



City Council Meeting Agenda

5:30 p.m.

August 09, 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. Employee Recognition**
- V. Community Recognition**
- VI. Citizen Comment**
- VII. Public Safety Update**
 - A. Police
 - B. Fire
- VIII. Consent Agenda**
 - A. Consider an Ordinance adding a new Section 46-14 to Article I of Chapter 46 of the Longview City Code to provide for food risk control plans and training and amending Section 19-134 of the Longview City Code relating to the imposition of fees for administration of the swimming pool ordinances – Laura Hill, Director of Community Services. [Pages 4-7](#)
 - B. Consider a Resolution proposing a tax rate for 2018 and scheduling two public hearings on the proposed tax rate – Angela Coen, Director of Finance. [Pages 8-11](#)

- C. Consider a Resolution authorizing and directing the General Manager of Longview Transit to act on behalf of the City of Longview in matters pertaining to the Federal Transit Administration grants program – Scott Lewis, General Manager of Longview Transit. [Pages 12-14](#)
- D. Consider a Resolution approving a reduction in rates charged by Centerpoint Energy Resources Corporation, d/b/a Centerpoint Energy Entex and Centerpoint Energy Texas Gas – Beaumont/East Texas Division (“Centerpoint”) related to the reduction in the federal corporate tax rate - Jim Finley, City Attorney. [Pages 15-20](#)

IX. Zoning – Public Hearing Items

- A. **A PUBLIC HEARING** will be held to consider application #Z18-06 filed by Long Tex Casa Flora to rezone Lots 2 - 5 Block 1109 Evanshill Estates Subdivision from Single Family (SF-2) to Office (O) located on the southside of Magnolia Lane and East of McCann Road – Angela Choy, AICP, City Planner. **THIS ITEM REQUIRES A PUBLIC HEARING.** [Pages 21-33](#)
- B. **A PUBLIC HEARING** will be held to consider application #S18-04 filed by Long Tex Casa Flora to requesting a Specific Use Permit (SUP) to allow for a Floral Shop in Office (O) Zoning District for Lots 2 - 5 Block 1109 Evanshill Estates Subdivision located southside of Magnolia Lane and East of McCann Road – Angela Choy, AICP, City Planner. **THIS ITEM REQUIRES A PUBLIC HEARING.** [Pages 34-46](#)
- C. **A PUBLIC HEARING** will be held to consider application #PD18-07 filed by Diagnostic Clinic of Longview requesting to amend PD15-15 and PD17-01 to revise the site plan to allow for two MRI and Cat Scan Imaging Systems trailers to be located in the parking lot behind EXCEL ER located on the southside of East Loop 281 and north of Skyline Drive (Lots 3 & 4 Block 1 of the Capital Plaza Center Subdivision) – Angela Choy, AICP, City Planner. **THIS ITEM REQUIRES A PUBLIC HEARING.** [Pages 47-64](#)

X. Action Items

- A. Consider a Resolution authorizing the City Manager to negotiate, finalize and execute, on behalf of the City of Longview, an economic development agreement pursuant to Chapter 380 of the Texas Local Government Code as part of the economic development incentive package negotiated by the Longview Economic Development Corporation with Colony Cabinets, Inc. – Wayne Mansfield, President/CEO of Longview Economic Development Corp. [Pages 65-69](#)

- B. Consider a Resolution authorizing the City Manager to execute, on behalf of the City of Longview, certain agreements and related documents pursuant to Chapter 380 of the Texas Local Government Code to provide a loan of up to \$600,000 to be used in the rehabilitation of the Petroleum Building located at [202 E. Whaley Street](#) for use as apartments – Michael Shirley, Development Services Director. [Pages 70-73](#)
- C. Consider an Ordinance amending the Fiscal Year 2017-2018 Budget by allocating \$600,000 to account 001-016-000-5111 from fund balance account number 001-6001 for the Chapter 380 Economic Development Loan for Alton Plaza otherwise known as the Petroleum Building – Michael Shirley, AICP, Director of Development Services. [Pages 74-77](#)

XI. Budget Items

- A. Discussion of the proposed 2018-2019 budget for the City of Longview – Keith Bonds, City Manager.
- B. Discussion of the proposed fee resolution – Keith Bonds, City Manager

XII. Discussion Item

Discuss and provide direction concerning recommendations from the Comprehensive Plan Advisory Committee.

XIII. Items of Community Interest

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.

"CONSIDER AN ORDINANCE ADDING A NEW SECTION 46-14 TO ARTICLE I OF CHAPTER 46 OF THE LONGVIEW CITY CODE TO PROVIDE FOR FOOD RISK CONTROL PLANS AND TRAINING AND AMENDING SECTION 19-134 OF THE LONGVIEW CITY CODE RELATING TO THE IMPOSITION OF FEES FOR ADMINISTRATION OF THE CITY'S SWIMMING POOL ORDINANCES."

DESCRIPTION: In response to the passage of Senate Bill 582, the Environmental Health Division is requesting to amend Chapter 46: Food and Food Establishments to add a sub-section entitled "Risk Control Plans and Training."

As the Division is no longer allowed to proactively provide training to Food Service Handlers locally, the requested amendment is to institute a process for those establishments that receive a "C" or lower during an inspection to receive remedial training for all of their employees. The required training will focus on all aspects of public health and safety for food establishments. In conjunction with the remedial training, a risk control plan to address areas of concern identified during the inspection will be prepared. Appropriate cost recovery fees for the remedial training are addressed in the annual Fee Resolution.

The amendment will not impact those food establishments receiving an A or B inspection score.

Section 19-134 is being amended to correspond with the annual Fee Resolution and the implementation of a cost-recovery fee for those swimming pools requiring subsequent "remedial" inspections due to the failure to maintain facilities to State mandated standards.

