



City Council Meeting Agenda

5:30 p.m.

February 22, 2018

300 West Cotton Street

Jo Ann Metcalf Municipal Building

City Hall Council Chamber

I. Call to Order

II. Invocation

III. Pledge of Allegiance

IV. Election Item

Presentation of Oath of Office to Council Member Elect of District No. 3 – Angie Shepard, City Secretary.

V. Employee Recognition

VI. Community Recognition

VII. Citizen Comment

VIII. Presentation Items

A. Presentation of UT Tyler strategic plan - Dr. Mike Tidwell, UT Tyler President.

B. Presentation on Hinsley Park - Scott Caron, Director of Parks and Recreation.

IX. Public Safety Update

A. Police

B. Fire

X. Consent Agenda

- A. Consider a Resolution adopting and reconfirming tax abatement guidelines and criteria – Robert Ray, Assistant City Attorney. [Pages 4-13](#)
- B. Consider a Resolution authorizing and directing the Acting City Manager or the Acting City Manager's designee to execute any necessary documents for the application, receipt and expenditure of sub-grant funds in the amount of \$145,000 for the Partners in Prevention Mentoring Program – Holly Fuller, Partners in Prevention Manager. [Pages 14-17](#)
- C. Consider a Resolution awarding a contract to and authorizing and directing the Acting City Manager or the Acting City Manager's designee to execute any necessary documents with Pierce R&B, LLC of Beckville, Texas for in the amount of \$628,482 for the construction of the 2016 Bridge and Culvert Improvements Project – Rolin McPhee, P.E., Director of Public Works. [Pages 18-21](#)
- D. Consider a Resolution awarding a contract to and authorizing and directing the Acting City Manager or the Acting City Manager's designee to execute any necessary documents with McInnis Brothers Construction, Inc. of Minden, Louisiana, in the amount of \$2,615,700.00 for the construction of Lake Cherokee Water Treatment Plant Improvements-Clarifier Rehabilitation Project – Rolin McPhee, P.E., Director of Public Works. [Pages 22-25](#)
- E. Consider a Resolution accepting the Intersection Improvements East Hawkins Parkway East of North Eastman Road Project and authorizing final payment of \$30,144.30 to East Texas Bridge, Inc., of Longview, Texas – Rolin McPhee, P.E., Director of Public Works. [Pages 26-29](#)
- F. Consider a Resolution authorizing and directing the Acting City Manager or the Acting City Manager's designee to execute any necessary documents for the application, receipt and expenditure of grant funds in the amount of \$115,046 from the U.S. Department of Justice, Bureau of Justice 2018 Victims of Crime Act Formula Grant Program (VOCA) for the purpose of supporting initiatives which assist crime victims and their families – Mike Bishop, Police Chief. [Pages 30-33](#)
- G. Acceptance of the December 2017 Quarterly Investment Report – Angela Coen, Director of Finance. [Pages 34-35](#)

XI. Action Items

- A. **A PUBLIC HEARING** will be held to consider an Ordinance nominating Longview Medical Center, L.P., to the Office of the Governor Economic

Development and Tourism through the Economic Development Bank as an enterprise project. The proposed qualified business site is 2901 N Fourth, Longview which lies outside an enterprise zone. Tax and other potential incentives to be offered to projects within the City of Longview jurisdiction and under the auspices of the Texas Enterprise Zone Program administered by the Office of the Governor of Texas will be discussed at the hearing – Michael Shirley, Director of Development Services. **THIS ITEM REQUIRES A PUBLIC HEARING.** [Pages 36-43](#)

- B. Consider a Resolution authorizing a Memorandum of Understanding between the City of Longview and Longview Arboretum and Nature Center, Inc., relating to the operation and maintenance of the Longview Arboretum and Nature Center - Scott Caron, Director of Parks and Recreation. [Pages 44-47](#)

XII. Items of Community Interest

XIII. Mayor Mack's Scholarship

XIV. 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, ADOPTING AND RECONFIRMING TAX ABATEMENT GUIDELINES AND CRITERIA; PROVIDING FOR AMENDMENT, REPEAL AND EXPIRATION OF SAID GUIDELINES AND CRITERIA AS REQUIRED BY TEXAS LAW; MAKING AND RECONFIRMING THE CITY'S ELECTION TO PARTICIPATE IN TAX ABATEMENT; 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, tax abatements are intended to provide companies an incentive to relocate to Longview or its immediate surroundings or to make major expansions to their existing facilities in Longview or its immediate surroundings; and,

WHEREAS, tax abatements require a specific level of capital investment and a specific number of jobs to be created and maintained over the term of the agreement; and,

WHEREAS, Texas law requires that a city adopt guidelines and criteria for tax abatements as a prerequisite to providing such abatements; and,

WHEREAS, the City Council, by means of this resolution, generally wishes to reconfirm its current tax abatement guidelines and criteria; 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 adopts and approves the Criteria and Guidelines for Tax Abatement for the City of Longview set forth in the attached Exhibit "A" and that said exhibit is for all purposes incorporated herein and made a part hereof.

Section 3. That all versions of the Criteria and Guidelines for Tax Abatement for the City of Longview other than the attached Exhibit "A" are hereby repealed; provided, however, that the repeal of such previous versions does not affect the prior operation of said versions or any prior action taken or tax abatement agreement approved pursuant to same; and any obligation or liability previously acquired, accrued, or incurred under such a version, any violation of any previously approved tax abatement agreement and any penalty, forfeiture, or liability incurred under such a previous tax abatement agreement shall be the same as if the applicable version of the Criteria and Guidelines for Tax Abatement for the City of Longview had not been repealed.

Section 4. That, in accordance with Section 312.002 of the Texas Tax Code and during the effective period of the Criteria and Guidelines for Tax Abatement for the City of Longview as adopted herein, said Criteria and Guidelines for Tax Abatement for the City of Longview may be amended or repealed only by a vote of three-fourths of the members of the City Council.

Section 5. That the City of Longview, Texas, hereby elects to become eligible to participate in tax abatement.

