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## City Council Meeting Agenda

5:30 p.m.

November 9, 2017

300 West Cotton Street

Jo Ann Metcalf Municipal Building

City Hall Council Chamber

- I. Call to Order**
- II. Invocation**
- III. Pledge of Allegiance**
- IV. Employee Recognition**
- V. Community Recognition**
- VI. Citizen Comment**
- VII. Public Safety Update**
  - A. Police
  - B. Fire
- VIII. Consent Agenda**
  - A. Consider a Resolution casting the City of Longview votes for the election of Gregg County Appraisal District Board of Directors – Mayor and City Council. [Pages 4 - 5](#)
  - B. Consider a Resolution casting the City of Longview votes for the election of Harrison Central Appraisal District Board of Directors – Mayor and City Council. [Pages 6 - 7](#)
  - C. Consider a Resolution accepting the Paula Martin Jones Recreation Center Roof Renovations and authorizing final payment in the amount of

\$9,231.20 to Advanced Roofing Services, Inc. of Longview, Texas – Rolin McPhee, P.E., Director of Public Works. [Pages 8 - 11](#)

- D. Consider a Resolution accepting the 8-Inch Sewer Main Extension from Hollybrook Drive to Tryon Road Project and authorizing final payment of \$18,150.00 to W.M. Miller Construction Company, Inc., of Longview, Texas – Rolin McPhee, P.E., Director of Public Works. [Pages 12 - 15](#)
- E. Consider a Resolution accepting the Fenton Road Improvements Project and authorizing final payment in the amount of \$149,593.85 to East Texas Bridge, Inc., of Longview, Texas – Rolin McPhee, P.E., Director of Public Works. [Pages 16 - 19](#)
- F. Consider a Resolution authorizing and directing the execution of all agreements and other documents related to the purchase of three (3) refuse trucks and the financing of said purchase by means of a lease-purchase agreement – Dwayne Archer, Assistant Director of Public Works. [Pages 20 - 29](#)
- G. Consider a Resolution accepting certain bids, rejecting certain nonconforming bids and authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents for fleet vehicles – Dwayne Archer, Assistant Director of Public Works. [Pages 30 - 44](#)
- H. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents with Napps Industries of Longview, Texas for heating ventilation and air conditioning services for buildings and facilities – Jaye Latch, Purchasing Manager. [Pages 45 - 50](#)
- I. Consider approval of the following minutes: October 19, 2017 – Shelly Ballenger, City Secretary. [Page 51](#)

**IX. Election Item**

Consider an Ordinance calling a Special Election to fill the unexpired term of City Council Member for District 3 on February 3, 2018 – Shelly Ballenger, City Secretary. [Pages 52 - 57](#)

**X. Action Items**

- A. Consider an Ordinance designating a specified contiguous geographic area consisting of approximately 110 acres in the Longview North Business Park within the City of Longview as a reinvestment zone for purposes of tax abatement pursuant to Chapter 312 of the Texas Tax

Code and naming said area the “DG Tax Abatement Reinvestment Zone, City of Longview, Texas” – Wayne Mansfield, President/CEO of Longview Economic Development Corp. **THIS ITEM REQUIRES A PUBLIC HEARING.** [Pages 58 - 64](#)

- B. Consider a Resolution authorizing a tax abatement agreement with DG Distribution of Texas, LLC, a Tennessee limited liability company, for improvements and job creation in the DG Tax Abatement Reinvestment Zone, City of Longview, Texas, in the Longview North Business Park – Wayne Mansfield, President/CEO of Longview Economic Development Corporation. [Pages 65 - 68](#)
- C. Consider a Resolution authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents with House of Disciples for an amount not to exceed \$44,304.00 for a litter cleanup services program– Dwayne Archer, Assistant Director of Public Works. [Pages 69 - 72](#)
- D. Consider a Resolution naming the Stage at Heritage Plaza in honor of Elaine Reynolds – Scott Caron, Director of Parks and Recreation. [Pages 73 - 76](#)

## **XI. Items of Community Interest**

## **XII. Executive Session**

Personnel Matters – Under Texas Government Code Section 551.074

Consider, discuss, and deliberate performance evaluations for the following:

City Attorney  
City Judge  
City Secretary

## **XIII. Adjourn**

Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551. The City Council reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. In addition, the City Council may consider a vote to excuse the absence of any City Council Member for absence from this meeting or for absence from any previous City Council meeting.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aid or services are requested to contact the City Secretary's Office at 903.237.1080 at least two days before this meeting so that appropriate arrangements can be made. Para ayuda en español, por favor llame al 903.237.1000.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, CASTING THE VOTES OF THE CITY OF LONGVIEW FOR A CANDIDATE TO THE GREGG COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the purpose of the Gregg County Appraisal District is to establish appraisals of property within Gregg County; and,

WHEREAS, the Gregg County Appraisal District earlier solicited nominations for the Board of Directors; and,

WHEREAS, the City of Longview has 732 votes; and,

WHEREAS, the votes for the must be formally submitted by December 15, 2017; NOW, THEREFORE,

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

Section 1. That the findings set forth in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City of Longview casts its 732 votes for Keith Honey to serve on the Gregg County Appraisal District Board of Directors.

Section 3. That the meeting at which this resolution was approved was conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 4. That this resolution shall be effective on and after its date of

passage.

PASSED AND APPROVED this 9<sup>th</sup> day of November, 2017.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R B&C VOTE GCAD 11-9-17

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, CASTING THE VOTES OF THE CITY OF LONGVIEW FOR A CANDIDATE TO THE HARRISON CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the purpose of the Harrison Central Appraisal District is to establish appraisals of property within Harrison County; and,

WHEREAS, the Harrison Central Appraisal District earlier solicited nominations for the Board of Directors; and,

WHEREAS, the City of Longview has 71 votes; and,

WHEREAS, the votes for the must be formally submitted by November 15, 2017; NOW, THEREFORE,

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

Section 1. That the findings set forth in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City of Longview casts its 71 votes for Chase Palmer to serve on the Harrison Central Appraisal District Board of Directors.

Section 3. That the meeting at which this resolution was approved was conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 4. That this resolution shall be effective on and after its date of

passage.

PASSED AND APPROVED this 9<sup>th</sup> day of November, 2017.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R B&C VOTE HCAD 11-9-17

# PAULA MARTIN JONES RECREATION CENTER ROOF RENOVATIONS

**DESCRIPTION:** Consider a resolution accepting the Paula Martin Jones Recreation Center Roof Renovations Project and authorizing final payment for \$9,231.20 to Advanced Roofing Services Inc. Approval of final payment will begin the contractor's one-year warranty period.

The City Council awarded a contract to Advanced Roofing Services, Inc. on April 13, 2017 in the amount of \$88,212.00. On July 19, 2017 a change order was approved in the amount of \$4,100.00 for additional Thermoplastic Polyolefin (TPO) roof material, insulation, and wall construction to cover gym louvers increasing the total contract to \$92,312.00. The final construction cost is \$92,312.00 as final payment.

The scope of work includes removal and installation of 10,273 SF roof, including slope for drainage. Also, it includes TPO roof with flashing, downspouts, and miscellaneous work as necessary to complete the installation.

The project has been completed in accordance with the contract. The City Staff recommends acceptance of the project and approval of final payment.

**RECOMMENDED ACTION:** Passage of the resolution.

**SOURCE OF FUNDS:** Funding is available from the Facility Building Fund.

**STAFF CONTACT:** Rolin McPhee, P.E., Director of Public Works  
903-237-1336  
[rmcphee@LongviewTexas.gov](mailto:rmcphee@LongviewTexas.gov)

**COUNCIL DATE:** November 9, 2017



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING PROJECT ENTITLED “PAULA MARTIN JONES RECREATION CENTER ROOF RENOVATIONS”; AUTHORIZING AND APPROVING FINAL PAYMENT TO ADVANCED ROOFING SERVICES INC. OF LONGVIEW, TEXAS, FOR COMPLETION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, on April 13, 2017, the City Council awarded a contract to Advanced Roofing Services Inc. of Longview, Texas, in the amount of \$88,212.00 for the project known as “Paula Martin Jones Recreation Center Roof Renovations”; and,

WHEREAS, this project provided for the removal and installation of roofing, flashings and downspouts as well as miscellaneous work as necessary to complete the installation; and,

WHEREAS, on July 19, 2017, Change Order No. 1 in the amount of \$4,100.00 for additional roof material, insulation and wall construction to cover gym louvers was approved; and,

WHEREAS, the final construction cost for said project was \$92,312.00; and,

WHEREAS, the project has been completed and the contractor, Advanced Roofing Services, Inc. has requested final payment in the amount of \$9,231.20; and,

WHEREAS, the final amount of \$9,231.20 is due to the contractor as final

payment; and,

WHEREAS, the acceptance of the work by Advanced Roofing Services, Inc. of Longview, Texas, on the aforementioned contract and the approval of final payment therefore will begin the one-year warranty period for said work; NOW, THEREFORE,

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

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the work performed by Advanced Roofing Services, Inc. of Longview, Texas, on the project known as “Paula Martin Jones Recreation Center Roof Renovations” is hereby accepted as complete and that final payment in the amount of \$9,231.20 for the completion of said project is hereby approved.

Section 3. That the meeting at which the aforesaid bid was accepted was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 4. That this resolution shall become effective from and after its passage.

