice shall contain the reasons for such intention to terminate the franchise. Unless within ten (10) days after mailing such notice by City to the Company, such violation shall cease, or satisfactory arrangements for correction be made by Company, the City Council may, after a public hearing in which Company is provided an opportunity to present evidence concerning such violation, by motion duly adopted, declare the franchise terminated and service written notice upon the Company and surety of the termination and the termination of the franchise shall be effective upon the mailing of such notice. In the event of any such termination, the surety shall have the right to take over and perform under the franchise, provided, however, that if the surety does not commence performance hereof by the effective date of termination of the franchise, or if the Company refuses to continue the work, or any portion thereof, prior to the effective date of termination of the franchise, the City may take over the work or portion thereof and prosecute the same, by contract, franchise or otherwise, for the account and at the expense of the Company. Company and its surety shall be liable to the City for any excess costs, expenses, and revenues occasioned by the City taking over service, and in such event, the City may take possession and utilize in prosecuting the work, such appliances, equipment and sites as may have been used by the Company and are necessary herefor. After issuance by the City of its notice of intention to terminate the franchise, the Company shall not remove from City any of its equipment normally

used in the prosecution of the work until arrangements to continue the work, by contract, by surety or otherwise, have been completed by the City.

**Section 11. First Option to Purchase Equipment**

1. **Time for Exercising Option.** Within sixty (60) days after notice of termination of this franchise by either party or within sixty (60) days prior to expiration of this franchise term or any subsequent renewal term, the City and Company hereby agree that the City shall have the first option to purchase from the Company or the City shall have the option to provide for the purchase by a subsequent provider of service, all or part of Company's refuse collection vehicles and equipment used in the performance of this franchise. However, the City shall not be required to exercise this option. The purchase price shall be the fair market value or at a value agreed upon by the City Council and the Company in writing.
2. **Fair Market Value.** The fair market value shall be appraised market value as determined by a board of three (3) qualified appraisers of truck equipment, none of whom shall be employees of the City or of the Company, one to be selected by the Company, one to be selected by the City and a third to be selected by the other two appraisers. The opinion of the majority of the board as to the market value of each collection vehicle shall be final and shall establish the amount of each vehicle which the City shall pay therefor.
3. **Appraisers Fees.** The charges for service by the appraiser for the City shall

be borne by the City and the charge for services by the appraiser selected by the Company shall be borne by the Company. The charge for services by the third appraiser shall be borne equally by the City and the Company.

As referred to herein, charge for services refers only to the actual charge for appraisals and the City shall not be responsible for any costs for travel or subsistence for either the appraiser for Company or the third appraiser if such are selected from outside Orange County.

4. **If No Agreement as to Fair Market Value.** If on the expiration date of the contract for any reason the appraised value of the vehicles shall not have been determined, the City shall be entitled to immediate possession and use of said vehicles and the Company shall immediately surrender possession of the same to the City. The City agrees to pay the Company a fair rental value for use of the vehicles. The fair rental value shall be based on the actual average daily maintenance and operating cost for each vehicle during the twelve months previous to the expiration date of the contract, and is not to include any initial or depreciation costs.

Should any collection vehicle used in the performance of the contract and to be purchased by the City not be fully paid for and the City should make payment as due on any collection vehicle, then all amounts, both for payments and interest, paid by the City shall be deducted from the total price due the Company for the purchase of such vehicles.

5. **Titles to Collection Vehicles.** The Company agrees to deliver to the City good and sufficient title to such collection vehicles upon receiving payment

as determined by the aforesaid appraisal and to pay all attorney's fees and charge for transferring titles.

**Section 12. Subordination Agreement**

Company agrees to make any lien on the equipment of Company in providing service subordinate to the rights of City under this franchise.

**Section 13. Transfer of Franchise Rights**

Franchise rights granted hereunder shall not be transferred to another without the approval of City. A single transfer or a series of transfers of Company's stock which constitute a transfer of a majority interest in Company is subject to the prior approval of City.

**Section 14. Notices**

Where written notices are provided for in this ordinance, same shall be sufficient to notify Company when provided by certified mail to the address furnished by Company to City. Notice to City is sufficient if mail be certified to P. O. Box 520, Orange, Texas 77631.

**Section 15.**

If any section, sentence, clause, paragraph or phrase of this ordinance other than Section 3 is for any reason held to be invalid or illegal, such invalidity shall not effect the remaining portions of this ordinance. If Section 3 hereof is held to be invalid for any reason, the ordinance shall be immediately invalid.

**Section 16.**

It is agreed by City and Company that venue of any legal proceedings under this franchise contract shall be at Orange County, Texas.

**PASSED and APPROVED** on the first reading this the 26th day of July, 2016.

**PASSED, APPROVED and ADOPTED** on second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jimmy Sims, Mayor

**ATTEST:**

\_\_\_\_\_  
Rhonda Haskins, City Secretary

**APPROVED:**

\_\_\_\_\_  
City Attorney

**ACCEPTED:**

**PINEY WOODS SANITATION, INC.**

\_\_\_\_\_  
Signature of Authorized Officer of Company

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

Piney Woods Sanitation, Inc. Franchise Ordinance 2016

**ATTEST:**

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DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

July 13, 2016

To: Dr. Shawn Oubre, City Manager

From: James B. Wolf, Public Works Director

Re: SH 62 Water Extension  
900' N of IH-10 to TxDOT Office  
Recommendation for Award of Construction Contract

---

Please find attached Fittz & Shipman's letter of recommendation and the bid tabulation for the referenced project. We concur with Fittz & Shipman's recommendation to award the contract to Excavation & Construction, LLC of Nederland, Texas in the amount of \$164,107.66. If you agree please place on the next Council agenda.

# Fittz & Shipman

INC.

Consulting Engineers and Land Surveyors

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

July 6 2016

Mr. Jay Trahan  
Economic Development Coordinator  
City of Orange  
303 N. 8th Street  
Orange, Texas 77630

RE: **SH 62 Water Extension, 900' N of IH-10 to TxDOT Office  
Recommendation for Award of Bid**

FS Proj. No. 15085

Dear Mr. Trahan:

Bids for the SH 62 Water Line Extension, from 900' North of IH-10 to the TxDOT Office were received 2:00 PM June 28, 2016. All firms that submitted bids were confirmed present at the mandatory Pre-Bid Meeting held June 21, 2016 for this Project. A total of Seven (7) bids were received for this project. A detailed tabulation of the bids received is attached. A summary of the bids received is as follows:

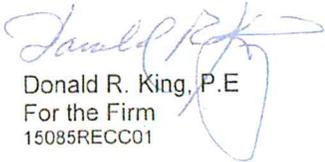
<u>BIDDER</u>	<u>Base Bid</u>
Excavation & Construction, LLC	\$ 164,107.66
McInnis Construction	\$ 183,945.80
Shaver Construction	\$ 190,865.50
M K Constructors	\$ 226,976.00
Dez-Tex Construction	\$ 232,150.00
Allco	\$ 232,785.00
Simco Enterprises	\$ 286,080.00

EXCAVATION & CONSTRUCTION, LLC of Port Arthur, Texas was the low bidder at \$ 164,107.66 on the basis of the Total Amount Base Bid.

EXCAVATION & CONSTRUCTION, LLC appears to be qualified to complete this project based upon their submitted qualification statement and references. We recommend the City of Orange award this contract to EXCAVATION & CONSTRUCTION, LLC, the lowest responsive bidder on the basis of the Total Amount Base Bid for a total contract award of \$ 164,107.66.

Should you have any questions or comments, please contact me.