RECOMMENDED ACTION: Approval amending ordinance

SOURCE OF FUNDS: None

STAFF CONTACTS: Laura Hill, Director of Community Services
903-237-1392
lhill@longviewtexas.gov

COUNCIL DATE: August 9, 2018

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AMENDING ARTICLE I OF CHAPTER 46 OF THE LONGVIEW CITY CODE TO ADD A NEW SECTION 46-14 TO SAID ARTICLE RELATING TO FOOD RISK CONTROL PLANS AND TRAINING; AMENDING SECTION 19-134 OF THE LONGVIEW CITY CODE RELATING TO THE IMPOSITION OF FEES FOR ADMINISTRATION OF THE CITY'S SWIMMING POOL ORDINANCES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE IMPOSITION OF A CRIMINAL PENALTY NOT TO EXCEED \$2,000 FOR EACH VIOLATION HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Longview, Texas, ("City Council") has determined that proper training of food service establishment management and employees and adequate food service procedures are essential to maintain a sanitary and wholesome food supply and food supply environment; and,

WHEREAS, the City Council wishes to revise the City's ordinances related to the imposition of fees for the administration of the City's ordinances governing swimming pools in order to better comport with the City's annual fee resolution; 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 I of Chapter 46 of the Longview City Code is hereby amended by adding a new Section 46-14 to read as follows:

“Sec. 46-14. Risk Control Plans and Training.

(a) All management and supervisory staff of any food establishment permitted by the City of Longview receiving an inspection score of “C” or lower, shall be required to attend a risk control meeting with representatives of the City of Longview Environmental Health Division at a time and date established by the manager of the City of Longview Environmental Health Division.

(b) Subsequent to the risk control meeting described in subsection (a), all management, supervisory staff, and employees of the food establishment shall attend a food service risk control class conducted by the City of Longview Environmental Health Division, at a time, date, and location established by the manager of the Environmental Health Division. The food establishment must be closed to customers during the time the class is conducted. A fee for said class shall be established by separate resolution.”

Section 3. That Subsection (b) of Section 19-134 of the Longview City Code is hereby amended to read as follows:

“(b) Types of fees imposed; amount; exemptions. The types and amounts of fees charged in conjunction with the administration of this article shall be as set by resolution of the City Council; provided, however, that no fees shall be charged for pools owned and operated by the city or by a public school district.”

Section 4. That the penalty for each violation of this ordinance shall be as set forth in Section 1-4 of the Longview City Code.

Section 5. That all provisions of the ordinances of the City of Longview in conflict with the provision of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Longview not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 6. That should any sentence, paragraph, subdivision clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or

provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Longview City Code as a whole.

Section 7. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of Section 4.07 of the City Charter.

Section 8. 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 9. That this ordinance shall become effective immediately from and after its date of passage.

PASSED and APPROVED this 9th day of August, 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

O EH FOOD RISK CONTROL TRAINING & SWIMMING POOL FEES 8-9-18

PROPOSING A TAX RATE AND SCHEDULING PUBLIC HEARINGS ON THE TAX RATE

DESCRIPTION:	<p>Section 140.010 (d) of the Texas Local Government Code requires the City to provide notice of the property tax rate proposed by the City Council. The attached resolution proposes a tax rate of 50.99 cents per \$100 of valuation. That tax rate does not exceed either the rollback rate or the effective rate.</p> <p>In addition, the proposed resolution establishes September 13, 2018, as the date on which the City Council will adopt the tax rate. The resolution also establishes Thursday, August 23, and Thursday, August 30, 2018, as the dates for two public hearings on the tax rate.</p> <p>The proposed tax rate and dates of the public hearings on the proposed rate will be published in the Longview News-Journal.</p>
RECOMMENDED ACTION:	Adoption of Resolution
SOURCE OF FUNDS:	N/A
STAFF CONTACT:	Angela Coen, Director of Finance 903-239-5521 acoen@longviewtexas.gov
COUNCIL DATE:	August 9, 2018

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, PROPOSING A TAX RATE FOR 2018; ESTABLISHING A DATE FOR THE CONSIDERATION OF THE ORDINANCE ADOPTING A TAX RATE; SCHEDULING TWO PUBLIC HEARINGS ON THE PROPOSED 2018 TAX RATE; AUTHORIZING AND DIRECTING THE POSTING AND PUBLICATION OF SAID TAX RATE AND HEARINGS; 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, Section 140.010 (d) of the Texas Local Government Code requires the City to provide public notice of the property tax rate proposed by the City Council; and,

WHEREAS, the City Council wishes to conduct two public hearings on the proposed tax rate prior to its adoption; 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 Longview City Council hereby proposes a tax rate of 50.99 cents per \$100 of valuation.

Section 3. That an ordinance to adopt the tax rate is to be placed on the September 13, 2018, City Council agenda for a vote.

Section 4. That a public hearing on the proposed tax rate is set to be held

on Thursday, August 23, 2018, at 5:30 P.M. in the City Council Chambers located in the Jo Ann Metcalf Municipal Building at 300 West Cotton Street, Longview, Texas, 76501.

Section 5. That another public hearing on the proposed tax rate is set to be held on Thursday, August 30, 2018, at 5:30 P.M. in the City Council Chambers located in the Jo Ann Metcalf Municipal Building at 300 West Cotton Street, Longview, Texas, 76501.

Section 6. That the City Manager or the City Manager's designee is hereby authorized and directed to post and publish notice of the proposed tax rate and each of the aforesaid public hearings on the tax rate as required by law and to post and publish such additional notice of said tax rate and hearings as the City Manager or the City Manager's designee may deem appropriate.

Section 7. 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 8. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 9th day of August, 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R BUDGET TAX RATE PROPOSED 8-9-18

LONGVIEW TRANSIT AUTHORIZATION

DESCRIPTION: The Federal Transit Administration requires local governments to authorize individuals to act on behalf of them in matters pertaining to their grant programs. The City contracts with McDonald Transit to operate and maintain our mass transit system. Scott Lewis is the general manager. This Resolution authorizes Mr. Lewis to act on the City's behalf in matters pertaining to FTA grants.

RECOMMENDED ACTION: Passage of Resolution.