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 and that, in accordance with Section 312.002 of the Texas Tax Code, the Criteria and Guidelines for Tax Abatement for the City of Longview adopted by this resolution shall be effective for two years from said date.

PASSED AND APPROVED this 22nd day of February, 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R TAX ABATE POLICY 2-22-18

Exhibit "A"
City of Longview
Policy Statement

Amended and Restated Criteria and Guidelines for Tax Abatement

February 22, 2018

I. General Purpose and Objectives.

The City of Longview is committed to enhancing the competitiveness and the expansion potential of Longview's manufacturing and industrial industry; to attracting and encouraging new manufacturing and industrial investment; to improving the City and its infrastructure which attracts and supports development; and to expanding the tax base, employment opportunities and the overall quality of life for its citizens. Therefore, the City of Longview will give consideration, on a case-by-case basis, to providing tax abatement according to state law to the owners of real property for projects which stimulate economic growth and diversification in Longview, Texas.

Tax abatement benefits may be made available to industrial, manufacturing, distribution, retail (only if located in a designated Enterprise Zone), and service facilities currently in Longview or locating in Longview. New facilities and structures as well as the expansion and modernization of existing facilities and structures, will be considered. Evaluation of a tax abatement request will be based on the information provided in the tax abatement application. However, the City of Longview is under no obligation to provide tax abatement to any applicant.

II. Guidelines.

- A. Tax abatement may only be granted for the additional value of eligible property improvements made or increased in the year of or subsequent to the year in which the abatement agreement is entered into and as specified in an abatement agreement between the City and the property owner or lessee subject to such limitations as the City may require. The additional value must exceed any reduction in the fair market value of other property of the owner already on the tax roll within the jurisdiction of the City. Value added to the tax rolls must come from actual capital expenditures.
- B. Eligible property for which abatement may be granted includes nonresidential real property and/or tangible personal property located on the real property other than that personal property that was located on the real property at any time before the abatement agreement becomes

effective. Excluded from eligible personal property are inventory and supplies unless specifically allowed by the City for eligible Industrial, Manufacturing, Distribution and Service Businesses as provided in Section III.B.1. Real property tax abatement may be granted only to the extent that its value for each year of the agreement exceeds its value for the year in which the agreement is executed. Rolling stock may receive a maximum abatement of (50%). In order to receive any tax abatement, rolling stock must be (i) otherwise eligible for tax abatement under this policy statement; and (ii) rendered for ad valorem property taxation within the City of Longview on the real property for which a tax abatement is granted; and (iii) used directly in the business being conducted on or from the real property for which a tax abatement is granted. For purposes of this policy statement, "rolling stock" shall mean tangible personal property that (i) is removed from the real property for which the tax abatement was granted at any time during the period in which the abatement agreement is effective and (ii) is so removed for any purpose other than maintenance, repair, replacement, or disposal.

- C. To initiate the tax abatement process, a tax abatement applicant shall submit an application to the City Manager of the City of Longview, with a copy of said application to be forwarded by the applicant to the Executive Director of the Longview Economic Development Corporation. The form of the application, and the information required therein, shall be as determined by the City and the Longview Economic Development Corporation. Following receipt of an application, a committee composed of one (1) member each from the City of Longview; the affected county: Gregg or Harrison; and any other taxing unit that wishes to consider granting a tax abatement to the applicant, shall be formed to recommend the adoption or rejection of all applications. The Longview Economic Development Corporation shall serve as staff to the committee. In addition, no tax abatement application shall be considered for further processing by the City of Longview unless first approved by the governing board of the Longview Economic Development Corporation.

- D. For any area within the jurisdiction of the City of Longview to be eligible for the tax abatement, it must meet the criteria for designation as a tax abatement reinvestment zone as set forth in the Property Redevelopment and Tax Abatement Act, Texas Tax Code Chapter 312. The City Council may adopt an ordinance designating a tax abatement reinvestment zone only after a public hearing has been held, notice of the public hearing has been published at least seven (7) days before the date of the hearing, and all other procedural requirements of Chapter 312 have been satisfied. Incident to approval of any ordinance designating a reinvestment zone, the City Council shall find that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and to the City after the expiration of the agreement. Any designated tax

abatement reinvestment zone shall expire five (5) years from the date of designation and may be renewed for periods not to exceed five (5) years. The expiration of the designation does not affect an existing tax abatement agreement made in accordance with this policy.

- E. No tax abatement shall exceed a term of ten (10) years.
- F. The negotiation of tax abatement contracts will be conducted by the Longview Economic Development Corporation, in conjunction with the City Manager or the City Manager's designee. In determining where and how tax abatement will be utilized, the committee will examine the potential return on the public's investment. Return on public investment will be measured in the terms of net jobs created, jobs retained, broadening of the tax base, and expansion of the economic base.
- G. Individual taxing units governing a reinvestment zone may choose to grant tax abatement to an owner or lessee, but according to state law, the terms of the agreements must be identical to the agreement already executed by the City (unless the property is in an enterprise zone).
- H. At any time before expiration, any tax abatement agreement may be terminated by mutual consent of all parties involved in the same manner that the agreement was executed.

III. Criteria.

- A. A tax abatement agreement must, as a minimum:
 - 1. list the kind, number, and location of all proposed improvements to the property and the dollar value of all proposed improvements to the property;
 - 2. provide for City employees to have access and authority to conduct inspections of the eligible property to ensure that the improvements or repairs are made in accordance with the agreement;
 - 3. limit the uses of the eligible property to remain consistent with encouraging development or redevelopment of the tax abatement reinvestment zone during the term of the tax abatement agreement;
 - 4. provide for recapturing of property tax revenue lost as a result of the agreement if the owner or lessee of the eligible property fails to make the improvements or repairs as provided by the agreement;
 - 5. contain each term agreed to by the owner or lessee of the property;

- 6. require the owner of the property to certify annually to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement;
 - 7. provide that the City Council of the City of Longview may cancel or modify the agreement if the property owner fails to comply with the agreement.
- B. The owner or lessee of eligible property requesting tax abatement within a tax abatement reinvestment zone shall, prior to the commencement of eligible property improvements, agree to expend a designated sum of money and provide a certain number of jobs or annual payroll as further defined below.