**FITZ & SHIPMAN, INC.**

by:   
Donald R. King, P.E.  
For the Firm  
15085RECC01

Attachment

1405 Cornerstone Court · Beaumont, Texas 77706 · (409) 832-7238 · fax (409) 832-7303  
Tx Board of Prof Engineers Firm No. F-01160 • Tx Board of Prof Land Surveyors Firm No. 100186

# BID TABULATION

SH 62 Water Line Extension, 900' N of IH-10 to TxDOT Office  
CITY OF ORANGE, TEXAS

BID OPENING: Tuesday, June 28, 2016  
TIME: 2:00 PM

FS Proj. 15085

## Contractor:

1  
Excavation & Construction LLC  
Port Arthur, Texas

2  
McInnis Construction Inc.  
Silsbee, Texas

3  
Shaver Constr & Contr Svc  
Jasper, Texas

4  
M K Construction  
Vidor, Texas

5  
Dez-Tex Indust. Svc LLC  
Port Arthur, Texas

6  
Alico  
Beaumont, Texas

7  
Simco Enterprises  
Groves, Texas

ITEM	Est. Qty.	UNITS DESCRIPTION	1		2		3		4		5		6		7								
			Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price							
1	2410 L.F.	12" Waterline C-900 PVC	24.29	58,538.90	32.39	78,059.90	36.80	88,688.00	39.00	83,980.00	38.00	91,580.00	59.00	142,190.00	48.00	115,680.00							
2	450 L.F.	HDD Bore 12" HDPE Water Line	88.29	39,730.50	83.78	37,701.00	80.50	36,225.00	140.00	63,000.00	70.00	31,500.00	90.00	40,500.00	125.00	56,250.00							
3	4 Ea.	12" Gate Valve & Riser Box	4,275.98	17,103.92	2,859.52	11,438.08	3,450.00	13,800.00	3,000.00	12,000.00	3,800.00	15,200.00	2,175.00	8,700.00	3,400.00	13,600.00							
4	1 Ea.	Connect to 12" Water Line	2,483.75	2,483.75	1,731.35	1,731.35	1,150.00	1,150.00	3,081.00	3,081.00	2,000.00	2,000.00	1,400.00	1,400.00	7,500.00	7,500.00							
5	15 L.F.	8" Waterline C-900 PVC	73.81	1,107.15	20.11	301.65	23.00	345.00	69.00	1,035.00	28.00	420.00	37.00	555.00	150.00	2,250.00							
6	1 Ea.	8" Gate Valve & Box	4,139.32	4,139.32	1,675.50	1,675.50	2,300.00	2,300.00	2,790.00	2,790.00	3,000.00	3,000.00	1,300.00	1,300.00	1,900.00	1,900.00							
7	4 Ea.	Fire Hydrant & Valve	4,489.08	17,952.32	5,138.20	20,552.80	4,600.00	18,400.00	5,000.00	20,000.00	5,000.00	20,000.00	3,850.00	15,400.00	5,500.00	22,000.00							
8	1 L.S.	Water Line Fittings	2,777.00	2,777.00	2,960.05	2,960.05	3,105.00	3,105.00	3,000.00	3,000.00	5,000.00	5,000.00	2,000.00	2,000.00	2,500.00	2,500.00							
10	1 Ea.	Temporary Flush Out	679.60	679.60	686.96	686.96	1,150.00	1,150.00	750.00	750.00	3,000.00	3,000.00	823.00	823.00	1,350.00	1,350.00							
11	1 Ea.	3" Tap, service Line & Meter Box	1,497.56	1,497.56	1,787.20	1,787.20	2,875.00	2,875.00	1,400.00	1,400.00	3,000.00	3,000.00	2,200.00	2,200.00	2,200.00	2,200.00							
12	4 Ea.	1-1/2" Tap, service Line & Meter Box	1,116.01	4,464.04	1,189.61	4,758.44	2,300.00	9,200.00	1,000.00	4,000.00	3,000.00	12,000.00	900.00	3,600.00	1,700.00	6,800.00							
13	2 Ea.	1" Tap, service Line & Meter Box	658.05	1,312.10	815.41	1,630.82	690.00	1,380.00	800.00	1,600.00	3,000.00	6,000.00	500.00	1,000.00	900.00	1,800.00							
14	1 L.S.	Erosion Control & SWPPP	550.00	550.00	4,468.00	4,468.00	2,415.00	2,415.00	4,600.00	4,600.00	9,000.00	9,000.00	1,500.00	1,500.00	5,500.00	5,500.00							
15	1 L.S.	Site Clearing	2,000.00	2,000.00	3,351.00	3,351.00	3,450.00	3,450.00	8,000.00	8,000.00	10,000.00	10,000.00	7,000.00	7,000.00	7,500.00	7,500.00							
16	2450 LF	Regrade ditches & culverts	3.27	8,011.50	3.35	8,207.50	1.15	2,917.50	1.00	2,450.00	5.00	12,250.00	1.50	3,675.00	10.00	24,500.00							
17	1.1 Ac.	Seeding	1,100.00	1,210.00	1,675.50	1,843.05	1,150.00	1,265.00	2,000.00	2,200.00	2,000.00	2,200.00	400.00	440.00	7,500.00	8,250.00							
18	1 L.S.	Traffic Control & Barricades	550.00	550.00	2,792.50	2,792.50	2,300.00	2,300.00	2,500.00	2,500.00	6,000.00	6,000.00	500.00	500.00	8,500.00	8,500.00							
			<b>TOTAL AMOUNT BASE BID</b>			<b>\$ 1,684,107.66</b>			<b>\$ 1,900,865.50</b>			<b>\$ 2,332,150.00</b>			<b>\$ 2,226,976.00</b>			<b>\$ 232,785.00</b>			<b>\$ 288,080.00</b>		
			Stated Amount			164,107.66			190,865.50			232,150.00			226,976.00			232,785.00			288,080.00		
			Correction			0.00			0.00			0.00			0.00			0.00			0.00		
			Days to Substantially Complete			90			90			90			90			90			90		
			Acknowledge Addendum #1			No			YES			YES			YES			YES			YES		
			BID SECURITY			Bid Bond			Bid Bond			Bid Bond			Bid Bond			Bid Bond			Bid Bond		

**A RESOLUTION AWARDING A CONTRACT TO EXCAVATION & CONSTRUCTION, LLC IN THE AMOUNT OF \$164,107.66 FOR THE SH 62 WATER EXTENSION, 900' N OF IH-10 TO TXDOT OFFICE**

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

That a contract be awarded to Excavation & Construction, LLC for water line extension on SH 62 in the amount of ONE HUNDRED SIXTY-FOUR THOUSAND ONE HUNDRED SEVEN DOLLARS AND 66/100 (\$164,107.66).

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute said contract with Excavation & Construction, LLC.

**PASSED, APPROVED and ADOPTED** on this the 26<sup>th</sup> day of July 2016.

\_\_\_\_\_  
Jimmy Sims, Mayor

**ATTEST:**

\_\_\_\_\_  
Rhonda Haskins, City Secretary

**APPROVED:**

\_\_\_\_\_  
City Attorney

FORM 1295 ACKNOWLEDGMENT NO. \_\_\_\_\_

## MEMORANDUM

**To:** Dr. Shawn Oubre, City Manager

**From:** Brenna Manasco,  Library Director

**Date:** July 15, 2016

**Subject:** SFY2016 ILL Lending reimbursement program grant agreement

The attached agreement and supporting information is to receive reimbursement for postage and processing of interlibrary loans made to other Texas libraries. We recently changed to this system about a month ago and are not sure yet if we will meet the required minimum number (24) of loans to receive reimbursement, but if we do, I would like this in place. If we meet the requirement, I only expect \$100-\$200.