SOURCE OF FUNDS: N/A

STAFF CONTACT: Scott Lewis, CPA
General Manager
Longview Transit
903-753-2287

COUNCIL DATE: August 9,2018

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING SCOTT LEWIS, THE GENERAL MANAGER OF LONGVIEW TRANSIT, THE ASSIGNMENT AND USE OF A PERSONAL IDENTIFICATION NUMBER (PIN) FOR EXECUTION OF ANNUAL CERTIFICATIONS AND ASSURANCES ISSUED BY THE FEDERAL TRANSIT ADMINISTRATION (FTA), AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT), SUBMISSION OF ALL FTA AND TXDOT GRANT APPLICATIONS, EXECUTION OF ALL FTA AND TXDOT GRANT AWARDS ON BEHALF OF THE CITY OF LONGVIEW, FOR THE FTA'S TRANSIT AWARD MANAGEMENT SYSTEM (TRAMS) AND TXDOT'S ELECTRONIC GRANT SYSTEM (EGRANTS); 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 City of Longview is under contract with McDonald Transit Associates, Inc. to manage and operate the motor bus transit system, known as Longview Transit, in and about the City of Longview; and,

WHEREAS, Scott Lewis is the General Manager of Longview Transit; and,

WHEREAS, the Federal Transit Administration requires local governments authorize an individual to act on it's of behalf to in matters pertaining to the FTA grant program; 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 Scott Lewis, General Manager of Longview Transit the assignment and use of a PIN for execution of annual Certification and Assurances issued by FTA and TxDOT, submission of all FTA and TxDOT grant applications, and execution of all FTA and TxDOT grant awards on behalf of the City of Longview, for the FTA's, TrAMS and TxDOT's eGrants.

Section 3. 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 4. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 9th day of August, 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R TRANSIT AUTHORIZATION FOR FTA and TxDOT 8-9-18

APPROVAL OF A CHANGE IN CENTERPOINT ENERGY RESOURCES CORPORATION, D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS – BEAUMONT/EAST TEXAS DIVISION RATES AS A RESULT OF THE REDUCTION IN THE FEDERAL INCOME TAX RATE FROM 35% TO 21%

DESCRIPTION:

Effective January 1, 2018 the U.S. Congress changed the federal-income-tax (“FIT”) laws, by among other things, reducing the corporate tax rate from 35% to 21%.

CenterPoint’s current rates are based on a FIT expense of 35% and thus, absent a change in its rates, CenterPoint would stand to reap a windfall related to the difference in FIT expense between a tax rate of 35% and 21%.

CenterPoint – Beaumont/East Texas Division (“CenterPoint”) seeks to pass through to ratepayers the reduction in FIT expense as expeditiously as possible. To that end, the Utilities Code § 104.111 allows for a utility like CenterPoint to reduce its rates without the need to file a full-blown cost-of-service study and allows for administrative approval of the decrease by the appropriate regulatory authority.

The City, under Utilities Code § 103.001 is the appropriate regulatory authority for CenterPoint’s rates within the City.

CenterPoint is seeking administrative approval of a reduction rates in the rates it charges as expeditiously as possible, to begin passing through to ratepayers the reduction in CenterPoint rates. The reduction in CenterPoint revenues is about \$3.1 million.

The impact on a residential customer’s bill based on average monthly usage is a decrease of \$1.24 per month and a one time refund estimated at \$6.64.

RECOMMENDED ACTION: Approval of resolution

SOURCE OF FUNDS: n/a

STAFF CONTACT:

Jim Finley
City Attorney
903-237-1091
jfinley@longviewtexas.gov

COUNCIL DATE:

August 9, 2018

RESOLUTION NO. _____

A RESOLUTION BY THE CITY OF LONGVIEW, TEXAS (“CITY”), APPROVING A REDUCTION IN RATES CHARGED BY CENTERPOINT ENERGY RESOURCES CORPORATION, D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS – BEAUMONT/EAST TEXAS DIVISION (“CENTERPOINT”) RELATED TO THE REDUCTION IN THE FEDERAL CORPORATE TAX RATE; FINDING THE REDUCTION IN CENTERPOINT’S RATES TO BE JUST AND REASONABLE; PROVIDING FOR REIMBURSEMENT OF EXPENSES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPAnY AND special COUNSEL; FINDING THAT THE MEeTING COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview, Texas (“City”) is a regulatory authority under the Gas Utility Regulatory Act (“GURA”) and under § 103.001 of GURA has exclusive original jurisdiction over CenterPoint Energy Resources Corporation, d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas – Beaumont/East Texas Division (“CenterPoint” or “Company”) rates, operations, and service of a gas utility within the municipality; and,

WHEREAS, on about December 4, 2012, the Railroad Commission of Texas in Gas Utility Docket No. 10182 (“GUD No. 10182),” approved an increase in annual base-rate revenue for CenterPoint; and,

WHEREAS, the City participated in CenterPoint’s general rate case at the Railroad Commission of Texas in GUD No. 10182; and,

WHEREAS, the corporate tax rate on federal income included in

CenterPoint's current rates and made part of the increase in revenue approved by the Railroad Commission of Texas, was based on a federal-income-tax rate of 35%; and,

WHEREAS, the corporate tax rate on federal income included in CenterPoint's current rates and approved by the Railroad Commission of Texas in GUD No. 10182, was based on a federal-income-tax rate of 35%; and,

WHEREAS, effective January 1, 2018, the corporate tax rate on income is 21%; and,

WHEREAS, CenterPoint seeks administrative approval under Utilities Code § 104.111 to reduce its annual revenue by approximately \$3.1 million; and,

WHEREAS, CenterPoint' proposed decrease in rates comprises a change in rates thus invoking GURA § 103.022, which requires CenterPoint to reimburse the City's reasonable expenses associated with reviewing CenterPoint's proposal to change rates; and,

WHEREAS, the City's Special Counsel and consultants engaged to review CenterPoint's calculation of the effect of the reduction in the corporate federal-income-tax rate from 35% to 21% has on CenterPoint's rates, have confirmed that CenterPoint's calculation of the reduction in CenterPoint's revenue is mathematically accurate; and,

WHEREAS, the reduction in CenterPoint's annual revenue is limited to the tax expense related to the change in the corporate tax rate from 35% to 21%, and thus will need to be adjusted further in a future proceeding to account for excess deferred income taxes resulting from the Tax Cut and Jobs Act of 2017; and,

WHEREAS, by approving the reduction in CenterPoint's rates, the City, in future proceedings or in other jurisdictions, is under no obligation to take the same

positions with regard to the methodology resulting in a reduction in rates, as the methodology underlying the reduction proposed by CenterPoint, nor shall the City's approval of the reduction in CenterPoint's rates, be used against the City in any future proceeding with respect to different positions the City may take with regard to setting CenterPoint's rates; NOW, THEREFORE,

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

Section 1. The findings set forth in this Resolution are hereby in all things approved and incorporated herein.