PASSED AND APPROVED this 9<sup>th</sup> day of November, 2017.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW FINAL PMJ REC CTR ROOF REPAIR 11-9-17

## 8-INCH SEWER MAIN EXTENSION

|                            |  |
|----------------------------|--|
| <b>DESCRIPTION:</b>        | <p>Consider a resolution accepting the "8-Inch Sewer Main Extension from Hollybrook Drive to Tryon Road Project" and authorizing final payment of \$18,150.00 to W. M. Miller Construction Company, Inc., of Longview, Texas. Approval of the final payment will begin the contractor's one-year warranty period.</p> <p>The City Council awarded a contract to W.M. Miller Construction Company, Inc., on May 11, 2017 in the amount of \$199,999.99. The final cost is \$181,499.99.</p> <p>The project provided for the installation of 3,800 feet of 8-inch sanitary sewer pipe and miscellaneous work as necessary to complete the installation. The project was done in accordance with the Chapter 380 Agreement for the Everest Rehabilitation Hospitals.</p> <p>The project has been completed in accordance with the contract. Johnson &amp; Pace Incorporated recommends acceptance of final payment. City staff concurs with the recommendation.</p> |
| <b>RECOMMENDED ACTION:</b> | Passage of the resolution.   |
| <b>SOURCE OF FUNDS:</b>    | Funding is available from the Utility CIP Fund.  |
| <b>STAFF CONTACT:</b>      | Rolin McPhee, P.E., Director of Public Works<br>903-237-1336<br><a href="mailto:rmcphee@LongviewTexas.gov">rmcphee@LongviewTexas.gov</a>   |
| <b>COUNCIL DATE:</b>       | November 9, 2017   |

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT ENTITLED “8-INCH SEWER MAIN EXTENSION FROM HOLLYBROOK DRIVE TO TRYON ROAD PROJECT”; AUTHORIZING AND APPROVING FINAL PAYMENT TO W. M. MILLER CONSTRUCTION COMPANY, INC. OF LONGVIEW, TEXAS, FOR THE COMPLETION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, on May 11, 2017, the City Council awarded a contract to W. M. Miller Construction Company, Inc., in the amount of \$199,999.99 for the project known as “8-Inch Sewer Main Extension from Hollybrook Drive to Tryon Road Project”; and,

WHEREAS, the project “8-Inch Sewer Main Extension from Hollybrook Drive to Tryon Road Project”, included the installation of 3,800 feet of 8-inch sanitary sewer pipe and miscellaneous work as necessary to complete the installation; and,

WHEREAS, the final construction cost for said project was \$181,499.99; and,

WHEREAS, the project has been completed and the contractor, W. M. Miller Construction Company, Inc., has requested final payment in the amount of \$18,150.00; and,

WHEREAS, the final amount of \$18,150.00 is due to the contractor as final payment; and,

WHEREAS, the acceptance of the work by W. M. Miller Construction Company, Inc. of Longview, Texas, on the aforementioned contract and the approval of final payment therefore will begin the one-year warranty period for said work; NOW, THEREFORE

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

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the work performed by W. M. Miller Construction, Inc. of Longview, Texas, on the project known as “8-Inch Sewer Main Extension from Hollybrook Drive to Tryon Road Project” is hereby accepted as complete and that final payment of \$18,150.00 for the completion of said project is hereby approved.

Section 3. That the meeting at which the aforesaid bid was accepted was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 4. That this resolution shall become effective from and after its passage.

PASSED AND APPROVED this 9<sup>th</sup> day of November, 2017.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW FINAL SEWER MAIN EXT HOLLYBROOK TO TRYON RD 11-9-17

## FENTON ROAD IMPROVEMENTS

|                            |   |
|----------------------------|---|
| <b>DESCRIPTION:</b>        | <p>Consider a resolution accepting the Fenton Road Improvements Project and authorizing final payment in the amount of \$149,593.85 to East Texas Bridge, Inc., of Longview, Texas. Approval of final payment will begin the contractor's one-year warranty period.</p> <p>The City Council awarded a contract to East Texas Bridge, of Longview, Texas on March 12, 2015 in the amount of \$2,986,986.67. On October 25, 2017, a change order was approved in the amount of \$4,890.26 for additional earthwork increasing the total contract to \$2,991,876.93. The final construction cost is \$2,991,876.93.</p> <p>The scope of work includes the construction of a two-lane concrete street, curb and gutter section, drainage inlets and pipe, traffic signs, pavement markings, water and sewer improvements from George Richey to Gilmer Road and any additional miscellaneous work as required to complete these installations.</p> <p>The project has been completed in accordance with the contract. The consultant, Johnson and Pace, recommends acceptance of the project and approval of the final payment. Staff concurs with the recommendation.</p> |
| <b>RECOMMENDED ACTION:</b> | Passage of the resolution.  |
| <b>SOURCE OF FUNDS:</b>    | Funding is available from the 2011 Bond Fund  |
| <b>STAFF CONTACT:</b>      | Rolin C. McPhee, P.E., Director of Public Works<br>903-237-1336<br><a href="mailto:rmcphee@LongviewTexas.gov">rmcphee@LongviewTexas.gov</a>   |
| <b>COUNCIL DATE:</b>       | November 9, 2017  |



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT KNOWN AS "FENTON ROAD IMPROVEMENTS"; AUTHORIZING AND APPROVING FINAL PAYMENT TO EAST TEXAS BRIDGE, INC., OF LONGVIEW, TEXAS, FOR CONSTRUCTION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, on March 12, 2015, the City Council awarded a construction contract to East Texas Bridge, Inc. of Longview, Texas, in the amount of \$2,986,986.67 for the project known as "Fenton Road Improvements"; and,

WHEREAS, this project provided for the construction of a two-lane concrete street, curb and gutter section, drainage inlets and pipe, traffic signs, pavement markings, water and sewer improvements from George Richey to Gilmer Road; and,

WHEREAS, on October 25, 2017, a change order was approved in the amount of \$4,890.26 for additional earthwork; and,

WHEREAS, the final construction cost for said project was \$2,991,876.93; and,

WHEREAS, the project has been completed in accordance with the plans and specifications and the contractor, East Texas Bridge, Inc. has requested final payment in the amount of \$149,593.85; and,

WHEREAS, the final amount of \$149,593.85 is due to the contractor as final payment; and,

WHEREAS, the acceptance of the work by East Texas Bridge, Inc. of Longview, Texas, on the aforementioned contract and the approval of final payment therefore will begin the one-year maintenance warranty period for said work; NOW, THEREFORE,

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

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the construction work performed by East Texas Bridge, Inc. of Longview, Texas, on the project known as "Fenton Road Improvements" is hereby accepted as complete and that final payment in the amount of \$149,593.85 for the construction of said project is hereby approved.

Section 3. That the meeting at which this resolution was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 4. That this resolution shall become effective from and after its passage.

PASSED AND APPROVED this 9th day of November 2017.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW FINAL FENTON ROAD IMPROVEMENTS 11-9-17

## FINANCING OF THREE SANITATION TRUCKS

**DESCRIPTION:**

This item would allow for the financing and purchase of three (3) 2018 Mack side loading sanitation truck.

The purchase of the refuse trucks will be through the TIPS purchasing cooperative.

The City issued a bid for the financing of the three (3) refuse trucks.

Bid documents were mailed and emailed to banks and financing vendors. The bid was advertised in the news paper according to state law and posted on the City's website. Bidders were asked to submit their interest rate for a taxable 5 year loan.

On October 20, 2017 eight (8) bids were on file.

The bids are as follows:

Bank Funding, LLC.-2.04%

PNC Equipment Finance-option 1 - 5.120% (taxable rate), option 2-3.030% (non-taxable rate)

City National Bank-3.04%

US Bancorp-3.25%

BancorpSouth-3.39%

BOK Financial-3.41%

BTH Bank-3.95%

Commerce Bank-3.52%

Bank Funding, LLC and PNC Equipment Finance-Option 2 were the two lowest bids submitted, however, both submitted a non-taxable rate, which means that they did not meet published specifications and are rejected. City National Bank submitted the lowest rate that was taxable and met all of the published specifications.

We recommend that the City purchase this equipment from East Texas Mack, by using the Region 8 Local Government Purchasing Cooperative known as TIPS. The equipment listed has been properly bid and by purchasing from this purchasing cooperative agreement we fulfill bidding requirements under Chapter 252 of the Local Government Code. The total price of the three (3) refuse trucks will not exceed \$773,223.00

We also recommend awarding the financing bid to City National Bank at an interest rate of 3.04% for 5 years.

**RECOMMENDED ACTION:**

Approval of the transaction using the TIPS cooperative purchasing program. Awarding the financing bid to City National Bank

**SOURCE OF FUNDS:** Sanitation Captial Account; 023-032-000-7170

**STAFF CONTACTS:** Angela Coen, Director of Finance  
903-239-5521  
[acoen@longviewtexas.gov](mailto:acoen@longviewtexas.gov)

Dwayne Archer, Assistant Public Works Director  
903-237-1267  
[darcher@longviewtexas.gov](mailto:darcher@longviewtexas.gov)

**COUNCIL DATE:** November 9, 2017

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE PURCHASE OF THREE (3) REFUSE TRUCKS AND THE FINANCING OF SAID PURCHASE BY MEANS OF A LEASE-PURCHASE AGREEMENT; REJECTING TWO (2) NONCOMPLIANT BIDS FOR SAID FINANCING; AUTHORIZING AND DIRECTING THE EXECUTION OF ALL AGREEMENTS AND OTHER DOCUMENTS RELATED TO THE AFORESAID PURCHASE OF THREE (3) REFUSE TRUCKS AND THE AFORESAID LEASE-PURCHASE FINANCING OF SAID PURCHASE; DIRECTING THAT THE LEASE-PURCHASE FINANCING AUTHORIZED HEREIN BE USED EXCLUSIVELY FOR THE PURCHASE OF THREE (3) REFUSE TRUCKS AS AUTHORIZED HEREIN; AUTHORIZING AND DIRECTING THE CITY ATTORNEY OR THE CITY ATTORNEY'S DESIGNEE TO PROVIDE AN OPINION OF COUNSEL; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE COMPETITIVE PURCHASING REQUIREMENTS IN OBTAINING THE THREE (3) REFUSE TRUCKS AND THE LEASE-PURCHASE FINANCING AUTHORIZED HEREIN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview (sometimes called the "City" in this resolution) desires to purchase three (3) refuse trucks for use by the City's sanitation department; and,