The original deadline, as stated in the supporting information was June 30<sup>th</sup>, but has been extended to July 31<sup>st</sup>, for those of us that have recently transitioned to this system. Transition was required to receive interlibrary loan services provided by the Texas State Library and Archives. "The reimbursements are sub awards (or pass through awards) of the Grants to States program from the Texas State Library and Archives Commission's federal funder, Institute of Museum and Library Services (IMLS)" (per attached document).

### Non Competitive Grant Application Form

Grant Program: ILL Lending Reimbursement  
Application Number: 900264

Name: Orange Public Library  
220 5th St  
Orange  
TX  
77630-5705

Legal Entity: City of Orange  
PO Box 520  
Orange  
77631

Library Director: Brenna Manasco

Employer Identification Number:

Contact: Brenna Manasco

DUNS Number: 074170838

Phone Number: 4098831086

SAM Expiration Date:

Email: bmanasco@orangetx.org

CFDA Number: 45.310 Grants to States

Federal Award Number: LS-00-15-0044-15

The library and legal entity agree to the Texas State Library and Archives Commission's FY2016 ILL Lending Reimbursement Program guidelines and LSTA Terms & Conditions and understand funds will be dispersed after the end of SFY2016.

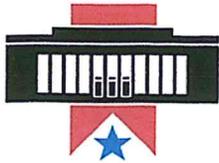
Name, Title, and Signature of an individual authorized to enter into contact on behalf of your library's legal entity (County Judge, Mayor, City Manager, Library Board President, Provost, etc.)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



TEXAS STATE LIBRARY  
AND  
ARCHIVES COMMISSION



## SFY2016 ILL LENDING REIMBURSEMENT PROGRAM GRANT AGREEMENT

### Program Description

The Texas State Library and Archives Commission (TSLAC) supports a statewide interlibrary loan program in order to assure Texans will have access to shared library resources to meet learning and informational needs.

The Interlibrary Loan Lending Reimbursement Program helps support Texas libraries with partial reimbursements for direct, out-of-pocket costs associated with participating in statewide resource sharing such as postage and shipping material costs.

The reimbursements pertain to lends made during TSLAC's SFY2016, September 1, 2015 - August 31, 2016. While dispersed after the end of SFY2016, the reimbursements do need to be applied to costs associated with resource sharing costs expended *during* SFY2016. **Please discuss this program with your legal entity's accounting office so they are aware this is federal money and, if approved, to expect the payment after the end of the state fiscal year (August 31, 2016).**

Additional information is available online at <https://www.tsl.texas.gov/ld/ill2016>.

### Award Information

The reimbursements are sub awards (or pass through awards) of the Grants to States program from the Texas State Library and Archives Commission's federal funder, Institute of Museum and Library Services (IMLS).

Federal Award Identification Number (FAIN): LS-00-15-0044-15  
Catalog of Federal Domestic Assistance (CFDA) Number: 45.310

Eligible participants will receive a reimbursement based on the number of lends they provide to other Texas libraries through the Navigator system. While we anticipate being able to reimburse libraries approximately \$5.79 per lend, this amount may vary based on the number of participants and available funding.

### Eligibility Information

Public libraries, through their governing authority (city, county, board, or district), are eligible to apply for a reimbursement payment through this program.

Texas academic libraries that have agreed to lend materials to Texas public libraries are also eligible for reimbursement payments based on the number of lends made to Texas Navigator libraries in SFY2016.

Libraries must lend a minimum of 24 items to Texas public libraries during SFY2016 (September 1, 2015-August 31, 2016) using OCLC's Navigator system in order to be eligible for a reimbursement. OCLC will provide Navigator lending statistics to TSLAC.

Before receiving payment, the library's legal entity (city, county, library board, school) must have a DUNS® Number and current, active System for Award Management (SAM) registration. If the entity's SAM registration is not active and current at the time of the award, payment cannot be dispersed.

Libraries' legal entities must also have an Active Direct Deposit Account and Texas Identification Number.

State agencies will be asked for additional information by TSLAC's grants accountant.

There is no requirement for cost sharing, matching funds, or cost participation with this program.

### **Application and Submission Information**

TSLAC recommends potential participants discuss this program with the accounting office of their legal entity due to the payments of federal funds arriving after the close of the state fiscal year ending August 31, 2016.

#### Application Components:

1. Opt in to program through the Grant Management System portal
2. Complete and submit Grant Agreement form in GMS by June 30, 2016  
\*Signed by Legal Entity (City, County, Library Board)
3. Complete and submit Performance Certification in GMS by September 30, 2016 after receiving award amount from TSLAC.  
\*Signed by Library Director

Required forms are available through the GMS portal at [grants.tsl.texas.gov](http://grants.tsl.texas.gov).

To request print copies of these forms, please contact Sara Hayes at [shayes@tsl.texas.gov](mailto:shayes@tsl.texas.gov) or 512-463-5406.

Forms submitted after stated deadlines may not be considered for reimbursement.

Applicants will receive email notification when their documentation has been received by TSLAC.

#### Submit forms:

Through GMS portal at [grants.tsl.texas.gov](http://grants.tsl.texas.gov).

#### Program Timeline

April 2016	Libraries able to opt in to program through GMS portal
June 30, 2016	Signed Grant Agreements due in GMS
September 19, 2016	Participants receive amount of reimbursement from TSLAC
September 30, 2016	Participation Certification forms due by midnight CST
October-November 2016	Payments dispersed

### **QUESTIONS?**

Contact Sara Hayes, ILL Program Coordinator, at [shayes@tsl.texas.gov](mailto:shayes@tsl.texas.gov) or 512-463-5406

**Texas State Library and Archives Commission**  
**Library Services and Technology Act (LSTA) – Terms and Conditions**

**I.GENERAL TERMS AND CONDITIONS**

- A. The Subrecipient will comply with the following parts of the Texas Comptroller of Public Accounts UGMS revised June 2004, located at: <http://www.window.state.tx.us/procurement/catrad/ugms.pdf>
- B. The Subrecipient will comply with Grant Reform 2 CFR Parts §200 and §3187.
- C. *Subrecipient will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, religion or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of disability and the Americans With Disabilities Act of 1990; (d) the Age Discrimination Act of 1974, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to the nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.*
- D. The Subrecipient, *if a private entity*, will comply with Federal law pertaining to trafficking in persons. Subrecipient and its employees may not
1. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
  2. Procure a commercial sex act during the period of time that the award is in effect; or
  3. Use forced labor in the performance of the award or subawards under the award.
- E. The Subrecipient certifies by this contract that no Federal appropriated funds have been paid or will be paid, by or on behalf of the Subrecipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid for such purpose, the Subrecipient shall complete and submit OMB form SF-LLL, Disclosure of Lobbying Activities, in accordance with its instructions. The Subrecipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly, as specified in Title 31 U.S. Code, Sec. 1352.
- F. *Subrecipient's authorized representative certifies to the best of his or her knowledge and belief that neither subrecipient nor any of its principals (a) are presently excluded or disqualified; (b) have been convicted within the preceding three years of any of the offenses listed in 2 CFR Part*

*§180.800(a) or had a civil judgment rendered against it or them for one of those offenses within that time period; (c) are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in 2 CFR §180.800 (a); or (d) have had one or more public transactions (Federal, State, or local) terminated within the preceding three years for cause or default. Where the Subrecipient is unable to certify to any of the statements in this certification, the Subrecipient shall attach an explanation to these Terms and Conditions.*