Section 2. That CenterPoint shall submit to the City within fourteen days from the effective date of this Resolution, amended tariffs reflecting the reduction in revenue noted above.

Section 3. That CenterPoint is directed to reimburse the City's expenses related to review of CenterPoint's proposal to change rates within thirty (30) days from submission to CenterPoint of the City's invoices related to such expenses.

Section 4. To the extent any Resolution previously adopted by the City Council is inconsistent with this Resolution, it is hereby superseded.

Section 5. If any one or more sections or clauses of this Resolution is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 6. A copy of this Resolution shall be sent to CenterPoint, care of Perrin Wall, Manager of Regulatory Affairs, CenterPoint Energy Corporation, 1111

Louisiana Street, Houston, Texas 77002-5231, and to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 816 Congress Avenue, Suite 950, Austin, Texas 78701.

Section 7. 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 8. This Resolution shall become effective from and after its passage; rates approved by this Resolution shall have an effective date of September 1, 2018.

PASSED and APPROVED this 9th day of August, 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R UTILITY CENTERPOINT RATE REDUCTION FED TAX 8-9-18

APPLICATION #Z18-06

**STAFF REPORT
August 9, 2018**

APPLICANT: LongTex Casa Flora Inc.
LOCATION: Lots 2 - 5, Block 1109, Evanshill Estates Subdivision (314 & 316 Magnolia Lane)
REQUEST: Rezone from Single Family (SF-2) to Office (O) zoning district

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCEL	SF-2	Florist & Single Family Home
NORTH	MF-3	Apartments
SOUTH	SF-2	Single Family Homes
EAST	SF-2	Single Family Homes
WEST	PD03-2	Fire Station

COUNCIL DISTRICT:
District 6 – Council Member Steve Pirtle

FUTURE LAND USE:
The Comprehensive Plan designates this area for Office (O).

STAFF COMMENTS:
The applicant is requesting to rezone Lots 2 - 5, Block 1109, Evanshill Estate Subdivision from Single Family (SF-2) to Office (O) zoning district.

The request is to rezone four lots which are all owned by the same person. One lot is occupied by a Single Family House and the remaining three lots are utilized by Casa Flora which is a florist.

The business has been in operation for some time and is considered legal, non-conforming under the Zoning Ordinance. The applicant would like to do some additions and updates to her business therefore; the property must be rezoned.

This portion of Magnolia Lane is a minor arterial and is maintained by the City of Longview. This type of use is appropriate, as long as access management is followed.

STAFF RECOMMENDATION:
The Planning & Zoning Commission (8-0) & Staff recommend approval for this request.



**APPLICATION FOR AMENDMENT TO THE DISTRICT ZONING MAP
(REZONING)**

Application is hereby made to amend the Zoning Ordinance and to change the Zoning District Map of the City of Longview, Texas, as hereinafter set forth, and in support of such request the following facts are shown:

APPLICANT LongTex Casa Floral Inc. 314 Magnolia Lane, Longview, TX 75605
(Name) (Mailing Address, City, and Zip)

903-753-4492
(Phone) (E-mail address)

LEGAL DESCRIPTION OF PROPERTY Lots 2-5 Evanshill Subdivision
(Lot, Block, and Subdivision or Abstract, Survey, Tract and Section)

STREET ADDRESS 314 Magnolia Lane

WIDTH IN FEET 380' DEPTH IN FEET 320'

APPLICANT'S INTEREST IN PROPERTY _____
(Owner, Agent, Lease, Option, etc.)

CHANGE REQUESTED FROM SF-2 DISTRICT TO Office DISTRICT

REASON FOR REQUEST/ PROPOSED USE OF PROPERTY Florist Shop Existing.

ARE THERE DEED RESTRICTIONS THAT WOULD PREVENT THIS PROPERTY BEING USED IN THE MANNER HEREIN PROPOSED? YES NO IF YES, PLEASE PROVIDE DEED RESTRICTIONS.