WHEREAS, the City is able to purchase such refuse trucks through the Region 8 Education Service Center purchasing cooperative known as the Interlocal Purchasing System or the TIPS Purchasing Cooperative (hereafter called "TIPS" in this resolution); and,

WHEREAS, Section 271.102 of Texas Local Government Code authorizes the purchase of said refuse trucks without the need for the City to engage in a competitive purchasing process where the purchase is made through the City's participation in a cooperative purchasing program administered by another local government or a local cooperative organization; and,

WHEREAS, Region 8 Education Service Center is such a local cooperative organization and TIPS is such a cooperative purchasing program; and,

WHEREAS, the City of Longview participates in TIPS pursuant to a contract with Region 8 Education Service Center and is able to purchase the aforesaid refuse trucks pursuant to said contract; and,

WHEREAS, the City advertised for bids for the lease-purchase financing of the aforesaid refuse trucks; and,

WHEREAS, bids for said financing were opened on October 20, 2017; and,

WHEREAS, Bank Funding, LLC, of Boyds, Maryland, submitted the apparent lowest bid for said financing and PNC Equipment Finance, LLC, of Columbus, Ohio, submitted the apparent next lowest bid for said financing, but said bids did not meet the specifications expressly set forth in the invitation to bid for said financing, to wit: the bids submitted by Bank Funding, LLC, of Boyds, Maryland, and PNC Equipment Finance, LLC, of Columbus, Ohio, were for non-taxable lease-purchase financing and said invitation to bid expressly required that the requested lease-purchase financing be taxable; and,

WHEREAS, City National Capital Finance, Inc., of Orlando, Florida,

submitted the lowest bid for the aforesaid lease-purchase financing that complies with the specifications set forth in the invitation to bid issued by the City of Longview; and,

WHEREAS, Section 252.043 of the Texas Local Government Code authorizes the City of Longview to award a contract to the lowest responsible bidder or to the bidder who provides services at the best value for the municipality; and,

WHEREAS, in accordance with the aforesaid Section 252.043, the bid specifications and requirements for the aforementioned bid for lease-purchase financing indicated that the contract could be awarded either to the lowest responsible bidder or to the bidder who provided the services at the best value for the municipality; and,

WHEREAS, the factors that a municipality may consider in determining the best value for the municipality include, among other things, the extent to which the bidder's services meet the municipality's needs; and,

WHEREAS, the City Council finds and determines that the aforesaid bid of City National Capital Finance, Inc., and the lease-purchase services offered by City National Capital Finance, Inc., best meet the City's needs for said services; and,

WHEREAS, as a result of the foregoing, the City Council finds and determines that the aforesaid bid of City National Capital Finance, Inc., offers the best value for the City; and,

WHEREAS, the City Council hereby finds and determines that the three (3) refuse trucks described in this resolution will be used exclusively by the sanitation department of the City of Longview; and,

WHEREAS, the City Council hereby finds and determines that the lease-purchase financing described in this resolution is necessary for the procurement of the



three (3) refuse trucks described herein and will be used exclusively for said procurement; and,

WHEREAS, the City Council finds and determines that the procurement of the lease-purchase financing described in this resolution has been competitively bid in accordance with the procedures set forth in Chapter 252 of the Texas Local Government Code; and,

WHEREAS, the City Council hereby finds and determines that the procurement of each and every one of the trucks described in this resolution and the procurement of the lease-purchase financing required to purchase said trucks are necessary to preserve and protect the public health and safety of the City's residents; NOW, THEREFORE,

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

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Council hereby authorizes and directs the purchase of three (3) refuse trucks through TIPS, provided that the total purchase price for said refuse trucks shall not exceed \$773,223.00.

Section 3. That the City Manager and any other official(s) of the City as shall be required are hereby authorized and directed to negotiate, finalize and execute, on behalf of the City of Longview, any and all agreements and other documents related to the purchase of the three (3) refuse trucks described herein.

Section 4. That the bids submitted by Bank Funding, LLC, and PNC

Equipment Finance, LLC, for the lease-purchase financing services described in this resolution are hereby found to be noncompliant with the invitation to bid issued by the City of Longview for said lease-purchase financing services and are hereby rejected.

Section 5. That the bid submitted by City National Capital Finance, Inc., is the bid that provides the lease-purchase financing services described in this resolution at the best value for the City of Longview and is the lowest bid received by the City of Longview that complies with the specifications set forth in the invitation to bid issued by the City of Longview.

Section 6. That the City hereby accepts the aforesaid bid of City National Capital Finance, Inc., subject to the conditions and provisions of this resolution.

Section 7. That the City Manager and any other official(s) of the City as shall be required are hereby authorized and directed to negotiate, finalize and execute, on behalf of the City of Longview, any and all agreements and other documents related to obtaining or accepting the lease-purchase described in this resolution, including without limitation agreements and other documents substantially in the form attached hereto and collectively labeled Exhibit A, which exhibit is for all purposes made a part of this resolution; provided, however, that the aggregate original principal amount of the lease-purchase financing authorized herein may be equal to or less than that reflected in Exhibit A.

Section 8. That it is the intent of the City Council of the City of Longview that the City of Longview be fully bound by all of the terms and provisions of the agreements and other documents authorized herein and that the terms and provisions of said agreements and other documents be fully enforceable against the City of

Longview and, in accordance with said intent, the City of Longview hereby expressly waives, to the fullest extent permitted by law, immunity from suit and immunity from liability to the extent necessary to make all of the terms and provisions of the agreements and other documents authorized herein fully binding on and enforceable against the City of Longview.

Section 9. That the City Attorney, or such other attorney as the City Attorney may designate, is hereby authorized and directed to provide to the Lessor (and any of the Lessor's successors in interest with regard to the lease-purchase agreement authorized herein) on behalf of the City such Opinion of Counsel as may be required for the lease-purchase financing transaction contemplated and authorized herein; provided, however, that such Opinion of Counsel shall be in a form acceptable to the City Attorney or said designee, including without limitation any form of such opinion as may be included in the attached Exhibit A.

Section 10. That the City's obligations under any agreements authorized herein shall be paid from current revenues available to the City or shall be subject to annual appropriation or renewal by the governing body of the City, and shall not constitute indebtedness of the City under the Constitution or laws of the State of Texas.

Section 11. That the City Council hereby directs that the lease-purchase financing authorized herein shall be used exclusively for the purchase of three (3) refuse trucks as authorized herein.

Section 12. That the procurements authorized in this resolution, including without limitation the process by which the aforementioned bids were solicited, received and accepted, in all things comply with the applicable purchasing requirements of state

and federal law, including but not limited to the requirements of Chapter 252 of the Texas Local Government Code.

Section 13. That the meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 14. That if any section, paragraph, subdivision, clause, phrase or provision of this resolution is hereafter determined to be invalid or violative of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Longview that all other terms and provisions of this resolution not affected thereby shall remain in full force and effect.

Section 15. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 9<sup>th</sup> day of November 2017.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R BID REFUSE TRUCKS & FINANCING 2017 11-9-17

## FLEET VEHICLES

**DESCRIPTION:** This item is for the purchase of fleet vehicles for various departments with in the City of Longview. An invitation to bid was issued and advertised in compliance with state law. Vendors that submitted a bid are:  
Pegues Hurst Motor Company of Longview, Tx  
Silsbee Ford of Silsbee, Tx  
Grapevine Dodge Chrysler Jeep of Grapevine, Tx  
Caldwell Country Chevrolet of Caldwell, Tx  
Randall Reed's Prestige Ford of Garland, Tx  
Peters Chevrolet Chrysler Jeep Dodge Ram Fiat of Longview, Tx  
Stanley Ford of Gilmer, Tx

Caldwell Country Chevrolet submitted the lowest price for item 1, 2a, 2b, 3, 6 and 11

Silsbee Ford submitted low bid for item 4, Peters Chevrolet Chrysler Jeep Dodge Ram Fiat submitted low bid for item 5, Grapevine Dodge Chrysler Jeep submitted low bid for item 7 and Caldwell Country Chevrolet submitted low bids for items 12 and 13 however, Pegues Hurst Motor Company's bid was within 5% of all lower bids submitted by vendors that do not have a principal place of business within Longview City limits. Pegues Hurst Motor Company's principal place of business is inside Longview City limits, therefore, they receive a 5% preference when evaluating bids. Using the 5% preference, we recommend awarding items 4, 5, 7, 12 and 13 to Pegues Hurst Motor Company.

Grapevine Dodge Chrysler Jeep submitted the lowest price for item 9.

Randall Reed's Prestige Ford submitted the lowest price for item 10.

Fleet Department has found that the existing vehicle that was to be replaced by item 8 can be refurbished with a significant savings over purchasing a new vehicle, therefore, all bids received for item 8 are rejected.

Please see Attachment "A" for a summary of the award.