- G. Subrecipient understands that acceptance of funds under this contract acts as acceptance of the authority of the Texas State Auditor's Office, or any successor agency, to conduct an audit or investigation in connection with those funds. Subrecipient further agrees to cooperate fully with the State Auditor's Office or its successor in the conduct of the audit or investigation, including providing all records requested. Subrecipient will ensure that this clause concerning the authority to audit funds received indirectly by Sub-Contractors through Subrecipient, and the requirement to cooperate, is included in any sub-grant awarded.
- H. The Subrecipient agrees to maintain all financial and programmatic records, supporting documents, statistical records, and other records relating to this grant award for three years after the last State Program Report for the Texas LSTA 5-Year Plan 2013-2017, is submitted on December 31, 2018. The Contractor will maintain their records through December 31, 2021.
- I. The Subrecipient agrees to develop or revise, as necessary, any specific written documentation of its current procedures for (1) collecting and reporting performance measures; (2) conducting a fixed asset inventory; and or, (3) any other issues identified in Subrecipient's internal audit report or grant activities. Drafts of this procedural documentation will be submitted to TSLAC by dates established mutually between TSLAC and Subrecipient. TSLAC will provide review and guidance to enable final versions to be approved on or before established deadlines.
- J. Subrecipient may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award. Subrecipient understands that the federal awarding agency, IMLS, reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish or otherwise use; and to authorize others to use, for Federal purposes (2 CFR §200.315).

## II. ENFORCEMENT

- A. Remedies for noncompliance. If Subrecipient materially fails to comply with any term of the contract, whether stated in a state or federal statute or regulation, an assurance, in a state plan or application, a notice of award, or elsewhere, TSLAC may take one or more of the following actions, or impose other sanctions, as appropriate in the circumstances:
  - 1. Temporarily withhold cash payments pending correction of the deficiency by the Subrecipient, or more severe enforcement action by TSLAC;
  - 2. Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance;
  - 3. Wholly or partly suspend or terminate the current contract for the Subrecipient's program;
  - 4. Withhold further awards for the program; or
  - 5. Take other remedies that may be legally available.
- B. Hearings, appeals. In taking an enforcement action, TSLAC will provide the Subrecipient an opportunity for such hearing, appeal, or other administrative proceeding to which the Subrecipient is entitled under any statute or regulation applicable to the action involved.
- C. Effects of suspension and termination. Costs of Subrecipient resulting from obligations incurred by the Subrecipient during a suspension or after termination of an award are not allowable unless TSLAC expressly authorized in the notice of suspension or termination, or subsequently. Other Subrecipient costs during suspension or after termination that are necessary, and not reasonably avoidable, are allowable if:

1. The costs resulting from obligations that were properly incurred by the Subrecipient before the effective date of suspension or termination are not in anticipation of it and, in the case of a termination, are non-cancelable; and,
  2. The costs would be allowable if the award were not suspended, or expired normally at the end of the funding period in which the termination takes effect.
- D. Relationship to Debarment and Suspension. The enforcement remedies identified in this section, including suspension and termination, do not preclude Subrecipient from being subject to "Debarment and Suspension" under Executive Order 12549 (see UGMS Part III, Subpart C, Sec 35) and state law.

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SFY2016 ILL LENDING REIMBURSEMENT PROGRAM GRANT AGREEMENT TO RECEIVE REIMBURSEMENT FOR POSTAGE AND PROCESSING OF INTERLIBRARY LOANS MADE TO OTHER TEXAS LIBRARIES.**

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

That the City Manager is hereby authorized to enter into a SFY 2016 ILL Lending Reimbursement Program Grant Agreement to receive reimbursement for postage and processing of interlibrary loans made to other Texas libraries. The Texas State Library and Archives Commission (TSLAC) supports a statewide interlibrary loan program in order to assure Texans will have access to share library resources to meet learning and informational needs.

**PASSED, APPROVED and ADOPTED** on this the 26<sup>th</sup> day of July 2016.

\_\_\_\_\_  
Jimmy Sims, Mayor

**ATTEST:**

\_\_\_\_\_  
Rhonda Haskins, City Secretary

**APPROVED:**

\_\_\_\_\_  
City Attorney

ECONOMIC DEVELOPMENT DEPARTMENT

MEMORANDUM

**DATE:** July 15, 2016

**TO:** Dr. Shawn Oubre, City Manager

**FROM:** Jay Trahan, EDC Director

**RE: EDC FUNDING REQUEST – The Houseman Companies/Eagle Point**

---

Please see the attached “Letter of Request” for EDC funding submitted by Mr. Shawn Sparrow on behalf of The Houseman Companies regarding infrastructure improvements involving the construction of a four-lane boulevard at a 250-acre land tract known as Eagle Point for the purpose of economic development, which is located at Interstate 10 @ Highway 62 in the City of Orange.

The proposed boulevard would be approximately 80’ wide and 1,200’ in length with an estimated cost not to exceed \$650,000.

Major components of the project include: site preparation, stabilization, base work, concrete pavement, storm sewer, curb inlet, and engineering and design. The purpose of the funding request is to ask the City EDC to consider funding the construction of the boulevard, which would be contingent upon an anchor development project and The Houseman Companies would donate 10 – 20 acres of land at a value of \$1.3M - \$2.5M.

Subject to your review and approval, please add this funding request to the next EDC meeting agenda for scheduling a Public Hearing to be followed by discussion and possible action by both, the EDC Board of Directors and the City Council at its next meeting.

Please contact me at extension #1077 for additional information.