1. Industrial, Manufacturing, Distribution, and Service Businesses

Tax abatement may be made available to industrial, manufacturing, distribution, and service businesses located anywhere within Longview's city limits or extra territorial jurisdiction (ETJ) based on the following:

- a. To be eligible for any tax abatement there must be a minimum capital investment of \$100,000.00 and at least ten (10) new full-time jobs to the Longview labor force.

Capital Investment	and/or Minimum Annual Payroll	and/or Jobs Created	Possible Abatement
\$100,000.00 – 200,000.00	125,000	10-25	20%
200,000.01 – 300,000.00	325,000	26-50	30%
300,000.01 – 400,000.00	635,000	51-75	40%
400,000.01 – 500,000.00	945,000	76-100	50%
500,000.01 – 600,000.00	1,260,000	101- 125	60%
600,000.01 – 700,000.00	1,570,000	126- 150	70%
700,000.01 – 800,000.00	1,880,000	151- 175	80%
800,000.01 – 900,000.00	2,190,000	176- 200	90%

900,000.01 – 1,000,000.00	2,500,000	201- 225	100%
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- b. When an abatement percentage has been agreed upon, it shall be granted for years one (1) through three (3). There will be a 25% reduction in the original amount abated beginning with year four (4) and each subsequent year until the 100% property evaluation is added to the tax rolls.
- c. Notwithstanding the foregoing provisions to the contrary, any project with a capital investment of more than one million dollars (\$1,000,000.00), or an annual payroll of two and one-half million dollars (\$2,500,000.00), or creating more than 225 new full-time jobs will be individually negotiated (and in such case, the possible abatement is 100%, with up to a 10-year duration).
- d. If a business is located or will locate within an Enterprise Zone, an additional 10-20% abatement may be available as individually negotiated, with total abatement not to exceed 100%.
- e. Inventory and/or supplies are eligible as tangible personal property for abatement purposes for industrial, manufacturing, distribution, and service businesses. However, any such abatement for inventory or supplies will be considered by the City on a case-by-case basis. The percentage of such an abatement shall be as approved by the City on a case-by-case basis.

2. Retail/Commercial Businesses

Tax abatement may be made available only to those retail/commercial businesses which are located within an Enterprise Zone if:

- a. A minimum capital expenditure of \$100,000.00 is made on eligible property improvements;
- b. At least 50 full-time permanent jobs are created during the time period as negotiated in the tax abatement agreement.

If the above criteria is met, tax abatement will be as follows:

Capital Investment	and/or	and/or Jobs	Possible
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	Minimum Annual Payroll	Created	Abatement
\$ 100,000.00 – 250,000.00	620,000	50-75	20%
250,000.01 – 500,000.00	945,000	76-150	30%
500,000.01 – 1,000,000.00	1,880,000	151-300	40%
1,000,000.01 – 1,500,000.00	3,750,000	301-450	50%
1,500,000.01 – 2,000,000.00	5,615,000	451-600	60%
2,000,000.01 – 2,500,000.00	7,480,000	601-750	70%
2,500,000.01 – 3,000,000.00	9,350,000	751-900	80%
3,000,000.01 – 3,500,000.00	11,220,000	901-1,050	90%
3,500,000.01 – 4,000,000.00	13,000,000	1,051 & over	100%

- c. When an abatement percentage has been agreed upon, it shall be granted for years one (1) through three (3), with a 25% reduction in the original amount abated beginning with year four (4) and each subsequent year until the 100% property evaluation is added to the tax rolls.
- d. Notwithstanding the foregoing provisions to the contrary, any project with a capital investment of more than four million dollars (\$4,000,000.00), or an annual payroll of thirteen million dollars (\$13,000,000.00), or creating more than 1,051 full-time permanent jobs will be individually negotiated (and in such case, the possible abatement is 100%, with up to a 10-year duration).
- e. Inventory and supplies of retail/commercial businesses are not eligible as tangible personal property for abatement purposes.

IV. Administration, Contract Review and Monitoring, and Reporting.

- A. The City of Longview’s Department of Financial Services shall be primarily responsible for the administration, review, and monitoring of tax abatement agreements authorized by the City of Longview under these

guidelines. These responsibilities shall include verifying that participants in tax abatement agreements are in full compliance with the terms of the agreement.

- B. The Department of Financial Services shall expeditiously advise the City Manager in writing of any instances of contract non-compliance by tax abatement participants. In addition, the Department of Financial Services shall, on an annual basis, conduct a performance review of the activities of each tax abatement participant and report the findings of such review to the City Council.
- C. The business receiving a tax abatement must provide agents or representatives of the City of Longview with access to and authorize inspection of any and all records of said business, including without limitation federal and state unemployment reports, payroll reports, Employer's Quarterly Report to the Texas Workforce Commission, and federal income tax forms such as W-2 forms, in order to allow said agents or representatives to determine whether said business is in compliance with the tax abatement agreement, including without limitation, the employment requirements of the agreement. At a minimum, said business must provide such access during its normal business hours.
- D. The City of Longview shall be responsible for enforcement of the terms of any tax abatement agreement authorized hereunder.

V. Conclusion.

These guidelines and criteria are effective for a two-year period from the effective date of adoption by a resolution of the City Council of the City of Longview. This policy may be renewed after that date using the same procedure for adoption as was followed for this adoption. Any amendment, alteration or repeal of these guidelines and criteria can only become effective upon a vote by three-fourths of the members of the City Council.