**RECOMMENDED ACTION:** Approval of Resolution

**SOURCE OF FUNDS:** Vehicle Replacement Account 045-042-000-7170

**STAFF CONTACTS:** Jaye Latch, Purchasing Manager  
903-237-1324

[jlatch@longviewtexas.gov](mailto:jlatch@longviewtexas.gov)

Dwayne Archer, Assistant Director of Public Works

903-237-1287

[darcher@longviewtexas.gov](mailto:darcher@longviewtexas.gov)

**COUNCIL DATE:**

November 9, 2017

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF CALDWELL COUNTRY CHEVROLET OF CALDWELL, TEXAS FOR ONE (1) FULL SIZE SEDAN, SIX (6) BLACK FULL SIZE POLICE PURSUIT UTILITY VEHICLES, ONE (1) RED FULL SIZE POLICE PURSUIT UTILITY VEHICLES, SEVEN (7) FULL SIZE AWD POLICE PURSUIT UTILITY VEHICLES, ONE (1) ½ TON CREW CAB PICKUP WITH SHORT BED AND ONE (1) ONE TON EXTENDED CAB DUALY WITH UTILITY BODY; ACCEPTING THE BID OF PEGUES HURST FORD MOTOR COMPANY OF LONGVIEW, TEXAS FOR ONE (1) ¾ TON REGULAR CAB AND CHASSIS, THREE (3) ½ TON EXTENDED CAB PICKUP WITH SHORT BED, TWO (2) CARGO VANS, ONE (1) MID SIZE UTILITY VEHICLE AND ONE (1) COMPACT UTILITY VEHICLE; ACCEPTING THE BID OF GRAPEVINE DODGE CHRYSLER JEEP OF GRAPEVINE, TEXAS FOR ONE (1) ONE TON DUALY CREW CAB LONG BED PICKUP; ACCEPTING THE BID OF RANDALL REED'S PRESTIGE FORD OF GARLAND, TEXAS FOR THREE (3) ½ TON EXTENDED CAP PICKUP WITH LONG BED; REJECTING THE BID OF PEGUES HURST FOR MOTOR COMPANY OF LONGVIEW, TEXAS FOR ONE (1) FULL SIZE SEDAN THAT DID NOT MEET PUBLISHED SPECIFICATIONS; REJECTING THE BIDS OF RANDALL REED'S PRESTIGE FORD OF GARLAND, TEXAS, PETERS CHEVROLET OF LONGVIEW, TEXAS AND STANLEY FORD OF GILMER, TEXAS FOR SIX (6) BLACK FULL SIZE POLICE PURSUIT UTILITY VEHICLES AND ONE (1) RED FULL SIZE POLICE PURSUIT UTILITY VEHICLES THAT DID NOT MEET PUBLISHED SPECIFICATIONS; REJECTING THE BIDS OF PETERS CHEVROLET OF LONGVIEW, TEXAS FOR ONE (1) MID SIZE UTILITY VEHICLE THAT DID NOT MEET PUBLISHED SPECIFICATIONS; REJECTING ALL BIDS RECEIVED FOR ONE (1) ¾ TON PICKUP EXTENDED CAB WITH UTILITY BODY; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ANY AND ALL CONTRACTS AND OTHER DOCUMENTS INCIDENT TO THE ACCEPTANCE OF SAID BIDS AND THE PURCHASES AUTHORIZED HEREIN; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION**



**WAS PASSED WAS IN ACCORDANCE WITH THE REQUIRMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview issued and advertised an invitation to bid for city fleet vehicles to be used by various departments of the City of Longview; and,

WHEREAS, Pegues Hurst of Longview, Texas submitted a bid for one (1) full size sedan (Item 1 on Attachment "A") that does not comply with published specifications, and is therefore rejected; and,

WHEREAS, Caldwell Country Chevrolet of Caldwell, Texas submitted the lowest and best bid for one (1) full size sedan (Item 1 on Attachment "A") that meets published specifications, and is therefore accepted; and,

WHEREAS, Randall Reed's Prestige Ford of Garland, Texas, Peters Chevrolet of Longview, Texas and Stanley Ford of Gilmer, Texas submitted bids for six (6) black full size police pursuit utility vehicles (Item 2a on Attachment "A") that do not comply with published specifications, and are therefore rejected; and,

WHEREAS, Caldwell Country Chevrolet of Caldwell, Texas submitted the lowest and best bid for six (6) black full size police pursuit utility vehicle (Item 2a on Attachment "A") that meets published specifications and is hereby accepted; and,

WHEREAS, Randall Reed's Prestige Ford of Garland, Texas, Peters Chevrolet of Longview, Texas and Stanley Ford of Gilmer, Texas submitted bids for one (1) full size police pursuit utility vehicles (Item 2b on Attachment "A") that do not comply with published specifications, and are therefore rejected; and,

WHEREAS, Caldwell Country Chevrolet of Caldwell, Texas submitted the

lowest and best bid for one (1) red full size police pursuit utility vehicle (Item 2b on Attachment "A") that meets published specifications and is hereby accepted; and,

WHEREAS, Caldwell Country Chevrolet of Caldwell, Texas submitted the lowest and best bid for seven (7) full size all wheel drive police pursuit utility vehicle (Item 3 on Attachment "A") and for one (1) ½ ton crew cab pick- up with short bed (item 6 on Attachment "A") and for one (1) one ton extended cab dually pick-up with utility body (Item 11 on Attachment "A") and is hereby accepted; and,

WHEREAS, City of Longview can refurbish the existing vehicle that was to replace one (1) ¾ ton extended cab pickup truck with utility body (Item 8 on Attachment "A") for less than replacement amount for bids received; and,

WHEREAS, all bids received for one (1) ¾ ton extended cab pickup truck with utility body (Item 8 on Attachment "A") are hereby rejected; and,

WHEREAS, Grapevine Dodge Chrysler Jeep of Grapevine, Texas submitted the lowest and best bid for one (1) one ton dually crew cab pick-up truck with long bed (Item 9 on Attachment "A") and is hereby accepted; and,

WHEREAS, Randall Reed's Prestige Ford of Garland, Texas submitted the lowest and best bid for three (3) ½ ton extended cab pick-up truck long bed (Item 10 on Attachment "A") and is hereby accepted; and,

WHEREAS, Pegues Hurst Motor Company of Longview, Texas, has its principal place of business located within the city limits of the City of Longview and, as such, is a local bidder eligible to receive consideration under the authority of the Texas Local Government Code Section 271.9051; and,

WHEREAS Silsbee Ford of Silsbee, Texas submitted the lowest bid for

one (1)  $\frac{3}{4}$  ton regular cab and chassis (item 4 on Attachment "A"); and,

WHEREAS, Silsbee Ford of Silsbee, Texas is not located in the city limits of the City of Longview; and,

WHEREAS, the bid of Pegues Hurst Motor Company of Longview, Texas, for one (1)  $\frac{3}{4}$  ton regular cab and chassis (item 4 on Attachment "A") is within five percent (5%) of the lowest bid price received by the City of Longview for said items; and,

WHEREAS, Pegues Hurst Motor Company of Longview, Texas is located inside the city limits of the City of Longview; and,

WHEREAS, the lower bid prices received by the City of Longview for said items were all received from a bidders who are not a resident of said city; and,

WHEREAS, the City Council of the City of Longview hereby finds and determines that Pegues Hurst Motor Company of Longview, Texas, offers said city the best combination of contract price and additional economic development opportunities for said city created by the award of the contracts authorized herein, including the employment of residents of said city and increased tax revenues to said city; and,

WHEREAS, the bid of Pegues Hurst Motor Company of Longview, Texas for item 4 on Attachment "A" is hereby accepted; and,

WHEREAS, Peters Chevrolet of Longview, Texas submitted the lowest bid for three (3)  $\frac{1}{2}$  ton extended cab pickup truck with short bed (item 5 on Attachment "A"); and,

WHEREAS, Peters Chevrolet of Longview, Texas is not located in the city limits of the City of Longview; and,

WHEREAS, the bid of Pegues Hurst Motor Company of Longview, Texas, for three (3) ½ ton extended cab pickup truck with short bed (item 5 on Attachment “A”) is within five percent (5%) of the lowest bid price received by the City of Longview for said items; and,

WHEREAS, the lower bid prices received by the City of Longview for said items were all received from a bidders who are not a resident of said city; and,

WHEREAS, the City Council of the City of Longview hereby finds and determines that Pegues Hurst Motor Company of Longview, Texas, offers said city the best combination of contract price and additional economic development opportunities for said city created by the award of the contracts authorized herein, including the employment of residents of said city and increased tax revenues to said city; and,

WHEREAS, the bid of Pegues Hurst Motor Company of Longview, Texas for item 5 on Attachment “A” is hereby accepted; and,

WHEREAS, the bid submitted by Grapevine Dodge Chrysler Jeep of Grapevine, Texas was the lowest bid received for two (2) cargo vans (item 7 on Attachment “A”); and,

WHEREAS, Grapevine Dodge Chrysler Jeep of Grapevine, Texas is not located in the city limits of the City of Longview, Texas; and,

WHEREAS, the bid of Pegues Hurst Motor Company of Longview, Texas, for two (2) cargo vans (item 7 on Attachment “A”) is within five percent (5%) of the lowest bid price received by the City of Longview for said items; and,

WHEREAS, the lower bid prices received by the City of Longview for said items were all received from a bidders who are not a resident of said city; and,

WHEREAS, the City Council of the City of Longview hereby finds and determines that Pegues Hurst Motor Company of Longview, Texas, offers said city the best combination of contract price and additional economic development opportunities for said city created by the award of the contracts authorized herein, including the employment of residents of said city and increased tax revenues to said city; and,

WHEREAS, the bid of Pegues Hurst Motor Company of Longview, Texas for item 7 on Attachment "A" is hereby accepted; and,

WHEREAS, Peters Chevrolet of Longview, Texas, submitted a bid for (1) mid size utility vehicle (item 12 on Attachment "A") that did not comply with published specifications; and,

WHEREAS, Caldwell Country Chevrolet of Caldwell, Texas and Grapevine Dodge Chrysler Jeep of Grapevine, Texas submitted low bids for (1) mid size utility vehicle (item 12 on Attachment "A"); and,

WHEREAS, Caldwell Country Chevrolet of Caldwell, Texas and Grapevine Dodge Chrysler Jeep of Grapevine, Texas are not located in the city limits of the City of Longview, Texas; and,

WHEREAS, the bid of Pegues Hurst Motor Company of Longview, Texas, submitted a bid for one (1) mid size utility vehicle (item 12 on Attachment "A") is within five percent (5%) of the lowest bid price received by the City of Longview for said items; and,

WHEREAS, the lower bid prices received by the City of Longview for said items were all received from a bidders who are not a resident of said city; and,

WHEREAS, the City Council of the City of Longview hereby finds and

determines that Pegues Hurst Motor Company of Longview, Texas, offers said city the best combination of contract price and additional economic development opportunities for said city created by the award of the contracts authorized herein, including the employment of residents of said city and increased tax revenues to said city; and,