June 20, 2015

Mr. Jay Trahan, CEcD  
Director of Economic Development  
City Of Orange, TX

Dear Mr. Trahan,

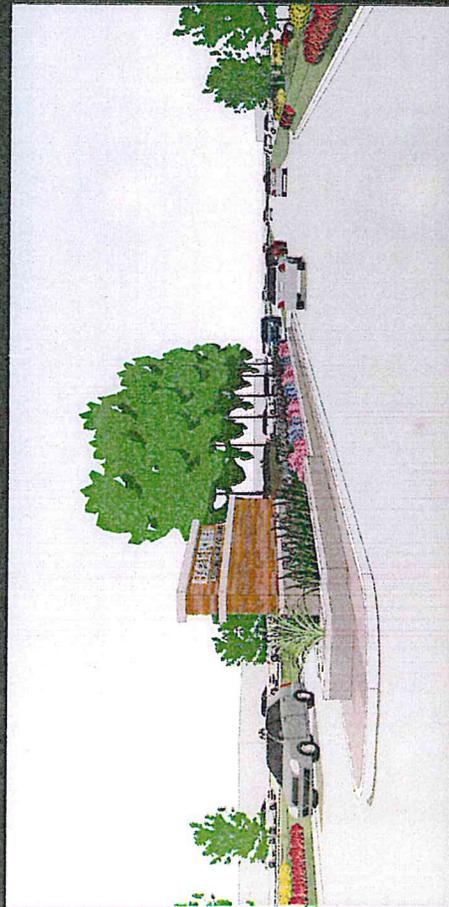
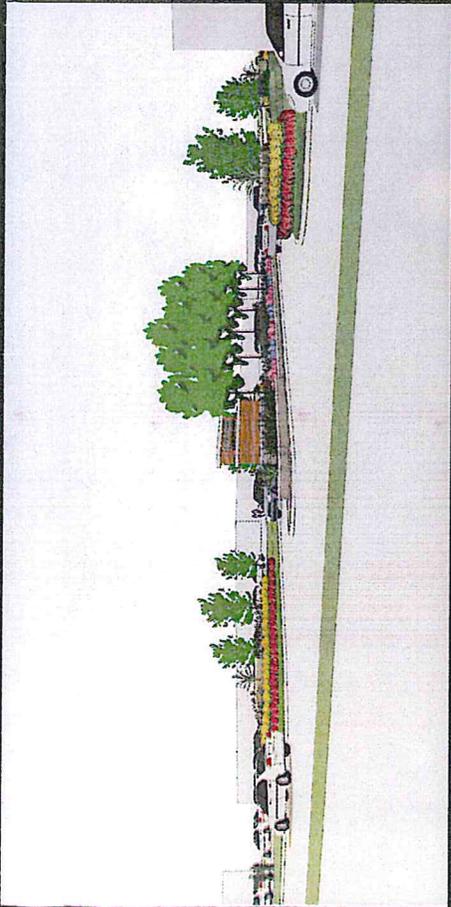
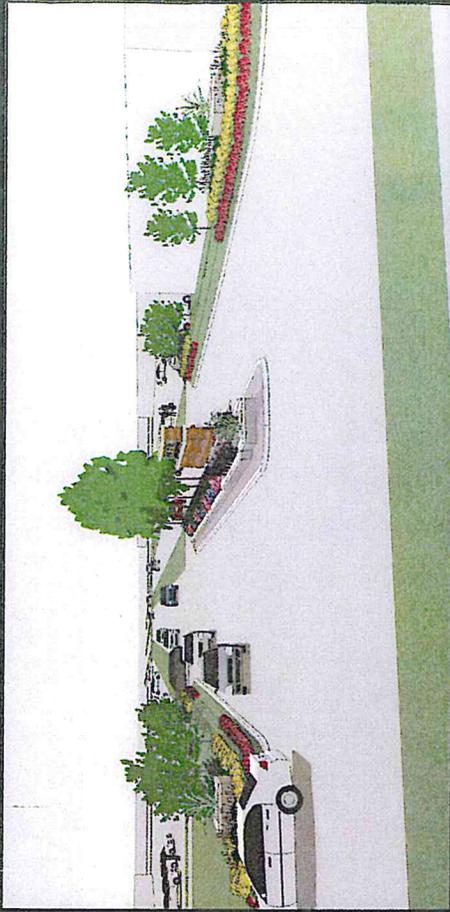
The Houseman Companies hereby request financial assistance from the City of Orange Economic Development Corporation to assist with the development of a 250+/- acre tract of land known as Eagle Point. In order to attract the first major anchor, we are currently considering any and all options. One option that has become a repeated request is for the donation of 10 to 20+/- acres of land needed for such a site. Such donation would have a minimum value of \$1.3M - \$2.6M. In order for us to consider this option, we must partner with the city EDC to help offset expenses.

For any project to get off the ground, a four lane boulevard of approximately eighty foot in width and twelve hundred foot in length will have to be constructed at an estimated cost of \$650,000.00+/- . It is our request that the city EDC earmark funding in this amount to construct said project contingent upon an anchor store committing to build at Eagle Point. The funding will need to be reserved for at least a twelve-month period, along with an option to extend the original time period accordingly.

It is our hope that by taking such bold steps, we will be able to attract a large national anchor that will attract more interest and development to Eagle Point and the City of Orange.

Best Regards,

Shawn M. Sparrow  
Vice President



**EAGLE POINT**  
 A HOUSEMAN COMPANY DEVELOPMENT



COST ESTIMATE  
FOR  
EAGLE POINT PARKWAY

DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL COST
Site Prep.	AC	3	\$ 3,000.00	\$ 9,000.00
Subgrade Prep./Lime Stabilization	S.Y.	7600	\$ 10.00	\$ 76,000.00
6" Lime Stone Base	S.Y.	7200	\$ 10.00	\$ 72,000.00
8" Reinforce Concrete Pavement	S.Y.	7200	\$ 50.00	\$ 360,000.00
24" Storm Sewer	L.F.	200	\$ 50.00	\$ 10,000.00
18" Storm Sewer	L.F.	1200	\$ 40.00	\$ 48,000.00
Curb Inlet	EACH	6	\$ 5,000.00	\$ 30,000.00
SUB-TOTAL				\$ 605,000.00

**MOTION**

Motion approving the Orange Economic Development Corporation's motion authorizing the expenditure of funds for infrastructure improvements at Eagle Point, Interstate 10 in Orange, Texas in an amount not to exceed \$650,000.00 for the purpose of economic development.

---

Jimmy Sims, Mayor

**ATTEST:**

---

Rhonda Haskins, City Secretary

July 26, 2016

**MOTION**

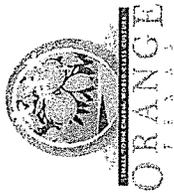
Motion acknowledging receipt of the Orange Economic Development Corporation Financial Report for the quarter ending June 30, 2016.

\_\_\_\_\_  
Jimmy Sims, Mayor

**Attest:**

\_\_\_\_\_  
Rhonda Haskins, City Secretary

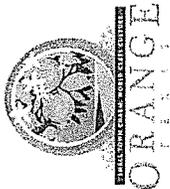
July 26, 2016



# Trial Balance Listing

Through 06/30/16  
Detail Listing  
Exclude Rollup Account

Account	Account Description	Balance Forward	YTD Debits	YTD Credits	Ending Balance	Prior Year YTD Balance
Fund 099 - Economic Development Corporation						
1108.001	Cash - Wells Fargo Debt Service Series 2007 EDC	52,128.42	99,384.97	151,513.39	.00	192,919.96
1108.002	Cash - Wells Fargo Debt Service Series 2012 EDC	49,837.92	221,278.22	82,405.38	188,710.76	189,234.48
1108.003	Cash - Wells Fargo Reserve Fund Series 2012 EDC	298,409.83	8,206.68	.00	306,616.51	298,214.72
1108.004	Cash - Wells Fargo Debt Service Series 2016 EDC	.00	180,741.21	.00	180,741.21	.00
1112.001	Cash - Wells Fargo EDC	1,827,137.55	686,381.38	367,926.08	2,145,592.85	1,967,272.23
1119.002	Cash - First Financial Bank EDC	10.00	.00	.00	10.00	.00
1126.001	Investments	245,000.00	.00	.00	245,000.00	.00
1135.001	Accounts Receivable	1,250.00	.00	1,250.00	.00	.00
1150.001	Due from Others	138,877.76	.00	138,877.76	.00	.00
1166.001	Prepays	1,481.84	.00	1,481.84	.00	.00
2201.001	Accounts Payable	(19,861.37)	283,280.64	263,434.27	(15.00)	(702.48)
2208.001	Salaries Payable	(3,680.92)	77,225.33	73,544.41	.00	.00
2269.001	Compensated Absenses Payable	(9,910.03)	.00	.00	(9,910.03)	(9,707.10)
2290.001	Fund Balance	.00	.00	.00	.00	228,490.38
2290.030	Fund Balance - Restricted for: Debt Service	(400,376.00)	.00	.00	(400,376.00)	(399,356.23)
2290.090	Fund Balance - Assigned to: Economic Development	(1,161,075.00)	.00	.00	(1,161,075.00)	(350,000.00)
2290.110	Fund Balance - Unassigned	(1,019,230.00)	.00	.00	(1,019,230.00)	(1,586,354.43)
Department						
3102	000 - Revenue	.00	105,008.38	970,541.81	(865,533.43)	(879,005.60)
3141	Sales Tax	.00	154.82	1,741.91	(1,587.09)	(2,660.38)
3183	Interest Earned	.00	.00	250.00	(250.00)	.00
3212	Interest Earnings EDC 2007 Sales Tax Bonds	.00	.00	145.37	(145.37)	(233.60)
3213	Interest Earnings EDC 2012 Sales Tax Bonds	.00	.00	676.42	(676.42)	(640.33)
3219	Interest Earnings EDC 2016 Tax Revenue Refunding Bonds	.00	.00	21.81	(21.81)	.00
3255	Proceeds from Sale of Bonds	.00	.00	2,357.67	(2,357.67)	.00
3291	Donations & Reimbursements	.00	.00	12,027.23	(12,027.23)	.00
	Department 000 - Revenue Totals	\$0.00	\$105,163.20	\$987,762.22	(\$882,599.02)	(\$882,539.91)
Department						
4650	998 - EDC - Debt Service	.00	32,087.50	.00	32,087.50	35,387.50
	Interest Expense - EDC Series 2007 Sales Tax Revenue Bonds					
4651	999 - Economic Development Corporation	.00	81,840.62	.00	81,840.62	83,140.62
	Interest Expense - EDC Series 2012 Sales Tax Revenue Bonds					
4660	Service Fees - EDC Series 2007 Sales Tax Revenue Bonds	.00	500.00	.00	500.00	500.00
4661	Service Fees - EDC Series 2012 Sales Tax Revenue Bonds	.00	550.00	.00	550.00	550.00
	Department 998 - EDC - Debt Service Totals	\$0.00	\$114,978.12	\$0.00	\$114,978.12	\$119,578.12
Department						
4010	999 - Economic Development Corporation	.00	68,697.30	.00	68,697.30	61,302.32
4040	Salaries & Wages	.00	2,147.11	.00	2,147.11	.00
	Overtime					