PARTNERS IN PREVENTION MENTORING PROGRAM

DESCRIPTION:	<p>City of Longview, Partners in Prevention Mentoring Program has been selected by MANY Center for Research and Innovation as a sub-grantee of the U.S. Department of Justice for the Mentoring Opportunities for Youth Initiative, Multi-State Mentoring Programs grant. The Department of Justice has awarded the two-year grant to MANY who will disburse the federal funds to the City of Longview as one of 10 organizations nationally to serve as a Mentoring+ site.</p> <p>The purpose of the grant solicitation is to support mentoring programs that will serve vulnerable youth at risk or high risk for involvement in the juvenile justice system.</p> <p>The grant amount is not to exceed \$145,000 and requires no matching funds from the city.</p> <p>Partners in Prevention Mentoring Program will utilize the funds for program supplies, mentor/mentee activities and contractual personnel, as required by the grant.</p>
RECOMMENDED ACTION:	Passage of resolution.
SOURCE OF FUNDS:	Amount: -0-
STAFF CONTACT:	Holly Fuller, Partners in Prevention Manager, 903-237-1016 hfuller@LongviewTexas.gov
COUNCIL DATE:	February 22, 2018

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE CITY OF LONGVIEW TO APPLY FOR, ACCEPT AND EXPEND GRANT FUNDS IN AN AMOUNT OF UP TO \$145,000 FROM MANY CENTER FOR RESEARCH AND INNOVATION AS A SUB-GRANTEE OF THE U.S. DEPARTMENT OF JUSTICE FOR THE MENTORING OPPORTUNITIES FOR YOUTH INITIATIVE, MULTI-STATE MENTORING PROGRAMS FOR THE USE BY THE CITY OF LONGVIEW PARTNERS IN PREVENTION MENTORING PROGRAM; AUTHORIZING AND DIRECTING THE LONGVIEW PARTNERS IN PREVENTION PROGRAM MANAGER OR OTHER OFFICIAL OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING FOR, SECURING AND EXPENDING SAID GRANT; PROVIDING FOR RETURN OF FUNDS FOR MISUSE; FINDING THAT NO MATCHING FUNDS ARE REQUIRED; 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, U.S. Department Justice, Office of Juvenile Justice and Delinquency Prevention, has awarded the MANY Center for Research and Innovation the Mentoring Opportunities for Youth Initiative, Multi-State Mentoring Program's grant for a two-year period; and,

WHEREAS, MANY has selected the City of Longview Partners in Prevention Mentoring Program to be a sub-grantee in this national project; and,

WHEREAS, Partners in Prevention Mentoring Program will be one of ten programs selected as part of this multi-state mentoring initiative; and,

WHEREAS, funds will be used for program supplies, mentor/mentee activities, and contractual personnel as required by the grant; and,

WHEREAS, this grant requires no matching funds from the City of Longview; 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 is hereby authorized to file an application and all attendant documents necessary to qualify for grant funding from the U.S. Department Justice, Office of Juvenile Justice Delinquency and Prevention in an amount not to exceed \$145,000 over two years to fund MANY Center for Research and Innovation the Mentoring Opportunities for Youth Initiative, Multi-State Mentoring Programs.

Section 3. That the City of Longview is hereby authorized to is hereby authorized and directed to execute all necessary documents, as approved by the City Attorney's Office, incident to the application, acceptance and expenditure of said grants.

Section 4. The City of Longview designates the Partners in Prevention Program Manager as the grantee's authorized official and is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

Section 5. That the City of Longview agrees that in the event of loss or misuse of funds the City Council assures that the funds will be returned in full.

Section 6. That no local matching funds or other expenditures of local

funds are required to receive and expend the grant funds described herein.

Section 7. 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 8. That this resolution shall be effective from and after its date of passage.

PASSED, AND APPROVED this 22nd day of February 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PIP GRANT MENTORING OPPORTUNITIES 2-22-18

2016 BRIDGE AND CULVERT IMPROVEMENTS

DESCRIPTION: Consider a resolution awarding a contract in the amount of \$628,482 and authorizing the City Manager or his designee to execute any necessary documents with Pierce R&B, LLC of Beckville, TX, for the construction of the referenced project. The following bids were opened on January 4, 2018:

<u>Bidders</u>	<u>Proposed Amount</u>
Pierce R&B LLC Beckville, TX	\$ 628,482.00
CDM Holdings LLC New Boston, TX	\$ 630,284.45
East Texas Bridge Longview, TX	\$ 648,328.00
Longview Bridge and Road Longview, TX	\$ 669,250.75
Horton Excavating, LLC Lufkin, TX	\$ 709,398.00
Welch Excavation and Utility Co. Winona, TX	\$ 753,859.40
AAA Sanitation, Inc. Tyler, TX	\$ 786,447.00

The scope of work includes the construction of 162 linear feet of precast box culverts at Grace Creek and Graystone Road and relocation of 6" water main and 8" sanitary sewer main as necessary to complete the installation.

Staff has examined the proposals and the qualifications of the low bidder, and recommends award of the contract to Pierce R&B, LLC of Beckville, TX in the amount of \$628,482.

RECOMMENDED ACTION: Passage of resolution.

SOURCE OF FUNDS: Funding is available from the Drainage CIP fund.

STAFF CONTACT: Rolin McPhee, P.E., Director of Public Works
903-237-1336
rmcphee@longviewtexas.gov

COUNCIL DATE: February 22, 2018

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF PIERCE R&B, LLC, OF BECKVILLE, TEXAS FOR CONSTRUCTION OF THE PROJECT ENTITLED “2016 BRIDGE AND CULVERT IMPROVEMENTS”; AUTHORIZING AND DIRECTING THE ACTING CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND PIERCE R&B, LLC, FOR THE ABOVE REFERENCED PROJECT; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; 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, the City of Longview desires to begin construction of the project known as “2016 Bridge and Culvert Improvements”, and,

WHEREAS, this project provides for the construction of approximately 162 linear feet of precast box culverts at Grace Creek and Graystone Road including the relocation of water and sanitary sewer mains as necessary to complete the installation; and,

WHEREAS, funding for this project is provided from the City’s Drainage Fund; 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 bid submitted by Pierce R&B LLC, of Beckville, Texas, for construction of the project known as "2016 Bridge and Culvert Improvements" in the amount of \$628,482 is the lowest bid submitted to the City of Longview for construction of said project.