WHEREAS, the bid of Pegues Hurst Motor Company of Longview, Texas for item 12 on Attachment "A" is hereby accepted; and,

WHEREAS, Caldwell Country Chevrolet of Caldwell, Texas submitted the low bid for one (1) compact utility vehicle (item 13 on Attachment "A");and,

WHEREAS, Caldwell Country Chevrolet of Caldwell, Texas is not located in the city limits of Longview, Texas; and,

WHEREAS, the bid of Pegues Hurst Motor Company of Longview, Texas, for one (1) compact utility vehicle (item 13 on Attachment "A") is within five percent (5%) of the lowest bid price received by the City of Longview for said items; and,

WHEREAS, the lower bid prices received by the City of Longview for said items were all received from a bidders who are not a resident of said city; and,

WHEREAS, the City Council of the City of Longview hereby finds and determines that Pegues Hurst Motor Company of Longview, Texas, offers said city the best combination of contract price and additional economic development opportunities for said city created by the award of the contracts authorized herein, including the employment of residents of said city and increased tax revenues to said city; and,

WHEREAS, the bid of Pegues Hurst Motor Company of Longview, Texas for item 13 on Attachment "A" is hereby accepted; and,

WHEREAS, funding for all of the purchases authorized herein will be

provided from the Vehicle Replacement Fund account 045-042-000-7170; NOW,  
THEREFORE,

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

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That, subject to the conditions set forth in this resolution, the City Council hereby approves the acquisition of the vehicles described in the attached Attachment "A", which attachment is made a part of this resolution for all purposes.

Section 3. That the bid submitted by Caldwell Country Chevrolet of Caldwell, Texas for Item 1 on Attachment "A" in the amount of \$21,188.00 is the lowest bid received that met all published specifications for said item, and is therefore accepted.

Section 4. That the bid submitted by Pegues Hurst Motor Company of Longview, Texas for Item 1 on Attachment "A" does not comply with published specifications and is therefore rejected.

Section 5. That the bids submitted by Randall Reed's Prestige Ford of Garland, Texas, Stanley Ford of Gilmer, Texas and Peters Chevrolet of Longview, Texas submitted bids for six (6) utility vehicles, four door pursuit (item 2a on Attachment "A") do not comply with published specifications, therefore these bids received for said item are rejected.

Section 6. That the bid submitted by Caldwell Country Chevrolet of Caldwell, Texas in the amount of \$185,952.00 is the lowest bid for item 2a that meet

published specifications, and is therefore accepted.

Section 7. That the bids submitted by Randall Reed's Prestige Ford of Garland, Texas, Stanley Ford of Gilmer, Texas and Peters Chevrolet of Longview, Texas submitted bids for one (1) utility vehicles, four door pursuit (item 2b on Attachment "A") do not comply with published specifications, therefore these bids received for said item are rejected.

Section 8. That the bid submitted by Caldwell Country Chevrolet of Caldwell, Texas in the amount of \$31,720.00 is the lowest bid for item 2b that meet published specifications, and is therefore accepted.

Section 9. That the bid submitted by Caldwell Country Chevrolet of Caldwell, Texas for item 3 on Attachment "A" in the amount of \$188,580.00, item 6 on Attachment "A" in the amount of \$24,845.00 and item 11 on Attachment "A" in the amount of \$34,270.00 is the lowest and best price received by the City of Longview for said items and are therefore accepted.

Section 10. That Pegues Hurst Motor Company of Longview, Texas, has its principal place of business located within the city limits of the City of Longview and, as such, is a local bidder eligible to receive consideration under the authority of the Texas Local Government Code Section 271.9051

Section 11. That the bid received from Peters Chevrolet of Longview, Texas for Item 12 did not meet published specifications and is hereby rejected.

Section 12. That the bid submitted by Pegues Hurst Motor Company of Longview, Texas, for item 4 on Attachment "A" in the amount of \$23,400.00, item 5 on Attachment "A" in the amount of \$65,400.00, item 7 on Attachment "A" in the amount of



\$44,600.00, item 12 on Attachment "A" in the amount of \$25,990.00 and item 13 on Attachment "A" in the amount of \$19,500.00 are within five percent (5%) of the lowest bid price received by the City of Longview for said items.

Section 13. That the lower bid prices received by the City of Longview for items 4, 5, 7, 12 and 13 on Attachment "A" were all received from bidders who are not a resident of City of Longview.

Section 14. That the City Council of the City of Longview hereby finds and determines that Pegues Hurst Motor Company of Longview, Texas, offers said city the best combination of contract price and additional economic development opportunities for said city created by the award of the contracts authorized herein, including the employment of residents of said city and increased tax revenues to said city and are hereby accepted.

Section 15. That the bids submitted by Pegues Hurst Motor Company of Longview, Texas for item 4 on Attachment "A" in the amount of \$23,400.00, item 5 on Attachment "A" in the amount of \$65,400.00, item 7 on Attachment "A" in the amount of \$44,600.00, item 12 on Attachment "A" in the amount of \$25,990.00 and item 13 on Attachment "A" in the amount of \$19,500.00 that meet published specifications, and are therefore accepted.

Section 16. That all bids submitted for Item 8 on Attachment "A" are hereby rejected.

Section 17. That the bid submitted by Grapevine Dodge Chrysler Jeep of Grapevine, Texas for Item 9 on Attachment "A" in the amount of \$35,234.00 is the lowest and best price received by the City of Longview for said item and is hereby

accepted.

Section 18. That the bid submitted by Randall Reed's Prestige Ford of Garland, Texas for Item 10 on Attachment "A" in the amount of \$74,580.00 is the lowest and best price received by the City of Longview for said item and is hereby accepted.

Section 19. That the process by which the aforementioned bids were received, accepted or rejected in all things complied with the applicable purchasing requirements of state and federal law including but not limited to the requirements of Chapter 252 of the Texas Local Government Code.

Section 20. That the meeting at which this resolution was approved was in all things conducted in strict compliance with Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 21. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 9<sup>th</sup> day of November, 2017.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R BID FLEET VEHICLES 2018 11-9-17

**ATTACHMENT "A"**

| ITEM | QTY | DESCRIPTION   | YEAR<br>MAKE/MODEL   | EACH                 | TOTAL                |
|------|-----|---|--|----------------------|----------------------|
| 1    | 1   | FULL SIZE SEDAN                                       | 2018-Chevrolet Impala LS<br>Caldwell Country Chevrolet             | \$21,188.00          | \$21,188.00          |
| 2a   | 6   | UTILITY VEHICLE, 4 DOOR, FULL SIZE, PPV<br>(black)    | 2018-Chevrolet Tahoe PPV<br>Caldwell Country Chevrolet             | \$30,992.00          | \$185,952.00         |
| 2b   | 1   | UTILITY VEHICLE, 4 DOOR, FULL SIZE, PPV (red)         | 2018-Chevrolet Tahoe PPV<br>Caldwell Country Chevrolet             | \$31,720.00          | \$31,720.00          |
| 3    | 7   | UTILITY VEHICLE, 4 DOOR, AWD, FULL, PPV<br>(EXPLORER) | 2018-Ford Explorer PPV K8A<br>Caldwell Country Chevrolet           | \$26,940.00          | \$188,580.00         |
| 4    | 1   | FULL SIZE ¾ TON, REGULAR CAB AND CHASSIS              | 2018-Ford F-250<br>Pegues Hurst Ford Motor<br>Company              | \$23,400.00          | \$23,400.00          |
| 5    | 3   | ½ TON EXTENDED CAB PICKUP TRUCK W/SHORT<br>BED        | 2018-Ford F-150<br>Pegues Hurst Ford Motor<br>Company              | \$21,800.00          | \$65,400.00          |
| 6    | 1   | ½ TON CREW CAB PICK UP WITH SHORT BED                 | 2018-Chevrolet 1500 Silverado<br>Caldwell Country Chevrolet        | \$24,845.00          | \$24,845.00          |
| 7    | 2   | CARGO VAN 4 CYLINDER FWD                              | 2018-Transit Connect<br>Pegues Hurst Ford Motor<br>Company         | \$22,300.00          | \$44,600.00          |
| 8    | 1   | ¾ TON PICKUP EXTENDED CAB WITH UTILITY<br>BODY        | All Bids Rejected  | All Bids<br>Rejected | All Bids<br>Rejected |
| 9    | 1   | ONE TON DUALY, CREW CAB, LONG BED                     | 2018 – Ram 3500<br>Grapevine Dodge Chrysler Jeep                   | \$35,234.00          | \$35,234.00          |
| 10   | 3   | ½ TON EXTENDED CAB PICK UP WITH LONG BED              | 2018 – F-150<br>Randall Reed's Prestige Ford                       | \$24,860.00          | \$74,580.00          |
| 11   | 1   | 1 TON EXTENDED CAB DUALY PICKUP WITH<br>UTILITY BODY  | 2018-Chevrolet 3500 Silverado<br>4x2<br>Caldwell Country Chevrolet | \$34,270.00          | \$34,270.00          |
| 12   | 1   | UTILITY VEHICLE, MID SIZE, 4 DOOR, FWD                | 2018-Ford Explorer<br>Pegues Hurst Ford Motor<br>Company           | \$25,990.00          | \$25,990.00          |
| 13   | 1   | UTILITY VEHICLE, COMPACT, 4 DOOR                      | 2018-Ford Escape<br>Pegues Hurst Ford Motor<br>Company             | \$19,500.00          | \$19,500.00          |
|      |     |   |  | TOTAL                | \$775,259.00         |

## HEATING VENTILATION AND AIR CONDITIONING SERVICES

**DESCRIPTION:** This item is for an annual agreement for heating ventilation and air conditioning services for the City of Longview buildings and facilities. In this agreement work is performed on an as needed basis. Work to be performed will be routine repairs, maintenance and special projects as designated for jobs totaling \$15,000.00 or less. Work totaling more than \$15,000.00 shall be competitively bid per City of Longview purchasing policy and Texas State Law. Evaluation is based on lowest and best price for Bid #1718-01 heating ventilation and air conditioning Services. In fiscal year 2015 - 2016 the City spend approximately \$104,000 on routine HVAC work.