HAVE ALL PERSONS HAVING ANY FINANCIAL INTEREST IN THE REQUEST BEEN LISTED OR ARE SIGNATORIES TO THIS APPLICATION? YES NO

6-22-18
Date

Vickie Slaver
Signature of Property Owner

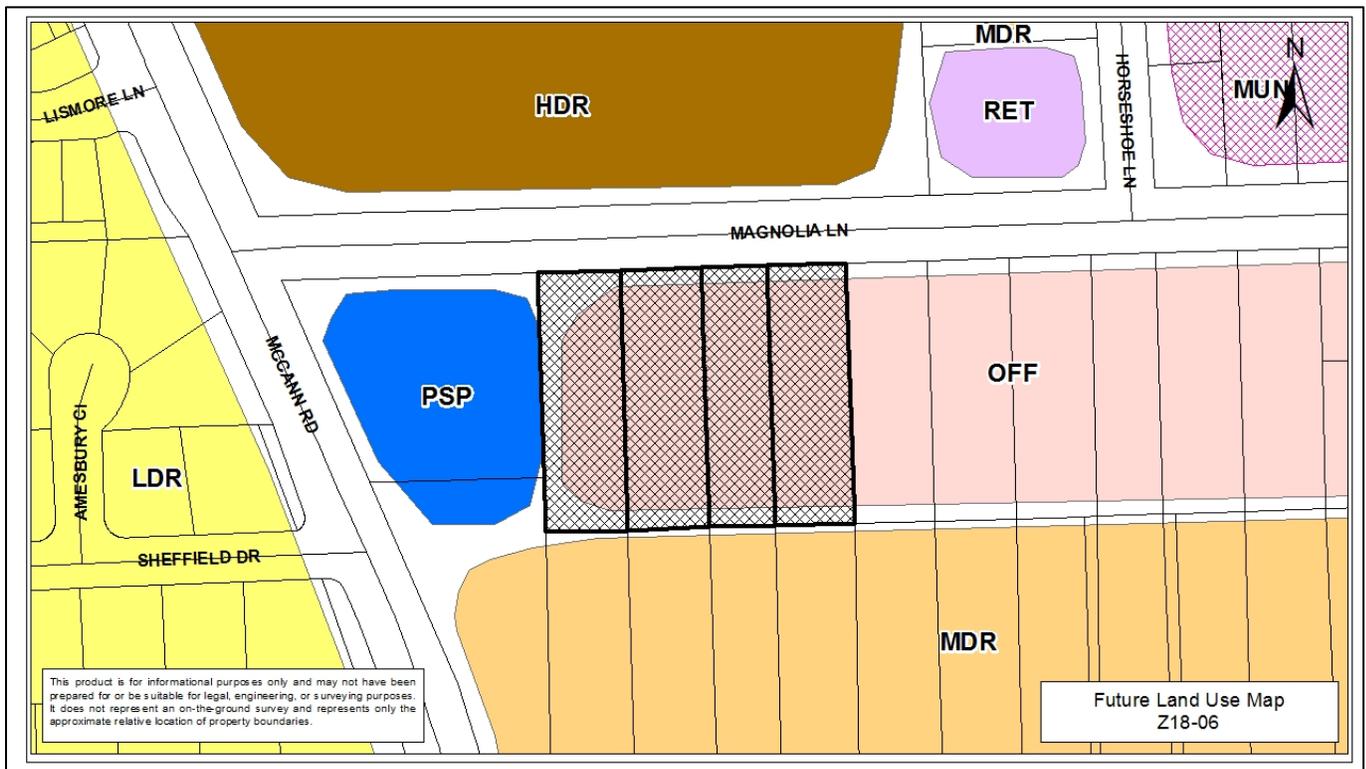
THE FOLLOWING IS TO BE COMPLETED ONLY IF A PERSON (S) OTHER THAN THE OWNER IS MAKING THIS APPLICATION.

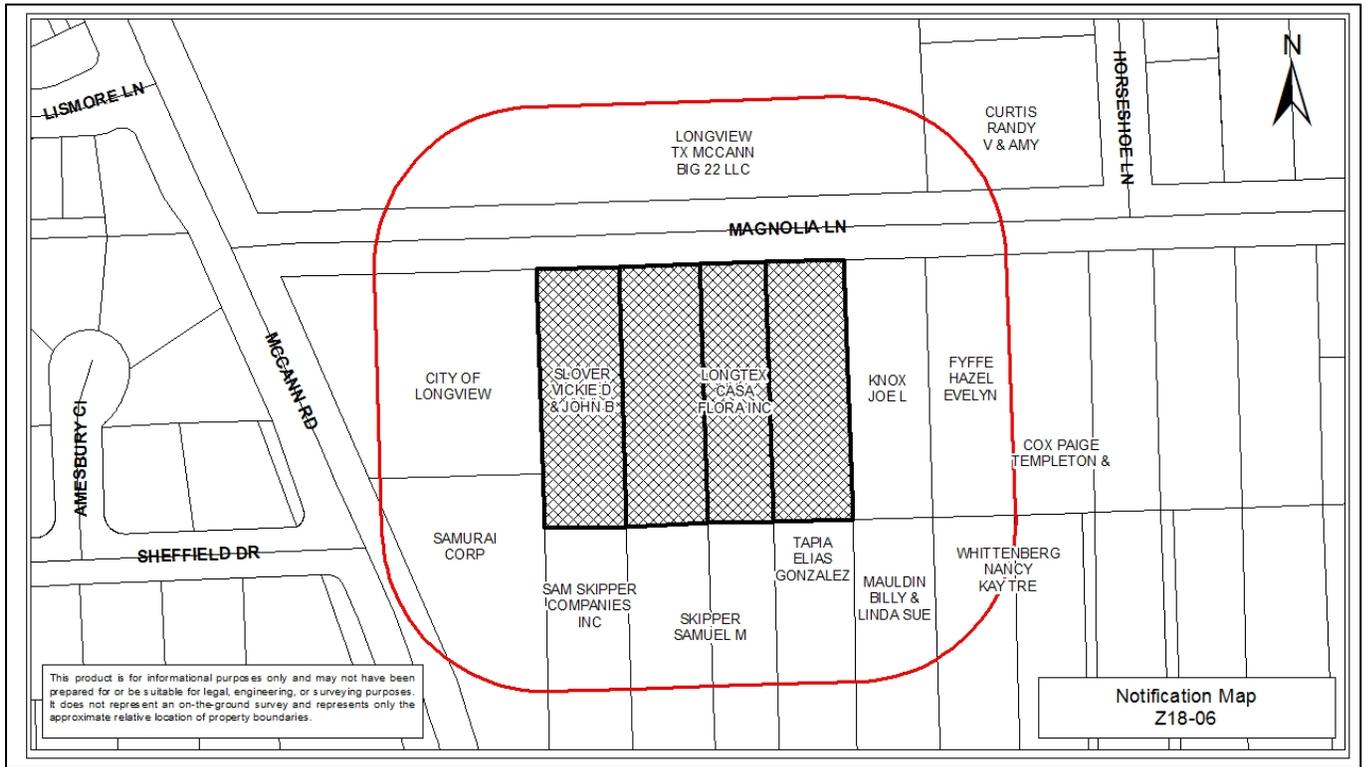
I, _____, do certify that I am authorized to act for _____ owner of the above property in making this zoning application.

Signature Date

FOR OFFICE USE ONLY	
APPLICATION FEE:	\$307.00
CASE NO:	<u>218-06</u>
PERMIT NO:	<u>22018-6597</u>

Jim Hugman 903-557-0243















ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT LOTS 2 - 5 BLOCK 1109 EVANSHILL ESTATES SUBDIVISION LOCATED ON THE SOUTHSIDE OF MAGNOLIA LANE AND EAST OF MCCANN ROAD BE REZONED FROM SINGLE FAMILY (SF-2) TO OFFICE (O); FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; 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 ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission of the City of Longview, Texas, and the City Council of the City of Longview, Texas, in compliance with the Charter of the City of Longview and the State laws in reference to the Zoning Ordinance regulations of the zoning map, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners, generally and to persons interested, situated in the affected area and in the vicinity thereof, the City Council of the City of Longview, Texas, being of the opinion that the zoning changes should be made as set forth herein; NOW,

THEREFORE,

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

Section 1. That the basic Zoning Ordinance of the City of Longview, Texas, Ordinance No. 96, of the Ordinance of the City as amended, be, and the same is hereby amended insofar as the property herein described is concerned, and such property shall be classified and placed into the use district hereinafter set forth and be subject to the provisions of said ordinance generally, and the official zoning map of said city, is hereby amended and corrected so that the following described real property, to-wit: that Lots 2 - 5 Block 1109 Evanshill Estates Subdivision located on the southside of Magnolia Lane and East of McCann Road be rezoned from Single Family (SF-2) to Office (O).