Section 3. That the City of Longview hereby accepts the aforementioned bid by Pierce R&B LLC, of Beckville, Texas, in the amount of \$628,482.

Section 4. That the Acting City Manager, his designee or other official of the City 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 a bid by Pierce R&B, LLC of Beckville, Texas, for the project known as "2016 Bridge and Culvert Improvements".

Section 5. 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 6. 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 7. That this resolution shall become effective from and after its passage.

PASSED AND APPROVED this 22nd day of February 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW BID AWARD 2016 BRIDGE & CULVERT IMPROVEMENTS 2-22-18

LAKE CHEROKEE WATER TREATMENT PLANT CLARIFIER REHABILITATION

DESCRIPTION: Consider a resolution awarding a contract in the amount of \$2,615,700.00 and authorizing the City Manager or his designee to execute any necessary documents with McInnis Brothers Construction, Inc., of Minden, LA, for the construction of the referenced project. The following five proposals were opened on February 1, 2018:

Bidder	Amount
McInnis Brothers Construction, Inc. Minden, LA	\$2,615,700.00
Gracon Construction, Inc. Mesquite, TX	\$2,687,000.00
Red River Construction Co. Wylie, TX	\$3,077,700.00
Associated Construction Partner,LTD Boerne, TX	\$3,526,500.00
Brunel Industrial & Pipeline Services Pasadena, TX	\$3,648,683.21

The scope of work includes the rehabilitation of needed improvements to the Lake Cherokee Water Treatment Plant upflow clarifier. This includes the replacement of radial launders, chemical piping, electrical controls, stairs, handrails, sludge blowdown valve relocation, 36 inch valve installation and necessary improvements to rehabilitate the upflow clarifier.

KSA has examined the bids and the qualifications of the low bidder, and recommends that the City award the contract to McInnis Brothers Construction, Inc., in the amount of \$2,615,700.00. Staff concurs with their recommendation.

RECOMMENDED ACTION: Passage of the resolution.

SOURCE OF FUNDS: Funding is available from the Water Utility CIP Fund.

STAFF CONTACT: Rolin C. McPhee, P.E., Director of Public Works
903-237-1336
rmcphee@LongviewTexas.gov

COUNCIL DATE: February 22, 2018

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF MCLNNIS BROTHERS CONSTRUCTION, INC., OF MINDEN, LOUISIANA, FOR CONSTRUCTION OF THE PROJECT ENTITLED "LAKE CHEROKEE WATER TREATMENT PLANT IMPROVEMENTS CLARIFIER REHABILITATION"; AUTHORIZING AND DIRECTING THE ACTING CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND MCLNNIS BROTHERS CONSTRUCTION, INC., FOR THE ABOVE REFERENCED PROJECT; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; 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, the City of Longview desires to begin construction of the project known as "Lake Cherokee Water Treatment Plant Improvements Clarifier Rehabilitation"; and,

WHEREAS, the "Lake Cherokee Water Treatment Plant Improvements Clarifier Rehabilitation" will involve, among other things, the replacement of radial launders, chemical piping, electrical controls, stairs, handrails, sludge blowdown valve relocation, 36 inch valve installation and necessary improvements to rehabilitate the upflow clarifier; and,

WHEREAS, funding for this project is provided from the from the Water Utility CIP Fund; 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 bid submitted by McInnis Brothers Construction, Inc., of Minden, Louisiana, for construction of the project in the amount of \$2,615,700.00 is the lowest bid submitted to the City of Longview for construction of said project.

Section 3. That the City of Longview hereby accepts the aforementioned bid by McInnis Brothers Construction, Inc., in the amount of \$2,615,700.00.

Section 4. That the Acting City Manager, his designee or other official of the City 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 a bid by McInnis Brothers Construction, Inc., of Minden, Louisiana, for the project known as "Lake Cherokee Water Treatment Plant Improvements Clarifier Rehabilitation".

Section 5. 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 6. 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 7. That this resolution shall become effective from and after its passage.

PASSED AND APPROVED this 22nd day of February, 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW BID AWARD LAKE CHEROKEE WTP IMPROVEMENTS 2-22-18

INTERSECTION IMPROVEMENTS EAST HAWKINS PARKWAY EAST OF NORTH. EASTMAN ROAD

DESCRIPTION: Consider a resolution accepting the "Intersection Improvements - E. Hawkins Parkway East of N. Eastman Road" and authorizing final payment of \$30,144.30 to East Texas Bridge, Inc., of Longview, Texas. Approval of the final payment will begin the contractor's one-year warranty period.

The City Council awarded a contract to East Texas Bridge, Inc., on November 10, 2016 in the amount of \$584,784.40. Change Order No. 1 Increased the contract price by \$33,725.00 for a new price of \$618,509.40. City Council approved the change order on March 9, 2017 for additional concrete street pavement. The final construction cost is \$602,886.00.

The project provided for the construction of concrete street pavement on Hawkins Parkway east of Eastman Road to improve the existing vertical alignment. This included the replacement of storm drain pipes, storm drain inlets, sidewalks and other construction activity necessary to perform the work.

The project has been completed in accordance with the contract. Kimley-Horn and Associates, Inc., recommends acceptance of the project and approval of the final payment. City staff concurs with their recommendation.

RECOMMENDED ACTION: Passage of resolution.

SOURCE OF FUNDS: Funding is available from the Regional Authority Grant administered by Gregg County and 2011 Street Bonds.

STAFF CONTACT: Rolin McPhee, P.E., Director of Public Works
903-237-1336
rmcphee@longviewtexas.gov.