# Trial Balance Listing

Through 06/30/16  
Detail Listing  
Exclude Rollup Account

Account	Account Description	Balance Forward	YTD Debits	YTD Credits	Ending Balance	Prior Year YTD Balance
Fund 099 - Economic Development Corporation						
Department 999 - Economic Development Corporation						
4060	Retirement Contributions	.00	18,524.25	676.53	17,847.72	16,913.15
4061	Group Insurance	.00	14,818.40	.00	14,818.40	13,642.90
4062	Social Security Contr.	.00	6,005.03	213.07	5,791.96	5,222.51
4063	Workers' Compensation	.00	.00	6.12	(6.12)	(5.22)
4064	Unemploy'm't Compensation	.00	40.50	.00	40.50	42.30
4117	Postage	.00	2.89	.00	2.89	106.23
4118	Banking Expense	.00	.00	.00	.00	2,645.82
4125	Equipment	.00	237.48	.00	237.48	.00
4220	Vehicle Allowances	.00	2,700.00	.00	2,700.00	2,700.00
4222	Special Services	.00	2,017.49	1.90	2,015.59	5,307.27
4224	Advertising	.00	1,593.16	.00	1,593.16	385.28
4230	Electricity Expense	.00	3,209.72	.00	3,209.72	3,132.46
4231	Communications Expense	.00	324.17	.00	324.17	431.47
4232	Dues	.00	3,435.00	.00	3,435.00	25,967.00
4243	Legal Expense	.00	3,085.00	.00	3,085.00	3,787.50
4247	Water Utility Expense	.00	785.14	107.46	677.68	2,172.72
4250	Audit Expense	.00	5,610.00	.00	5,610.00	5,610.00
4251	Consultant Expense	.00	14,200.00	.00	14,200.00	975.00
4260	Conference & Training	.00	7,320.23	500.00	6,820.23	6,611.55
4270	EDC - City of Orange Staff Reimbursement	.00	76,000.00	.00	76,000.00	76,000.00
4330	EDC Economic Development Projects	.00	35,000.00	.00	35,000.00	.00
4331	EDC Capital Projects City of Orange	.00	29,902.81	2,595.00	27,307.81	.00
Department 999 - Economic Development Corporation		\$0.00	\$295,655.68	\$4,100.08	\$291,555.60	\$232,950.26
Totals						
Fund 099 - Economic Development Corporation	Totals	\$0.00	\$2,072,295.43	\$2,072,295.43	\$0.00	\$0.00
Grand Totals	Grand Totals	\$0.00	\$2,072,295.43	\$2,072,295.43	\$0.00	\$0.00



# Budget Performance Report

Fiscal Year to Date 06/30/16

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
<b>REVENUE</b>										
Department 000 - Revenue										
3102	Sales Tax	1,300,000.00	.00	1,300,000.00	77,192.72	.00	865,533.43	434,466.57	67	1,296,443.03
3141	Interest Earned	3,075.00	.00	3,075.00	162.05	.00	1,587.09	1,487.91	52	3,898.43
3183	Miscellaneous	500.00	.00	500.00	.00	.00	250.00	250.00	50	.00
3212	Interest Earnings EDC 2007 Sales Tax Bonds	275.00	.00	275.00	.00	.00	145.37	129.63	53	285.80
3213	Interest Earnings EDC 2012 Sales Tax Bonds	745.00	.00	745.00	18.03	.00	676.42	68.58	91	884.27
3219	Interest Earnings EDC 2016 Tax Revenue Refunding Bonds	.00	.00	.00	6.52	.00	21.81	(21.81)	+++	.00
3255	Proceeds from Sale of Bonds	.00	.00	.00	.00	.00	2,357.67	(2,357.67)	+++	.00
3291	Donations & Reimbursements	12,027.00	.00	12,027.00	.00	.00	12,027.23	(.23)	100	11,814.00
Department 000 - Revenue Totals		\$1,316,622.00	\$0.00	\$1,316,622.00	\$77,379.32	\$0.00	\$882,599.02	\$434,022.98	67%	\$1,313,325.53
<b>REVENUE TOTALS</b>		\$1,316,622.00	\$0.00	\$1,316,622.00	\$77,379.32	\$0.00	\$882,599.02	\$434,022.98	67%	\$1,313,325.53
<b>EXPENSE</b>										
Department 998 - EDC - Debt Service										
4650	Interest Expense - EDC Series 2007 Sales Tax Revenue Bonds	64,175.00	(32,087.00)	32,088.00	.00	.00	32,087.50	.50	100	70,775.00
4651	Interest Expense - EDC Series 2012 Sales Tax Revenue Bonds	163,682.00	.00	163,682.00	.00	.00	81,840.62	81,841.38	50	166,281.25
4652	Interest Expense-EDC Series 2016 Sales Tax Revenue Refunding Bnd	.00	10,561.00	10,561.00	.00	.00	.00	10,561.00	0	.00
4655	Bonds Paid - EDC Series 2007 Sales Tax Revenue Bonds	170,000.00	(170,000.00)	.00	.00	.00	.00	.00	+++	165,000.00
4656	Bonds Paid - EDC Series 2012 Sales Tax Revenue Bonds	135,000.00	.00	135,000.00	.00	.00	.00	135,000.00	0	130,000.00
4657	Bonds Paid - EDC Series 2016 Sales Tax Revenue Refunding Bonds	.00	185,000.00	185,000.00	.00	.00	.00	185,000.00	0	.00
4660	Service Fees - EDC Series 2007 Sales Tax Revenue Bonds	1,000.00	(500.00)	500.00	.00	.00	500.00	.00	100	500.00
4661	Service Fees - EDC Series 2012 Sales Tax Revenue Bonds	1,000.00	.00	1,000.00	.00	.00	550.00	450.00	55	550.00
4662	Service Fees - EDC Series 2016 Sales Tax Revenue Refunding Bonds	.00	500.00	500.00	.00	.00	.00	500.00	0	.00
Department 998 - EDC - Debt Service Totals		\$534,857.00	(\$6,526.00)	\$528,331.00	\$0.00	\$0.00	\$114,978.12	\$413,352.88	22%	\$533,106.25
Department 999 - Economic Development Corporation										
4010	Salaries & Wages	93,747.00	.00	93,747.00	10,735.50	.00	68,697.30	25,049.70	73	88,660.95
4040	Overtime	.00	.00	.00	.00	.00	2,147.11	(2,147.11)	+++	.00
4060	Retirement Contributions	22,588.00	.00	22,588.00	2,622.43	.00	17,847.72	4,740.28	79	23,971.64
4061	Group Insurance	16,373.00	1,409.00	17,782.00	1,481.84	.00	14,818.40	2,963.60	83	16,371.48
4062	Social Security Contr.	7,448.00	.00	7,448.00	872.42	.00	5,791.96	1,656.04	78	7,425.12
4063	Workers' Compensation	215.00	.00	215.00	.00	.00	(6.12)	221.12	-3	207.39
4064	Unemployment Compensation	43.00	.00	43.00	.00	.00	40.50	2.50	94	42.30
4101	Office Supplies	1,000.00	.00	1,000.00	.00	.00	.00	1,000.00	0	681.40
4116	Printing	500.00	.00	500.00	.00	.00	.00	500.00	0	.00