Section 2. The City Planner is hereby directed to correct the Official Zoning District Maps in the office of the City Secretary, the Building Inspector and the City Planner to reflect the herein changes in zoning.

Section 3. That in all other respects the use of the herein above-described property shall be subject to all the applicable regulations of the Zoning Ordinance of the City of Longview, as amended.

Section 4. That both the Planning and Zoning Commission meeting and the City Council meeting at which this ordinance was approved were in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this ordinance is adopted in accordance with Chapter 211

of the Texas Local Government Code.

Section 6. That violations of this ordinance shall be subject to such penalties and enforcement as provided for violations of the City of Longview Zoning Ordinance (Ordinance No. 96 of the City of Longview, Texas, as amended).

Section 7. 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 8. 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 9. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of Section 4.07 of the City Charter, which publication shall be sufficient if it contains the title of this ordinance and the penalty provided therein for violation thereof.

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

PASSED AND APPROVED this 9th day of August, 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

O P&Z Z18-06 8-9-18

APPLICATION #S18-04

STAFF REPORT
August 9, 2018

APPLICANT: LongTex Casa Flora Inc.
LOCATION: Lots 2 - 5, Block 1109, Evanshill Estates Subdivision (314 & 316 Magnolia Lane)
REQUEST: Specific Use Permit for a florist

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCEL	SF-2	Retail Store & Single Family Home
NORTH	MF-3	Apartments
SOUTH	SF-2	Single Family Homes
EAST	SF-2	Single Family Homes
WEST	PD03-2	Fire Station

COUNCIL DISTRICT:
District 6 – Council Member Steve Pirtle

FUTURE LAND USE:
The Comprehensive Plan designates this area for Office (O).

STAFF COMMENTS:
The applicant is requesting a Specific Use Permit (SUP) for a florist in Office (O) zoning district. A Specific Use Permit is required for a florist in Office zoning districts to ensure no negative impact on surrounding properties.

This business has been located on this property for many years and it appears that there has not been any negative impact on the adjacent residential properties. As stated previously, the applicant would like to do some additions and updates to her business therefore; the property must be rezoned and specific use permit must be .

This portion of Magnolia Lane is a minor arterial and is maintained by the City of Longview. This type of use is appropriate, as long as access management is followed.

STAFF RECOMMENDATION:
The Planning & Zoning Commission (8-0) and Staff recommend approval for this request.

APPLICATION FOR SPECIFIC USE PERMIT

Application is hereby made for a Specific Use Permit in accordance with Section 8-400 of the City of Longview Zoning Ordinance, as herein set forth, and in support of such request the following facts are shown:

APPLICANT LongTex Casa Floral Inc, 314 Magnolia Ln, Longview 75605
(Name) (Mailing Address, City and Zip)

903-753-4492
(Phone) (E-mail address)

LEGAL DESCRIPTION OF PROPERTY Lots 2-5 Evanshill Estate Subdivision
(Lot, Block, and Subdivision or Abstract, Survey, Tract and Section)

STREET ADDRESS 314 Magnolia Lane

WIDTH IN FEET 380' DEPTH IN FEET 320'

APPLICANT'S INTEREST IN PROPERTY Owner
(Owner, Agent, Lease, Option, etc.)

SPECIFIC USE PERMIT IS REQUESTED FOR WHAT PURPOSE? Florist Shop

ZONING DISTRICT _____

DOES ARTICLE 8 OF THE ZONING ORDINANCE ALLOW A SPECIFIC USE PERMIT IN THIS ZONING DISTRICT?
 YES NO

ARE THERE DEED RESTRICTIONS THAT WOULD PREVENT THIS PROPERTY BEING USED IN THE MANNER HEREIN PROPOSED? YES
 NO IF YES, PLEASE PROVIDE DEED RESTRICTIONS.

HAVE ALL PERSONS HAVING ANY FINANCIAL INTEREST IN THE REQUEST BEEN LISTED OR ARE SIGNATORIES TO THIS APPLICATION?
 YES NO