Bid documents were mailed and emailed to heating ventilation and air conditioning services vendors and posted on the City of Longview Website. Bids were advertised in the local newspaper according to state law. On October 18, 2017 six (6) bids were on file. Bidders were asked to submit the hourly service call rate.

The bids were from:

Acme Air Conditioning - Longview, TX-\$69.00

Napps Industries - Longview, TX-\$69.50

Air Cybernetics, Inc. -Longview, TX-\$70.00

Payne Mechanical Services-Longview, TX-\$70.00

E.R.A Climate Technologies-Longview, TX-\$85.00

Storer Equipment of Shreveport, LA-\$95.00

Acme Air Conditioning is not located inside the city limits of Longview. Napps, who is the next lowest bidder, is located inside Longview city limits and is within 5% of the lowest bid received.

**RECOMMENDED ACTION:** Approval of the Resolution awarding Napps Industries of Longview, Texas the Heating Ventilation and Air Conditioning Services bid # 1718-01.

**SOURCE OF FUNDS:** Each individual departments' fund for HVAC services

**STAFF CONTACTS:** Jaye Latch, Purchasing Manager  
903-237-1324  
[jlatch@longviewtexas.gov](mailto:jlatch@longviewtexas.gov)

Rolin McPhee, Public Works Director

903-237-1336  
[rmcphoe@longviewtexas.gov](mailto:rmcphoe@longviewtexas.gov)

**COUNCIL DATE:**

November 9, 2017

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF NAPPS INDUSTRIES, INC. OF LONGVIEW, TEXAS, FOR HEATING VENTILATION AND AIR CONDITIONING SERVICES FOR THE CITY OF LONGVIEW BUILDINGS AND FACILITIES; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND NAPPS INDUSTRIES OF LONGVIEW, TEXAS, FOR SAID SERVICES; AUTHORIZING THE RENEWAL OF SAID CONTRACT AT THE CITY MANAGER'S DISCRETION FOR UP TO FOUR ADDITIONAL ONE-YEAR TERMS PROVIDED THAT THE TOTAL AMOUNT SPENT UNDER SAID CONTRACT FOR ANY ONE RENEWAL TERM SHALL NOT EXCEED FUNDS BUDGETED FOR SAID CONTRACT IN THE CONCURRENT BUDGET YEAR; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIRMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview issued and advertised an invitation to bid for heating ventilation and air conditioning services for the City of Longview; and,

WHEREAS, any work to be performed will be for routine repairs, maintenance and special projects for jobs totaling \$15,000.00 for less; and,

WHEREAS, any jobs totaling more than \$15,000.00 will be competitively bid per City of Longview purchasing policy and state law; and,

WHEREAS, Acme Air Conditioning & Heating, LLC of Longview, Texas submitted the lowest bid; and,

WHEREAS, Acme Air Conditioning & Heating, LLC of Longview, Texas is not located inside the city limits of the City of Longview; and,

WHEREAS, the bid of Napps Industries of Longview, Texas for heating and ventilation and air conditioning services is within five percent (5%) of the lowest bid price received by the City of Longview for said services; and,

WHEREAS, Napps Industries of Longview, Texas has its principal place of business located within the city limits of the City of Longview and, as such, is a local bidder eligible to receive consideration under the authority of the Texas Local Government Code Section 271.9051; and,

WHEREAS, funding will be provided from budgeted funds in the corresponding fiscal year; NOW, THEREFORE,

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

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That Napps Industries of Longview, Texas has its principal place of business located within the city limits of the City of Longview and, as such, is a local bidder eligible to receive consideration under the authority of the Texas Local Government Code Section 271.9051.

Section 3. That the bid submitted by Napps Industries of Longview, Texas is within five percent (5%) of the lowest bid price received by the City of Longview for said services.

Section 4. That the City Council of the City of Longview hereby finds and



determines that Napps Industries of Longview, Texas offers said city the best combination of contract price and additional economic development opportunities for said city created by the award of the contract authorized herein, including the employment of residents of said city and increased tax revenues to the City of Longview.

Section 5. That the City of Longview hereby accepts the aforementioned bid by Napps Industries of Longview, Texas for heating ventilation and air conditioning services totaling \$15,000.00 for less.

Section 6. That the total amount of the contract for heating ventilation and air conditioning services to be provided by Napps Industries of Longview, Texas shall not exceed budgeted funds in any corresponding fiscal year.

Section 7. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, are hereby authorized and directed to execute any and all contracts and other documents, as approved by the City Attorney's Office incident to the acceptance on behalf of the City of Longview of aforesaid bid from Napps Industries of Longview, Texas for said heating ventilation and air conditioning services.

Section 8. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, is hereby authorized to renew said contract at the City Manager's discretion for up to four additional one-year terms provided that the total amount spent under said contract for any one renewal term shall not exceed funds budgeted for said contract in the concurrent budget year.

Section 9. That the process by which the aforementioned bid was

received and accepted in all things complied with the applicable purchasing requirements of state and federal law, including but not limited to the requirements of Chapter 252 of the Texas Local Government Code.

Section 10. That the meeting at which this resolution was approved was in all things conducted in strict compliance with Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 11. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 9th day of November 2017.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R BID HVAC 15K MAINT SERVICES 11-9-17

**CONSIDER APPROVAL OF THE FOLLOWING MINUTES**

October 19, 2017

### **SPECIAL ELECTION DISTRICT No. 3**

**DESCRIPTION:** Consider an Ordinance calling a Special Election on February 3, 2018, to fill an unexpired term for Council District No. 3 for the City of Longview. Filing dates are November 10, 2017 through December 4, 2017 (Would normally be the 62<sup>nd</sup> day before the election but the 62<sup>nd</sup> day falls on a Sunday, so it moves to the next Monday). Early voting begins January 17, 2018 and ends January 30, 2018.

**RECOMMENDED ACTION:** Approval of Ordinance

**SOURCE OF FUNDS:** 001-003-000-5160

**STAFF CONTACT:** Shelly Ballenger, City Secretary  
903-237-1080  
[sballenger@longviewtexas.gov](mailto:sballenger@longviewtexas.gov)

**COUNCIL DATE:** November 9, 2017

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, CALLING A SPECIAL ELECTION FOR THE PURPOSE OF FILLING THE UNEXPIRED TERM OF COUNCIL MEMBER FOR CITY COUNCIL VOTING DISTRICT NO. 3 IN THE CITY OF LONGVIEW, TEXAS; ESTABLISHING THE DATE OF THE ELECTION; PROVIDING FOR EARLY VOTING; DESIGNATING POLLING PLACE FOR CITY COUNCIL DISTRICT 3 FOR THE FEBRUARY 3, 2018 ELECTION; APPOINTING ELECTION JUDGES; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE GREGG COUNTY ELECTIONS ADMINISTRATOR TO PROVIDE ELECTION SERVICES FOR THE FEBRUARY 3, 2018 ELECTION; APPOINTING AN EARLY VOTING BALLOT BOARD; PROVIDING COMPENSATION OF ELECTION WORKERS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on October 23, 2017, Council Member District No. 3, Kasha Williams, announced her intention to file for election for Gregg County Commissioner Precinct Number 4; and,

WHEREAS, District 3 Council Member Kasha Williams at the time of her announcement had more than one year and thirty days left on her term; and,

WHEREAS, in accordance with Section 11 of Article 11 of the Texas Constitution, said announcement resulted in the automatic resignation of said Council Member on October 23<sup>rd</sup>, 2017; and,

WHEREAS, §2.07 of the Charter of the City of Longview and Section 11 of Article 11 of the Texas Constitution require that an election be held within 120 days of

the effective date of the aforesaid resignation; NOW, THEREFORE

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

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

Section 2. That a special election be called for and held on the Saturday in February, 2018, the same being February 3, 2018, with filing to begin November 10, 2017, and ending December 4, 2017, for the purpose of electing a council member for the City of Longview to fill the unexpired term for Council District No. 3.

Section 3. That all persons legally qualified to vote according to the laws of the State of Texas and the Charter of the City of Longview, Texas, shall be entitled to vote in said election.

Section 4. That said election shall be held and conducted and the returns thereof made in accordance with the Texas Election Code, the Charter of the City of Longview, Texas, and all other applicable statutes of the State of Texas and ordinances of the City of Longview, Texas.

Section 5. That the polling place for City Council Voting District No. e that is currently designated as follows:

| <u>District Number</u> | <u>Location</u>                                      |
|------------------------|--|
| Dist. 3 (Southeast)    | Broughton Recreation Center<br>801 S. M. L. K. Blvd. |

Section 6. That the following persons are hereby appointed and named

as Election Judges:

| <u>District Number</u> | <u>Judge</u>                            |
|------------------------|---|
| Dist. 3                | Neal Frey<br>Election Judge             |
|                        | Judith Frey<br>Alternate Election Judge |

Section 7. That early voting shall be conducted by personal appearance and by mail at the City Hall, JoAnn Metcalf Municipal Building, 300 W. Cotton Street, Longview, Texas 75601, and during the period early voting is required or permitted by law, said period being January 17, 2018 through January 30, 2018. From Wednesday, January 17, 2018, through Friday, January 19, 2018, and from Monday, January 22, through Friday, January 26, 2018 the hours designated for early voting by personal appearance shall be from 8 a.m. to 5 p.m., Monday through Friday. For Saturday, January 27, 2018, the hours designated for early voting by personal appearance shall be from 10 a.m. to 2 p.m. On Monday, January 29, 2018, and Tuesday, January 30, 2018, the hours designated for early voting by personal appearance shall be from 8 a.m. to 8 p.m. The Early Voting Clerk shall keep said early voting place open during such hours for early voting by personal appearance. The Early Voting Clerk for said election shall be Shelly Ballenger.