# Budget Performance Report

Fiscal Year to Date 06/30/16  
 Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 099 - Economic Development Corporation										
EXPENSE										
Department 999 - Economic Development Corporation										
4117	Postage	500.00	.00	500.00	.00	.00	2.89	497.11	1	131.34
4118	Banking Expense	5,000.00	.00	5,000.00	.00	.00	.00	5,000.00	0	1,395.82
4125	Equipment	1,500.00	.00	1,500.00	.00	.00	237.48	1,262.52	16	124.83
4207	Machinery Maintenance	1,000.00	.00	1,000.00	.00	.00	.00	1,000.00	0	.00
4220	Vehicle Allowances	3,600.00	.00	3,600.00	300.00	.00	2,700.00	900.00	75	3,600.00
4222	Special Services	5,819.00	(1,409.00)	4,410.00	.00	850.00	2,015.59	1,544.41	65	5,307.27
4223	Periodicals	400.00	.00	400.00	.00	.00	.00	400.00	0	.00
4224	Advertising	2,000.00	.00	2,000.00	635.56	48.80	1,593.16	358.04	82	435.44
4230	Electricity Expense	8,000.00	.00	8,000.00	313.65	1,050.28	3,209.72	3,740.00	53	4,914.34
4231	Communications Expense	1,000.00	.00	1,000.00	64.86	64.03	324.17	611.80	39	431.47
4232	Dues	9,000.00	.00	9,000.00	150.00	.00	3,435.00	5,565.00	38	26,117.00
4243	Legal Expense	8,000.00	.00	8,000.00	517.50	.00	3,085.00	4,915.00	39	4,802.76
4247	Water Utility Expense	5,000.00	.00	5,000.00	52.86	4,122.32	677.68	200.00	96	3,871.36
4250	Audit Expense	6,000.00	.00	6,000.00	.00	.00	5,610.00	390.00	94	5,610.00
4251	Consultant Expense	25,000.00	.00	25,000.00	1,800.00	.00	14,200.00	10,800.00	57	11,780.50
4260	Conference & Training	10,000.00	.00	10,000.00	109.52	.00	6,820.23	3,179.77	68	8,261.15
4270	EDC - City of Orange Staff Reimbursement	76,000.00	.00	76,000.00	.00	.00	76,000.00	.00	100	76,000.00
4330	EDC Economic Development Projects	50,000.00	.00	50,000.00	.00	.00	35,000.00	15,000.00	70	.00
4331	EDC Capital Projects City of Orange	1,131,000.00	.00	1,131,000.00	5,247.81	8,532.19	27,307.81	1,095,160.00	3	16,615.00
Department 999 - Economic Development Corporation Totals		\$1,490,733.00	\$0.00	\$1,490,733.00	\$24,903.95	\$14,667.62	\$291,555.60	\$1,184,509.78	21%	\$306,758.56
EXPENSE TOTALS		\$2,025,590.00	(\$6,526.00)	\$2,019,064.00	\$24,903.95	\$14,667.62	\$406,533.72	\$1,597,862.66	21%	\$839,864.81
Fund 099 - Economic Development Corporation Totals										
REVENUE TOTALS		1,316,622.00	.00	1,316,622.00	77,379.32	.00	882,599.02	434,022.98	67	1,313,325.53
EXPENSE TOTALS		2,025,590.00	(6,526.00)	2,019,064.00	24,903.95	14,667.62	406,533.72	1,597,862.66	21	839,864.81
Fund 099 - Economic Development Corporation Totals		(\$708,968.00)	\$6,526.00	(\$702,442.00)	\$52,475.37	(\$14,667.62)	\$476,065.30	(\$1,163,839.68)		\$473,460.72
Grand Totals										
REVENUE TOTALS		1,316,622.00	.00	1,316,622.00	77,379.32	.00	882,599.02	434,022.98	67	1,313,325.53
EXPENSE TOTALS		2,025,590.00	(6,526.00)	2,019,064.00	24,903.95	14,667.62	406,533.72	1,597,862.66	21	839,864.81
Grand Totals		(\$708,968.00)	\$6,526.00	(\$702,442.00)	\$52,475.37	(\$14,667.62)	\$476,065.30	(\$1,163,839.68)		\$473,460.72