6-22-18
 Date

Wickie Wloven
 Signature of Owner

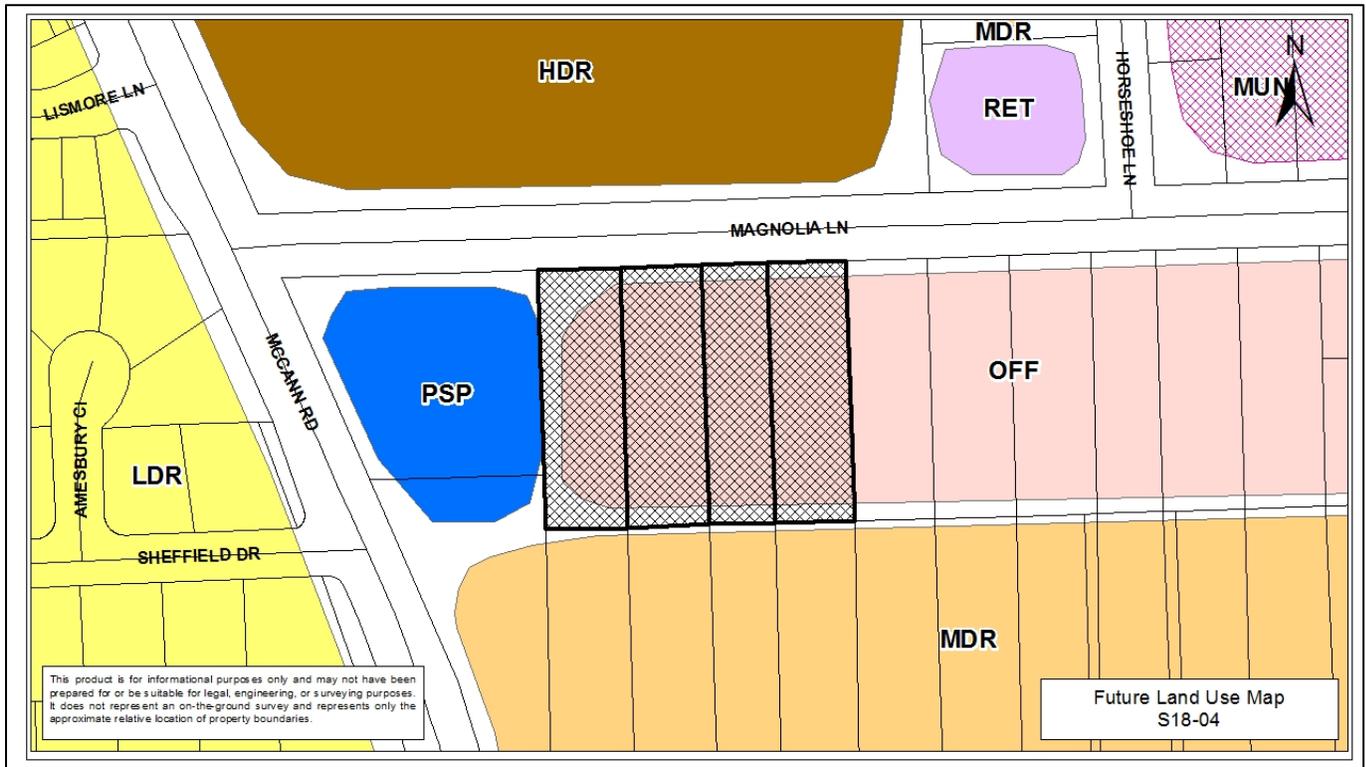
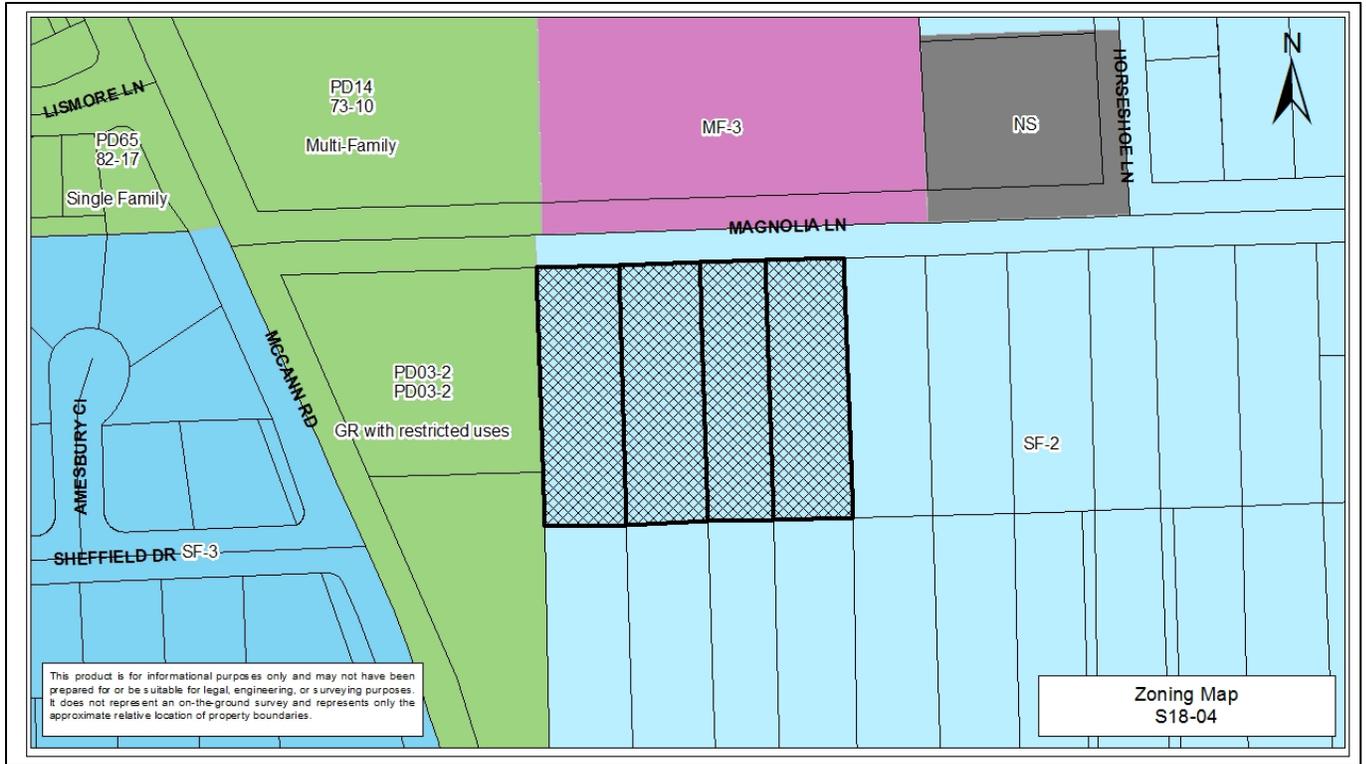
THE FOLLOWING IS TO BE COMPLETED ONLY IF A PERSON (S) OTHER THAN THE OWNER IS MAKING THIS APPLICATION.