COUNCIL DATE: February 22nd, 2018

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT ENTITLED "INTERSECTION IMPROVEMENTS - E. HAWKINS PARKWAY EAST OF N. EASTMAN ROAD"; AUTHORIZING AND APPROVING FINAL PAYMENT TO EAST TEXAS BRIDGE, 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 November 10, 2016 the City Council awarded a contract to East Texas Bridge, Inc., of Longview, Texas in the amount of \$584,754.40 for the project known as "Intersection Improvements - E. Hawkins Parkway East of N. Eastman Road"; and,

WHEREAS, this project included the construction of concrete street pavement on Hawkins Parkway east of Eastman Road and the replacement of storm drain pipes, storm drain inlets, sidewalks and other construction activity necessary to perform the work; and,

WHEREAS, the contract scope and cost was revised by City Council on March 9, 2017 for said project to \$618,509.40; and,

WHEREAS, the final construction cost for said project was \$602,886.00; 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 \$30,144.30; and,

WHEREAS, the final amount of \$30,144.30 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 "Intersection Improvements - E. Hawkins Parkway East of N. Eastman Road" is hereby accepted as complete and that final payment in the amount of \$30,144.30 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 22nd day of February, 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW FINAL PAY INTERSECTION IMPR HAWKINS & EASTMAN 2-22-18

GRANT APPLICATION

DESCRIPTION: Consider a resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for the application, receipt, and expenditure of grant funding from the U.S. Department of Justice, Bureau of Justice Assistance 2018 Victims of Crime Act Formula Grant Program (VOCA) fund in the amount of \$115,046 for the purpose of supporting initiatives which assist crime victims and their families.

RECOMMENDED ACTION: Resolution and Council approval

SOURCE OF FUNDS:

STAFF CONTACT: Mike Bishop, Chief of Police
903-237-1100
mbishop@longviewtexas.gov

COUNCIL DATE: February 22, 2018

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING APPLICATION, ACCEPTANCE AND EXPENDITURE OF GRANT FUNDS IN THE AMOUNT OF \$115,046 FROM THE 2018 VICTIMS OF CRIME ACT FORMULA GRANT PROGRAM (VOCA) FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR USE BY THE CITY OF LONGVIEW POLICE DEPARTMENT; AUTHORIZING THE ACCEPTANCE OF ALL SPECIAL CONDITIONS IMPOSED IN CONNECTION WITH SAID GRANT FUNDING; AUTHORIZING AND DIRECTING THE ACTING CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING FOR, SECURING AND EXPENDING SAID GRANT; PROVIDING FOR RETURN OF FUNDS FOR LOSS OR MISUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Criminal Justice Division of the Governor's Office sponsors the Recovery Act; VA-Victims of Crime Act Formula grant (VOCA) for the purpose of supporting initiatives which assist crime victims and their families and,

WHEREAS, the City of Longview Police Department has qualified for and wishes to apply for the VA-Victims of Crime Act Formula grant (VOCA), in an amount not to exceed \$115,046 from the Criminal Justice Division of the Governor's Office; and,

WHEREAS, said grant will be used by the Longview Police Department to continue the position from the previously awarded grant, Crime Victims Coordinator, which will assist victims of crime and/or families of those victims with the proper filling out of paperwork associated with crime victims compensation and with regular

communication with the police department on the status updates of their cases; and,

WHEREAS, the award is made in the first fiscal year of the appropriation and may be expended during the following two (2) years, for a total of three (3) years;

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 Police Department, by and through the Acting City Manager, is hereby authorized to apply for, accept, reject, alter, or terminate, on behalf of the City of Longview, Victims of Crime Act Formula Grant (VOCA) award not to exceed the amount of \$115,046 from the Criminal Justice Division of the Governor's office.

Section 3. That the City of Longview is hereby authorized to submit said application to the Criminal Justice Division of the Governor's Office in a timely manner.

Section 4. That the City of Longview hereby accepts and agrees to all special conditions imposed in connection with the aforementioned grant before the end of the 12 month grant period.

Section 5. That acceptance of the grant is contingent upon the City of Longview providing budgetary funds for a in-kind match of up to a twenty percent (20%).

Section 6. That the City of Longview Police Department, by and through the Acting City Manager is hereby authorized and directed to execute any and all contracts other documents, as approved by the City Attorney's Office, incident to the

application, acceptance and expenditure on behalf of the City of Longview of an Victims of Crime Act Formula Grant (VOCA) award, in an amount not to exceed \$115,046 from the Criminal Justice Division of the Governor's Office.

Section 7. The City of Longview agrees that in the event of loss or misuse of the Criminal Justice Division funds that the funds awarded will be returned to the Criminal Justice Division in full.

Section 8. 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 9. That this resolution shall be effective from and after its date of passage.

PASSED AND APPROVED this 22nd day of February, 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R POLICE GRANT VOCA 2-22-18

INVESTMENT REPORT FOR QUARTER ENDING DECEMBER 31, 2017

DESCRIPTION: The Investment Report for the quarter ending December 31, 2017 is presented as required by the Public Funds Investment Act.

The City's investments for the quarter were in compliance with the City's investment Policy and the Public Funds Investment Act. The City had investments in Texpool, Cutwater Texas Class Investment Pool, Nexbank Money Market and Certificate of Deposits.

Quarter Ending December 31, 2017

Texpool \$ 842,663
Ending Yield 1.18%
Weighted Average Maturity 1 Days
Interest Earned \$2,304

Texas Class \$ 6,340,832
Ending Yield 1.41%
Weighted Average Maturity 1 Days
Interest Earned \$23,396

Certificate of Deposits \$26,854,126
Ending Yields
12 Months 1.19%
18 Months 1.20%
18 Months 1.65%
21 Months 1.69%
24 Months 1.73%
24 Months 1.12%
24 Months 1.40%
24 Months 1.05%
36 Months 1.20%
36 Months 1.41%
Interest Earned \$64,089

Southside Money Market Account
Ending Yield 0.45%
Weighted Average Maturity 1 Days
Interest Earned \$18,549

NEXBANK Money Market Account
Ending Yield 1.62%
Weighted Average Maturity 1 Days
Interest Earned \$55,391

Texpool is a local government investment pool. The primary objectives of the pool are to preserve capital and protect principal, maintain sufficient liquidity, provide safety of funds and investments, diversify to avoid unreasonable or avoidable risks, and maximize the return on the pool. The pool seeks to maintain a \$1.00 value per share as required by the Texas Public Funds Investment Act. Texpool investments consist exclusively of U.S. Government securities, repurchase agreements collateralized by U.S. Government securities, and AAA-rated no-load money market mutual funds. Texpool is rated AAAM by Standard & Poor's, the highest rating a local government investment pool can achieve. The weighted average maturity of the portfolio is limited to 60 days calculated using the reset date for variable rate notes ("VRNs") and 90 days or fewer using the final maturity date for VRNs, with the maximum maturity for any individual security in the portfolio not exceeding 397 days for fixed rate securities and 24 months for VRNs.