Section 8. That notice of said election be given for the time and in the manner provided and prescribed by the Texas Election Code and in accordance with

the Charter and ordinances of the City of Longview, Texas.

Section 9. That the method of voting in said election shall be by use of the Direct Read Electronic (DRE) Voting System and by use of the Digital Imaging Scanning System.

Section 10. That the following named person is hereby appointed to serve on the date of the election as the presiding judge of a three (3) member Early Voting Ballot Board, the other two members of which are to be appointed by said judge in accordance with the provisions of Chapter 87 of the Texas Election Code, as amended:

Gail Gilbert.

Section 11. That the hourly rate of pay for election workers be set at \$9.00 per hour. That the hourly rate for election judges is set at \$10.00 per hour.

Section 12. That the City Manager or the City Manager's designee is hereby authorized and directed to execute an agreement with the Gregg County Elections Administrator, as approved by the City Attorney, to allow the Gregg County Elections Administrator to provide services in regards to the February 3, 2018, election.

Section 13. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 14. That this ordinance shall be effective immediately from and after its passage.

PASSED AND APPROVED this 9th day of November, 2017.



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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O ELECTION SPEC DIS 3 11-9-2017

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, DESIGNATING A SPECIFIED CONTIGUOUS GEOGRAPHIC AREA WITHIN THE CITY OF LONGVIEW AS A REINVESTMENT ZONE FOR PURPOSES OF TAX ABATEMENT PURSUANT TO CHAPTER 312 OF THE TEXAS TAX CODE; NAMING SAID AREA THE “DG TAX ABATEMENT REINVESTMENT ZONE, CITY OF LONGVIEW, TEXAS” FOR PURPOSES OF IDENTIFICATION; PROVIDING FOR THE EXPIRATION OF SAID REINVESTMENT ZONE IN ACCORDANCE WITH APPLICABLE LAW; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, it is the established policy of the City Council of the City of Longview, Texas, (hereinafter called the “City Council”) to adopt such reasonable measures, from time to time, as are permitted by law and which will tend to enhance the economic stability and growth of the City of Longview (hereinafter called the “City”) and the City’s environs by attracting the location of new industries and the retention and expansion of existing industries therein; and,

WHEREAS, DG Distribution of Texas, LLC, a Tennessee limited liability company, (hereinafter called the “Company”), currently has a contractual right to purchase a vacant tract of land in the Longview North Business Park from the Longview Economic Development Corporation, as said tract is described in Exhibit A attached hereto and incorporated herein by reference (said tract hereinafter called the

“Property”); and,

WHEREAS, the Property is a contiguous geographic area lying wholly within the corporate limits of the City; and,

WHEREAS, the Company proposes to expend a minimum of \$70,000,000 in constructing a new regional distribution center and installing furniture, fixtures, and equipment associated with same (said regional distribution center and associated furniture, fixtures, and equipment hereinafter called the “Project”) on the Property; and,

WHEREAS, upon completing construction of the Project the Company expects that the Company would employ at least 400 full-time employees on the Property once the Project is fully utilized; and,

WHEREAS, the City is willing to enter into a tax abatement agreement with the Company in order to encourage the Company to carry out the Project on the Property and create the employment positions associated with same; and,

WHEREAS, in order to enter into such a tax abatement agreement applicable to the Property, the Property must be located in a reinvestment zone for purposes of tax abatement pursuant to Chapter 312 of the Texas Tax Code; and,

WHEREAS, pursuant to Chapter 312 of the Texas Tax Code, the City may designate a contiguous geographic area within the City as a reinvestment zone for purposes of providing tax abatement if the area satisfies the requirements of certain sections of Chapter 312 of the Texas Tax Code; and,

WHEREAS, pursuant to Section 312.002 of the Texas Tax Code, the City Council has established guidelines and criteria governing tax abatement agreements (the “City’s Amended and Restated Criteria and Guidelines for Tax Abatement”) by the

City and has previously approved a resolution stating that the City elects to become eligible to participate in tax abatement; and,

WHEREAS, the City's Amended and Restated Criteria and Guidelines for Tax Abatement provide for the availability of tax abatement for both new facilities and structures and for the expansion or modernization of existing facilities and structures; and,

WHEREAS, the City Council hereby finds and determines that the Property meets the applicable guidelines and criteria in the City's Amended and Restated Criteria and Guidelines for Tax Abatement; and,

WHEREAS, the City Council hereby finds and determines that the terms of the proposed tax abatement agreement between the City and the Company meet the applicable guidelines and criteria in the City's Amended and Restated Criteria and Guidelines for Tax Abatement; and,

WHEREAS, as a result of the foregoing, the City Council hereby finds and determines that the Property satisfies the criteria for being designated as a reinvestment zone as said criteria are set forth in Section 312.202 of the Texas Tax Code because the Property is reasonably likely, as a result of being designated as a reinvestment zone for purposes of tax abatement pursuant to Chapter 312 of the Texas Tax Code, to contribute to the expansion of primary employment and to attract major investment in the zone that would be a benefit to the Property and that would contribute to the economic development of the City; and,

WHEREAS, the City Council hereby finds and determines that the Property is currently appropriately zoned for the Project and that the proposed Project

conforms to the City's comprehensive zoning ordinance as required by Section 312.204 of the Texas Tax Code; and,

WHEREAS, as a result of the foregoing, the City Council hereby finds and determines that, if designated as a reinvestment zone for purposes of tax abatement pursuant to Chapter 312 of the Texas Tax Code, the Property would be eligible for commercial-industrial tax abatement; and,

WHEREAS, in compliance with the requirements of Chapter 312 of the Texas Tax Code, the City has provided to the presiding officer of the governing body of each taxing unit that includes any portion of the Property in its boundaries written notice of a public hearing on the designation of the Property as a reinvestment zone for purposes of tax abatement pursuant to Chapter 312 of the Texas Tax Code; and,

WHEREAS, in compliance with the requirements of Chapter 312 of the Texas Tax Code, a notice of a public hearing on the designation of the Property as a reinvestment zone for purposes of tax abatement pursuant to Chapter 312 of the Texas Tax Code was published on Sunday, October 29, 2017, in the Longview News-Journal, a newspaper of general circulation in the City; and,

WHEREAS, in compliance with the requirements of Chapter 312 of the Texas Tax Code, the City Council held the aforesaid public hearing at its regular meeting on November 9, 2017, and at said public hearing all interested persons who wished to do so were allowed to speak and present evidence for or against the designation of the Property as a reinvestment zone for purposes of tax abatement pursuant to Chapter 312 of the Texas Tax Code; and,

WHEREAS, having held the aforesaid public hearing, the City Council

hereby finds and determines that the Project is feasible and practical and would be a benefit to the Property and to the City after the expiration of the proposed tax abatement agreement between the City and the Company; and,

WHEREAS, the City has provided all information, given all notices, held all required public hearings, and complied with all other requirements of Chapter 312 of the Texas Tax Code and of all other law applicable to the designation of the Property as a reinvestment zone for purposes of tax abatement pursuant to Chapter 312 of the Texas Tax Code; NOW, THEREFORE,

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

Section 1. That the facts, findings, and recitations set out in the preamble to this ordinance are hereby found to be true and correct and are hereby in all things approved and adopted as a part of this ordinance for all purposes.

Section 2. That the City, acting under the provisions of Chapter 312 of the Texas Tax Code (including, without limitation, Section 312.201 of the Texas Tax Code) does hereby designate and establish the Property described in the attached Exhibit A (which said exhibit is made a part of this ordinance for all purposes) as a reinvestment zone for purposes of tax abatement pursuant to Chapter 312 of the Texas Tax Code and said Property is hereby declared to be eligible for commercial-industrial tax abatement pursuant to the City's Amended and Restated Criteria and Guidelines for Tax Abatement.

Section 3. That the reinvestment zone herein designated shall hereafter be named for identification as the "DG Tax Abatement Reinvestment Zone, City of

Longview, Texas.”

Section 4. That the DG Tax Abatement Reinvestment Zone, City of Longview, Texas, shall be effective immediately upon approval of this ordinance and designation of said reinvestment zone shall expire as provided in the applicable provisions of Chapter 312 of the Texas Tax Code, provided that the designation of said reinvestment zone may be renewed as provided in Chapter 312 of the Texas Tax Code and provided, further, that the expiration of said designation shall not affect any tax abatement agreement in existence at the time of said expiration.

Section 5. That if any section, paragraph, subdivision, clause, phrase or provision of this ordinance is hereafter determined to be invalid or violative of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Longview that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

Section 6. That, should this ordinance for any reason be ineffective as to any part of the Property, such ineffectiveness of this ordinance as to any such part or parts of the Property shall not affect the effectiveness of this ordinance as to all of the remainder of the Property; and the City Council hereby declares it to be the City Council's purpose to designate and establish every part of the Property described in Exhibit A of this ordinance as a reinvestment zone for purposes of tax abatement pursuant to Chapter 312 of the Texas Tax Code, regardless of whether any other part of such described area is hereby effectively designated and established as such

reinvestment zone.

Section 7. That the meeting at which this ordinance was approved was conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 8. That all ordinances and parts of ordinances in conflict herewith shall be repealed to the extent of such conflict only.

Section 9. That this ordinance shall become effective immediately from and after its date of passage.