# Payment Register

From Payment Date: 4/1/2016 - To Payment Date: 6/30/2016

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
EDC Operating - EDC Operating Account									
Check									
3021	04/05/2016	Reconciled		04/30/2016	Accounts Payable	ADSOURCE	\$925.00	\$925.00	\$0.00
3022	04/05/2016	Reconciled		04/30/2016	Accounts Payable	ENERGY	\$386.19	\$386.19	\$0.00
3023	04/05/2016	Reconciled		04/30/2016	Accounts Payable	FITZ SHIPMAN HOWELL & DAVIS INC	\$18,260.00	\$18,260.00	\$0.00
3024	04/19/2016	Reconciled		04/30/2016	Accounts Payable	CITY OF ORANGE	\$52.86	\$52.86	\$0.00
3025	04/19/2016	Reconciled		04/30/2016	Accounts Payable	JAY TRAHAN	\$90.72	\$90.72	\$0.00
3026	04/19/2016	Reconciled		04/30/2016	Accounts Payable	CITY OF ORANGE	\$76,000.00	\$76,000.00	\$0.00
3027	04/28/2016	Reconciled		05/31/2016	Accounts Payable	CITY OF ORANGE EMPLOYEE BENEFIT TRUST	\$1,695.06	\$1,695.06	\$0.00
3028	04/28/2016	Reconciled		05/31/2016	Accounts Payable	ENERGY	\$294.38	\$294.38	\$0.00
3029	04/28/2016	Reconciled		05/31/2016	Accounts Payable	Griffith Moseley Johnson & Associates, Inc	\$5,150.00	\$5,150.00	\$0.00
3030	04/28/2016	Reconciled		05/31/2016	Accounts Payable	TEXAS MUNICIPAL RETIREMNT SYST	\$2,052.41	\$2,052.41	\$0.00
3031	05/05/2016	Reconciled		05/31/2016	Accounts Payable	ITEX HOMES, LLC	\$5,000.00	\$5,000.00	\$0.00
3032	05/10/2016	Reconciled		05/31/2016	Accounts Payable	ITEX HOMES, LLC	\$25,000.00	\$25,000.00	\$0.00
3033	05/12/2016	Reconciled		05/31/2016	Accounts Payable	GERMER PLLC	\$637.50	\$637.50	\$0.00
3034	05/12/2016	Reconciled		05/31/2016	Accounts Payable	INTERNATIONAL COUNCIL OF SHOPPING CENTERS	\$100.00	\$100.00	\$0.00
3035	05/17/2016	Reconciled		05/31/2016	Accounts Payable	CITY OF ORANGE	\$52.86	\$52.86	\$0.00
3036	05/17/2016	Reconciled		06/30/2016	Accounts Payable	FITZ SHIPMAN HOWELL & DAVIS INC	\$3,800.00	\$3,800.00	\$0.00
3037	05/17/2016	Reconciled		05/31/2016	Accounts Payable	Griffith Moseley Johnson & Associates, Inc	\$750.00	\$750.00	\$0.00
3038	05/17/2016	Reconciled		05/31/2016	Accounts Payable	JAY TRAHAN	\$124.74	\$124.74	\$0.00
3039	05/17/2016	Reconciled		05/31/2016	Accounts Payable	ORANGE LEADER INC	\$32.60	\$32.60	\$0.00
3040	05/24/2016	Reconciled		06/30/2016	Accounts Payable	ENERGY	\$357.67	\$357.67	\$0.00
3041	05/24/2016	Open			Accounts Payable	ITEX HOMES, LLC	\$5,000.00		
3042	05/26/2016	Reconciled		06/30/2016	Accounts Payable	CITY OF ORANGE EMPLOYEE BENEFIT TRUST	\$1,695.06	\$1,695.06	\$0.00
3043	05/26/2016	Reconciled		06/30/2016	Accounts Payable	TEXAS MUNICIPAL RETIREMNT SYST	\$1,947.28	\$1,947.28	\$0.00
3044	06/02/2016	Reconciled		06/30/2016	Accounts Payable	KIWANIS CLUB OF ORANGE	\$150.00	\$150.00	\$0.00
3045	06/07/2016	Reconciled		06/30/2016	Accounts Payable	ORANGE LEADER INC	\$620.56	\$620.56	\$0.00
3046	06/14/2016	Reconciled		06/30/2016	Accounts Payable	GERMER PLLC	\$517.50	\$517.50	\$0.00
3047	06/14/2016	Reconciled		06/30/2016	Accounts Payable	Griffith Moseley Johnson & Associates, Inc	\$1,800.00	\$1,800.00	\$0.00
3048	06/16/2016	Reconciled		06/30/2016	Accounts Payable	CITY OF ORANGE	\$52.86	\$52.86	\$0.00
3049	06/21/2016	Reconciled		06/30/2016	Accounts Payable	ENERGY	\$313.65	\$313.65	\$0.00
3050	06/23/2016	Open			Accounts Payable	FITZ SHIPMAN HOWELL & DAVIS INC	\$5,247.81		
3051	06/23/2016	Open			Accounts Payable	INTERNATIONAL PAPER COMPANY	\$46,161.95		
3052	06/23/2016	Open			Accounts Payable	VERIZON WIRELESS	\$64.86		
3053	06/30/2016	Open			Accounts Payable	CITY OF ORANGE EMPLOYEE BENEFIT TRUST	\$1,695.06		
3054	06/30/2016	Open			Accounts Payable	TEXAS MUNICIPAL RETIREMNT SYST	\$2,881.75		

# Payment Register

From Payment Date: 4/1/2016 - To Payment Date: 6/30/2016

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Type Check Totals:									
EDC Operating - EDC Operating Account Totals									
					34 Transactions		\$208,910.33	\$147,858.90	\$0.00

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	6	\$61,051.43	\$0.00
	Reconciled	28	\$147,858.90	\$147,858.90
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>34</b>	<b>\$208,910.33</b>	<b>\$147,858.90</b>

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	6	\$61,051.43	\$0.00
	Reconciled	28	\$147,858.90	\$147,858.90
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>34</b>	<b>\$208,910.33</b>	<b>\$147,858.90</b>

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	6	\$61,051.43	\$0.00
	Reconciled	28	\$147,858.90	\$147,858.90
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>34</b>	<b>\$208,910.33</b>	<b>\$147,858.90</b>

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	6	\$61,051.43	\$0.00
	Reconciled	28	\$147,858.90	\$147,858.90
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>34</b>	<b>\$208,910.33</b>	<b>\$147,858.90</b>

**MOTION**

Motion acknowledging receipt of the Orange Economic Development Corporation Investment Report for the quarter ending June 30, 2016.

\_\_\_\_\_  
Jimmy Sims, Mayor

**Attest:**

\_\_\_\_\_  
Rhonda Haskins, City Secretary

July 26, 2016

**Orange Economic Development Corporation  
Investment Report - Quarter Ended June 30, 2016**

	<u>Original Purchase Cost</u>	<u>Accrued Book Value</u>	<u>Present Market Value</u>	<u>Maturity Value</u>	<u>Purchase Date</u>	<u>Maturity Date</u>	<u>Yield %</u>	<u>Earnings</u>	<u>Annualized Earnings</u>	<u>Term Days</u>	<u>Days to Maturity</u>
CD	245,000.00	245,000.00	245,000.00	245,735.00	13-Aug-15	13-Aug-16	0.3000%	735.00	735.00	365	44
<b>Total</b>	<b>245,000.00</b>	<b>245,000.00</b>	<b>245,000.00</b>	<b>245,735.00</b>			<b>0.3000%</b>	<b>735.00</b>	<b>735.00</b>	<b>365</b>	

<u>Investment Activities 04/01/2016 - 06/30/2016</u>	
Prior Balance	\$245,000.00
Investment Purchases	0.00
Investment Maturities	0.00
Ending Balance	\$245,000.00

	<u>06/30/2016</u>	<u>03/31/2016</u>
<b>Quarter Ending Information</b>		
Investment Purchase Cost	\$245,000.00	\$245,000.00
Accrued Book Value	\$245,000.00	\$245,000.00
Present Market Value	\$245,000.00	\$245,000.00
Maturity Value	\$245,735.00	\$245,735.00
Earnings on Investments at Maturity	\$735.00	\$735.00
Annualized Earnings	\$735.00	\$735.00
Average Length to Maturity	365	365
Average Rate of Return	0.3000%	0.3000%
Quarterly Trust Fee (\$2,500 Annually)	\$0.00	\$0.00
Annualized Rate of Return - Net	0.300%	0.300%
Cash Balance and CD's - EOQ	\$3,066,671.33	\$2,940,877.96
Collateral Pledged (Market) - EOQ	\$3,007,266.29	\$2,808,247.35
Quarterly Interest Earned on Checking	\$588.36	\$857.30
Average Monthly Cash Balance	\$2,751,143.24	\$2,624,345.79
Average Annualized Earnings on Checking	\$2,359.91	\$3,438.62
Average Annualized Rate on Checking	0.0858%	0.1310%
Annualized Rate of Return - Adj for Checking	0.1033%	0.1455%
<b>Type Breakdown:</b>		
Treasury Bills	\$0.00	\$0.00
Government Agencies	\$0.00	\$0.00
Certificates of Deposit	\$245,000.00	\$245,000.00
<b>Issuer Breakdown:</b>		
US Treasury Bills	\$0.00	\$0.00
FHLDN	\$0.00	\$0.00
FMDN	\$0.00	\$0.00
Certificates of Deposit	\$245,000.00	\$245,000.00
<b>Maturity Breakdown:</b>		
Less Than 90 Days	\$245,000.00	\$0.00
90 to 180 Days	\$0.00	\$245,000.00
181 to 365 Days	\$0.00	\$0.00

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

Submitted by:  
  
 Shawn Oubre, City Manager

  
 Cheryl Zeto, Director of Finance

  
 Sherry Jackson, Accounting Manager