Through our depository bank, Southside Bank, City funds are in an interest bearing account, with pledged securities for collateral. Per the depository contract, interest is earned at the daily 30-Day T-Bill rate plus thirty five basis points.

RECOMMENDED ACTION: Receive written investment report. No formal action required.

STAFF CONTACT: Angela Coen, Director of Finance
903-239-5521
acoen@ci.longview.tx.us

COUNCIL DATE: February 22,2018

**AN ORDINANCE NOMINATING LONGVIEW REGIONAL MEDICAL CENTER TO THE
OFFICE OF THE GOVERNOR AS AN ENTERPRISE PROJECT**

DESCRIPTION:

A PUBLIC HEARING will be held to consider an Ordinance nominating Longview Medical Center, L.P., to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an enterprise project. The proposed qualified business site is 2901 N 4th, Longview which lies outside an enterprise zone. Tax and other potential incentives to be offered to projects within the City of Longview jurisdiction and under the auspices of the Texas Enterprise Zone Program administered by the Office of the Governor of Texas will be discussed at the hearing.
– Michael Shirley, Director of Development Services.

This economic development tool allows local communities to partner with the state of Texas to encourage job creation and capital investment in economically distressed areas. Local communities can nominate a new or expanding business as an "enterprise project." Approved projects are eligible to apply for state sales and use tax refunds on qualified expenditures. The level and amount of refund depends on the capital investment and jobs created at the qualified business site.

RECOMMENDED ACTION:

Approval of Resolution

SOURCE OF FUNDS:

No impact

STAFF CONTACTS:

Michael Shirley, AICP, Director of Development Services
903-237-1059
mshirley@longviewtexas.gov

COUNCIL DATE:

February 22, 2018

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; PROVIDING TAX AND OTHER INCENTIVES; DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES; NOMINATING LONGVIEW MEDICAL CENTER, L.P. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK AS AN ENTERPRISE PROJECT; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; REPEALING OTHER PROVISIONS IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Longview, Texas, ("the City") desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the City and to provide employment to residents of such areas; and,

WHEREAS, the City has previously elected to participate in the Texas Enterprise Zone Program by passage of Ordinance No. 3405 enacted on August 11, 2005, and Ordinance No. 3846 enacted on November 8, 2012; and,

WHEREAS, pursuant to Texas Government Code Chapter 2303 (the "Texas Enterprise Zone Act"), Subchapter F, Longview Medical Center, L.P. has applied to the City for designation as an enterprise project; and,

WHEREAS, Longview Medical Center, L.P. is not located in an area

designated as an enterprise zone; and,

WHEREAS, the City finds that Longview Medical Center, L.P. meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site and will create a higher level of employment, economic activity and stability; and,

WHEREAS, a public hearing to consider this ordinance was held by the City Council on February 22, 2018; 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 Article II, Chapter 33 of the Code of Ordinances, City of Longview, Texas, is hereby rewritten in its entirety to read as follows:

“ARTICLE II. ENTERPRISE ZONES

Sec. 33-31. Definitions.

In this article, the following terms shall have the meanings assigned to them in this section unless the context clearly requires otherwise:

Enterprise project. The term “enterprise project” shall mean a project or activity designated as an enterprise project pursuant to the Texas Enterprise Zone Act and within the jurisdiction of the City as said jurisdiction is defined by the Texas Enterprise Zone Act.

Enterprise zone. The term “enterprise zone” shall mean an area within the jurisdiction of the City as said jurisdiction is defined by the Texas Enterprise Zone Act and designated as an enterprise zone pursuant to the Texas Enterprise Zone Act.

Nominated projects or activities. The term “nominated projects or activities” shall mean any project or activity nominated by the City for status as an enterprise project.

Qualified business. The term “qualified business” shall have the meaning assigned to that term in the Texas Enterprise Zone Act.

Qualified employee. The term “qualified employee” shall have the meaning assigned to that term in the Texas Enterprise Zone Act.

Texas Enterprise Zone Act. The term “Texas Enterprise Zone Act” shall mean Texas Government Code Chapter 2303.

Sec. 33-32. Intent to participate in the Texas Enterprise Zone Program.

It is the intent of the City Council that the City of Longview shall participate in the Texas Enterprise Zone Program as provided in this article.

Sec. 33-33. Incentives available in enterprise zones.