PASSED and APPROVED this the 9<sup>th</sup> day of November, 2017.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O TAX ABATE DG REINVEST ZONE CREATION 11-9-17



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY SECRETARY TO ATTEST TO A TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF LONGVIEW AND DG DISTRIBUTION OF TEXAS, LLC, A TENNESSEE LIMITED LIABILITY COMPANY, AND/OR ANY AFFILIATES OF SAID COMPANY, FOR PROPOSED IMPROVEMENTS AND JOB CREATION IN THE DG TAX ABATEMENT REINVESTMENT ZONE, CITY OF LONGVIEW, TEXAS, IN THE LONGVIEW NORTH BUSINESS PARK; FINDING THAT THE TERMS OF THE TAX ABATEMENT AGREEMENT APPROVED HEREIN AND THE PROPERTY SUBJECT TO SAID AGREEMENT MEET THE APPLICABLE GUIDELINES AND CRITERIA ADOPTED BY SAID CITY COUNCIL UNDER THE AUTHORITY OF SECTION 312.002 OF THE TEXAS TAX CODE; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO DELIVER NOTICE TO ALL OF THE OTHER TAXING UNITS WITH JURISDICTION OVER THE PROPERTY DESCRIBED HEREIN IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 312.2041 OF THE TEXAS TAX CODE; PROVIDING THAT FAILURE TO DELIVER SAID NOTICE AND/OR FAILURE TO STRICTLY COMPLY WITH THE REQUIREMENTS OF SAID SECTION 312.2041 SHALL NOT AFFECT THE VALIDITY OF THE TAX ABATEMENT AGREEMENT AUTHORIZED HEREBY; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, Chapter 312 of the Texas Tax Code authorizes municipalities to abate property taxes on certain real and personal property located in a reinvestment zone; and,

WHEREAS, by Ordinance No. 4130 the Longview City Council has

designated a vacant tract of land in the Longview North Business Park (as said tract is further described in the tax abatement agreement attached hereto as Attachment A, said tract hereinafter called the "Property") as a reinvestment zone for purposes of tax abatement under Chapter 312 of the Texas Tax Code and named said reinvestment zone the "DG Tax Abatement Reinvestment Zone, City of Longview, Texas"; and,

WHEREAS, the City of Longview, Texas, has adopted guidelines for tax abatement to encourage and stimulate economic growth and diversification in reinvestment zones in the community; and,

WHEREAS, DG Distribution of Texas, LLC, a Tennessee limited liability company, (the "Company") proposes to construct certain improvements (as said improvements are further described in the tax abatement agreement attached hereto as Attachment A, said improvements hereinafter called the "Project") on the Property; and,

WHEREAS, the Company proposes to employ and maintain a number of full-time equivalent employees at said Project, all as described in Attachment A; and,

WHEREAS, in order to encourage the Company to carry out the Project and maintain full-time equivalent employees as described in Attachment A, the City of Longview is willing to enter into a tax abatement agreement substantially in the form of Attachment A hereto; and,

WHEREAS, the application of the Company for the aforesaid tax abatement has been reviewed by the Longview Economic Development Corporation and said corporation has determined that said application appears to be both complete and compliant with the City's established policy and criteria for tax abatement; NOW, THEREFORE,

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

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Manager is hereby authorized and directed to execute and the City Secretary to attest to a tax abatement agreement between the City of Longview, Texas, and DG Distribution of Texas, LLC, a Tennessee limited liability company, and/or any such affiliates of said entity as may be necessary or convenient for said agreement, for the purpose of inducing said entity, and/or such affiliates, to carry out the Project described herein on the Property described herein.

Section 3. That the aforesaid tax abatement agreement shall be substantially in the form attached hereto as Attachment A.

Section 4. That, as required by Texas Tax Code Section 312.002, the City Council of the City of Longview, Texas, hereby finds and determines that the terms of the tax abatement agreement approved herein and the property subject to said agreement meet the applicable guidelines and criteria adopted by said City Council under the authority of said Section 312.002 of the Texas Tax Code.

Section 5. That the City Manager of the City of Longview, Texas, or the City Manager's designee, is hereby authorized and directed to deliver notice to all of the other taxing units with jurisdiction over the Property described herein in accordance with the requirements of Section 312.2041 of the Texas Tax Code; provided, however, that failure to deliver said notice and/or failure to strictly comply with the requirements of said Section 312.2041 of the Texas Tax Code shall not affect the validity of the tax

abatement agreement authorized hereby.

Section 6. That the meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 7. That this resolution shall be effective immediately from and after its date of passage.

PASSED and APPROVED this 9<sup>th</sup> day of November, 2017.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R TAX ABATE DG (PROJ BALD EAGLE) 11-9-17

## HOMELESS/LOW INCOME LITTER COLLECTION PROGRAM

|                            |   |
|----------------------------|---|
| <b>DESCRIPTION:</b>        | <p>Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for the annual contract with House of Disciples, a nonprofit corporation for a litter cleanup services program that provides homeless and other persons of low income the opportunity to earn income by performing labor that is of direct and immediate benefit to the local community.</p> <p>House of Disciples will be provided with a collection schedule of Longview roadways for litter collection. In addition to this schedule House of Disciples will be notified by the city of problem areas as they arise.</p> <p>House of Disciples will assign work to homeless and low income individuals as part of programs to prepare them for a return to self-sufficiency.</p> <p>This will be an annual contract paid out at \$3,692 per month, for a total contract of \$44,304 annually.</p> <p>City staff will conduct reviews of collection areas to ensure adequate collection of litter has been completed.</p> |
| <b>RECOMMENDED ACTION:</b> | Passage of Resolution   |
| <b>SOURCE OF FUNDS:</b>    | 001-035-000-5111 Beautification Division  |
| <b>STAFF CONTACT:</b>      | Dwayne Archer, Assistant Director of Public Works<br>903-237-1336<br><a href="mailto:darcher@longviewtexas.gov">darcher@longviewtexas.gov</a>   |
| <b>COUNCIL DATE:</b>       | November 9, 2017  |

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS WITH THE HOUSE OF DISCIPLES FOR A LITTER CLEANUP SERVICES PROGRAM FOR AN AMOUNT NOT TO EXCEED \$44,304.00; AUTHORIZING THE CITY MANAGER TO ENTER INTO ADDITIONAL CONTRACTS PROVIDED THAT THE TOTAL AMOUNT SPENT UNDER SAID CONTRACT FOR ANY TERM SHALL NOT EXCEED FUNDS BUDGETED FOR SAID CONTRACT IN THE CONCURRENT BUDGET YEAR; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the House of Disciples administers a program that provides homeless persons and other persons of low income the opportunity to earn income by performing labor that is of direct and immediate benefit to the local community; and,

WHEREAS, the City of Longview wishes to utilize the aforesaid program to provide litter removal in designated areas and thereby encourage the continuation and expansion of said program; and,

WHEREAS, this program will increase the opportunities available to homeless persons and other persons of low income to earn money through gainful employment; and,

WHEREAS, the City finds that the procurement of litter removal services and the employment of homeless and other low-income persons are necessary to preserve and protect the public health and safety of the City's residents; and,

WHEREAS, funding will be provided from budgeted funds, as may be appropriated, for the corresponding budget year; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Manager, the City Manager's designee and/or other official(s) of the City as shall be required, are hereby authorized and directed to negotiate and execute any and all contract and other documents on behalf of the City of Longview, as approved by the City Attorney's Office, incident to the procurement of litter removal services described herein from the House of Disciples for an amount not to exceed \$44,304.00.

Section 3. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, is hereby authorized to enter into additional contracts with similar terms at the City Manager's discretion provided that the total amount spent under said contract shall not exceed funds budgeted for said contract in the concurrent budget year.

Section 4. That the meeting at which this resolution was approved was in all things conducted in strict compliance with Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 9th day of November, 2017.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R CMO HOMELESS LOW INCOME PROGRAM 11-9-17



## APPROVAL FOR NAMING OF THE STAGE AT HERITAGE PLAZA

|                            |   |
|----------------------------|---|
| <b>DESCRIPTION:</b>        | <p>In accordance with Chapter 64, Article III of the Longview Code of Ordinances, the Parks and Recreation Advisory Board is recommending to the Longview City Council that the Stage at Lear Park be named for Elaine Reynolds.</p> <p>The Parks and Recreation Advisory Board approved the request at their meeting on September 25, 2017. A Public Notice was published in the Longview News-Journal twice during the thirty day comment period. No public comment was received during the comment period.</p> |
| <b>RECOMMENDED ACTION:</b> | Approval of the Resolution to name the Stage at Heritage Plaza for Elaine Reynolds.   |
| <b>SOURCE OF FUNDS:</b>    | N/A   |
| <b>STAFF CONTACTS:</b>     | Scott Caron, Director of Parks and Recreation<br>903-237-1231<br><a href="mailto:scaron@longviewtexas.gov">scaron@longviewtexas.gov</a>   |
| <b>COUNCIL DATE:</b>       | November 9, 2017  |

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE NAMING OF THE STAGE AT HERITAGE PLAZA IN HONOR OF MS. ELAINE REYNOLDS; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO SAID NAMING; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the Parks and Recreation Advisory Board has recommended to the Longview City Council that the stage at Heritage Plaza be named to honor Elaine Reynolds, a longtime community and business leader that supported an array of local events and organizations through her advocacy; and,

WHEREAS, the advisory board approved the request at the board's September 25, 2017, meeting in accordance with Chapter 81 of the City of Longview Code of Ordinances; and,

WHEREAS, public notice was published twice during the thirty day comment period which began October 1, 2017, and ended October 31, 2017 and no public comment was received during this time; and,

WHEREAS, Elaine Reynolds has been involved in One Hundred Acres of Heritage and every major project and event held in downtown Longview for the past 30 years; and,

WHEREAS, the projects have enhanced the look of downtown and the

events have brought thousands of residents and visitors to downtown Longview; and,

WHEREAS, Elaine Reynolds is known for her strong work ethic, positive outlook and determination and was well respected by his peers; NOW, THEREFORE,

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

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City of Longview hereby authorizes and directs the naming of the stage at Heritage Plaza to honor Elaine Reynolds.

Section 3. That the City Manager, or the City Manager's designee, is hereby authorized and directed to execute any all documents necessary or convenient to carry out the purposes of this resolution.

Section 4. That the meeting at which the aforesaid resolution passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this resolution shall be effective immediately from and after its date of passage.

PASSED AND APPROVED this 9<sup>th</sup> of November, 2017.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PARKS NAMING ELAINE REYNOLDS STAGE 11-9-17