To the fullest extent allowed by law, the following local incentives, at the election of the City Council, may be made available to projects or activities in an enterprise zone, including without limitation nominated projects or activities of qualified businesses in an enterprise zone:

- a) The City may abate taxes on the increase in value of real property improvements and eligible personal property that locate in a designated enterprise zone. The level of abatement shall be based upon the amount of capital investment by the business receiving the abatement, the extent to which the business receiving the abatement creates jobs for qualified employees, and any other applicable criteria set forth in the City’s Amended and Restated Criteria and Guidelines for Tax Abatement, as same may from time to time be amended by the City Council.
- b) The City may provide:
 - 1. Incentives as allowed under the 4A sales tax;
 - 2. Grants or incentives through Chapter 380 agreements;
 - 3. Other tax deferrals, tax refunds or tax incentives.
- c) The City may create Tax Increment Reinvestments zones to aid in the revitalization of areas with Tax Increment Financing.
- d) The City may provide regulatory relief to businesses, including:

- 1) zoning changes or variances;
 - 2) exemptions from unnecessary building code requirements, impact fees, or inspection fees; or
 - 3) streamlined permitting.
- e) The City may provide enhanced municipal services to businesses, including:
- 1) improved police and fire protection;
 - 2) institution of community crime prevention programs; or
 - 3) special public transportation routes or reduced fares.
- f) The City may provide improvements in community facilities, including:
- 1) capital improvements in water and sewer facilities;
 - 2) road repair; or
 - 3) creation or improvement of parks.
- g) The City may provide improvements to housing, including:
- 1) low-interest loans for housing rehabilitation, improvement, or new construction; or
 - 2) transfer of abandoned housing to individuals or community groups.
- h) The City may provide business and industrial development services, including:
- 1) low-interest loans for business;
 - 2) provision of publicly owned land for development purposes, including residential, commercial, or industrial development; The City may sell real property owned by the City and located in the enterprise zone in accordance with Section 2303.513 of the Texas Government Code.
 - 3) creation of special one-stop permitting and problem resolution centers or ombudsmen; or
 - 4) promotion and marketing services.
- i) The City with cooperation with local educational institutions may provide job training and employment services to businesses, including:
- 1) retraining programs;
 - 2) literacy and employment skills programs;
 - 3) vocational education; or
 - 4) customized job training.

Sec. 33-34. Enterprise zones designated as reinvestment zones for tax abatement.

The enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

Sec. 33-35. Designation of enterprise zone liaison.

The Executive Director of the Longview Economic Development Corporation shall serve as the City's liaison to communicate and negotiate with the Office of the Governor Economic Development & Tourism through the Economic Development Bank and enterprise project(s) and to oversee enterprise zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project."

Section 3. That the City finds that Longview Medical Center, L.P. meets the criteria for designation as an enterprise project under the Texas Enterprise Zone Act on the following grounds:

- a) Longview Medical Center, L.P. is a "qualified business" under Section 2303.402 of the Texas Enterprise Zone Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone in the governing body's jurisdiction and at least thirty-five percent (35%) of the business's new employees will be residents of an Enterprise Zone, economically disadvantaged individuals or honorably discharged veterans; and
- b) there has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and
- c) the designation of Longview Medical Center, L.P. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 4. That the City nominates Longview Medical Center, L.P. for enterprise project status.

Section 5. That the enterprise project designation for which Longview Medical Center, L.P. is herein nominated shall take effect on the date of designation of the enterprise project by the Office of the Governor Economic Development & Tourism and terminate on September 1, 2023, or on a date as determined by the Office of the Governor Economic Development & Tourism.

Section 6. That this ordinance supersedes Ordinance No. 3405 enacted on August 11, 2005, and Ordinance No. 3846 enacted on November 8, 2012.

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 or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only; provided, however, that the repeal of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal; and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

Section 9. That if any section, paragraph, subdivision, clause, subsection, phrase, sentence, or other provision of this ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or

any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

Section 10. That this ordinance shall become effective immediately from and after its date of passage and publication as required by law.

PASSED AND APPROVED this 22nd day of February, 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

O CM ENTERPRISE ZONE LONGVIEW REGIONAL 2-22-18

**CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF
LONGVIEW AND THE LONGVIEW ARBORETUM AND NATURE CENTER, INC.
RELATING TO THE OPERATION AND MAINTENANCE OF THE LONGVIEW ARBORETUM
AND NATURE CENTER.**

DESCRIPTION: City Council approved Resolution 5150 on January 26, 2017 for the development and construction of the Longview Arboretum and Nature Center. Over the past year, the City of Longview and LANC, Inc. hired a consultant, ETM Associates, to assist in developing an operating agreement to include shared responsibilities and costs. ETM prepared and distributed a draft agreement. ETM and City staff presented the draft MOU at the City Council meeting on February 8. Approval of the resolution was tabled to allow for modifications to the MOU, which are incorporated now for approval.

RECOMMENDED ACTION: Approve Resolution

SOURCE OF FUNDS: Not Applicable

STAFF CONTACT: Scott Caron, Director of Parks and Recreation
903-237-1231
scaron@longviewtexas.gov

COUNCIL DATE: February 22, 2018

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LONGVIEW AND THE LONGVIEW ARBORETUM AND NATURE CENTER, INC., RELATING TO THE OPERATION AND MAINTENANCE OF THE LONGVIEW ARBORETUM AND NATURE CENTER; FINDING 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; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, City of Longview (“City”) Ordinance No. 3808 designates the general area bounded on the west by the Maude Cobb Convention and Activity Complex parking lot then east along Cotton Street to Grace Creek for development as an arboretum and park (the “Arboretum”); and,

WHEREAS, the Longview Arboretum and Nature Center, Inc., (“LANC”) is a Texas non-profit corporation formed on July 30, 2010, to, among other things, (i) facilitate and aid the City with respect to the enhancement and development of the aforesaid Arboretum, (ii) raise the necessary funds to develop a comprehensive design of said Arboretum, (iii) defray costs of the landscaping and other amenities, and (iv) ensure the quality and consistency of the design and development of said Arboretum; and,

WHEREAS, the City and LANC have previously entered into an agreement for the design, construction, and development of the aforesaid Arboretum; and,

WHEREAS, the City and LANC desire to continue their cooperation in the further design, construction, development, operation, and maintenance of the aforesaid Arboretum; and,

WHEREAS, as a result of the foregoing, the City and LANC desire to enter into a new agreement regarding the aforesaid Arboretum; 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 Acting City Manager is hereby authorized and directed to execute an agreement by and between the City and LANC substantially in the form of Exhibit A attached hereto, which exhibit is made a part of this resolution for all purposes.

Section 3. 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 4. That this resolution shall be effective immediately from and after its date of passage.

PASSED and APPROVED this 22nd day of February, 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PARKS ARBORETUM MOU 2-22-18