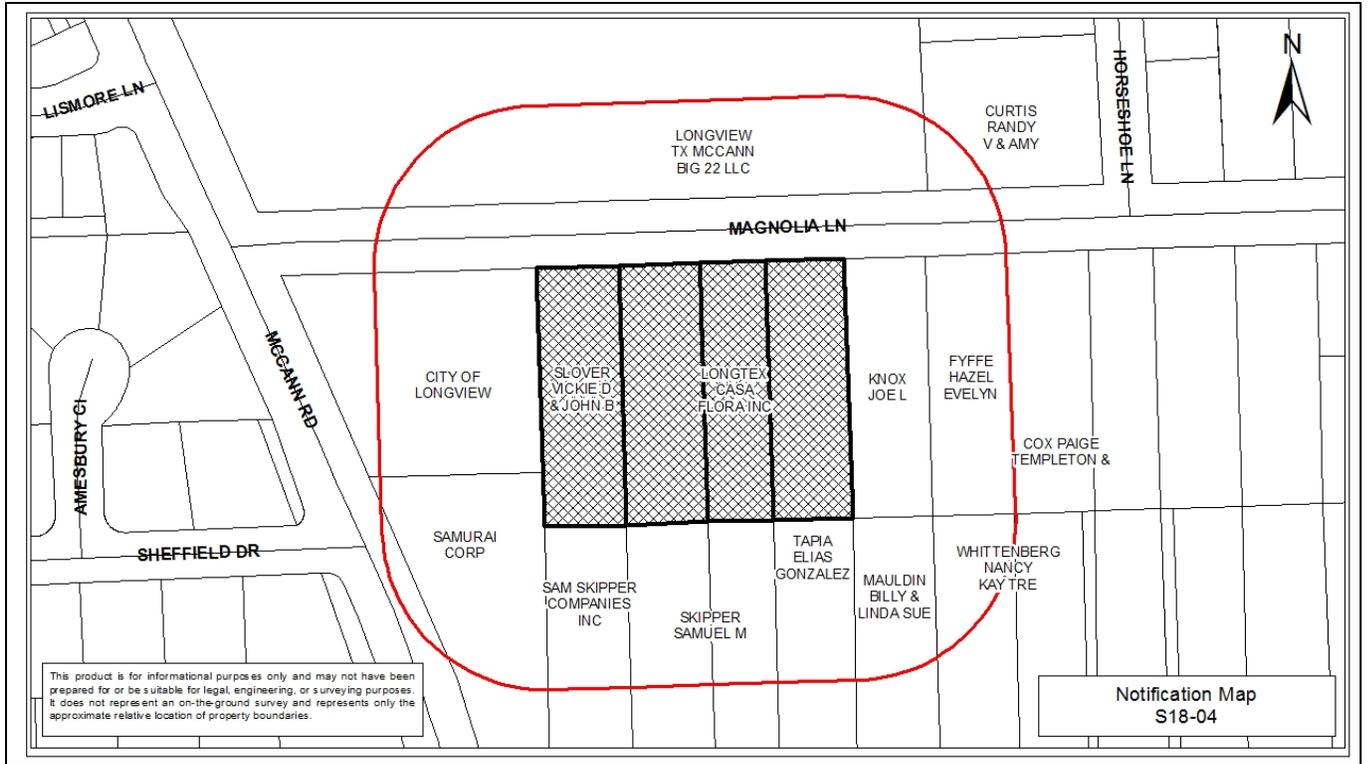
I, _____, do hereby certify that I am authorized to act for _____, owner of the above named property in making this zoning application.

 Signature Date

FOR OFFICE USE ONLY	
APPLICATION FEE:	\$307.00
CASE NO:	<u>518-04</u>
PERMIT NO:	<u>52018-6598</u>

Jim Hugman 903-557-0243















ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY TO-WIT: THAT A SPECIFIC USE PERMIT (SUP) IS HEREBY GRANTED TO ALLOW FOR A FLORAL SHOP IN OFFICE (O) ZONING DISTRICT FOR LOTS 2 - 5 BLOCK 1109 EVANSHILL ESTATES SUBDIVISION LOCATED SOUTHSIDE OF MAGNOLIA LANE AND EAST OF MCCANN ROAD; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; 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 ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission of the City of Longview, Texas, and the City Council of the City of Longview, Texas, in compliance with Charter of the City of Longview and the State laws in reference to the granting of such permits under the Zoning Ordinance regulations and zoning map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners, generally, and to the persons interested situated in the affected area and in the vicinity thereof regarding the re-zoning, proposed use or improvement of the property herein described, the City Council

of the City of Longview, Texas, being of the opinion that said special use permit should be granted; NOW, THEREFORE,

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

Section 1. That the basic zoning ordinance of the City of Longview, Texas, Ordinance No. 96, of the Ordinances of the City of Longview, be, and it is hereby amended insofar as it applies to the following described property, to-wit: that a Specific Use Permit (SUP) is hereby granted to allow for a Floral Shop in Office (O) Zoning District for Lots 2 - 5 Block 1109 Evanshill Estates Subdivision located southside of Magnolia Lane and East of McCann Road.

Section 2. The City Planner is hereby directed to correct the Official Zoning District Maps in the office of the City Secretary, the Building Inspector and the City Planner to reflect the herein changes in zoning.

Section 3. That in all other respects the use of the herein above-described property shall be subject to all the applicable regulations of the Zoning Ordinance of the City of Longview, as amended.

Section 4. That both the Planning and Zoning Commission meeting and the City Council meeting at which this ordinance was approved were in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this ordinance is adopted in accordance with Chapter 211 of the Texas Local Government Code.

Section 6. That violations of this ordinance shall be subject to such

penalties and enforcement as provided for violations of the City of Longview Zoning Ordinance (Ordinance No. 96 of the City of Longview, Texas, as amended).

Section 7. 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 8. 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 9. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of Section 4.07 of the City Charter, which publication shall be sufficient if it contains the title of this ordinance and the penalty provided therein for violation thereof.

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

PASSED AND APPROVED this 9th day of August, 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

O P&Z S18-04 8-9-18

APPLICATION #PD18-07

STAFF REPORT
August 9, 2018

APPLICANT: Diagnostic Clinic of Longview
LOCATION: Lots 3 & 4, Block 1 Capital Plaza Center located at 120 East Loop 281.
REQUEST: Amend PD15-15 and PD17-01 to revise the site plan in order to allow two MRI and CAT Scan Imaging Systems trailers in a parking lot behind the current structure

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCEL	PD15-15 & PD17-01	Medical Office & Shared Parking
NORTH	MF-1	High School
SOUTH	SF-2	Single Family Homes
EAST	PD15-15	Restaurant and Retail
WEST	PD13-12	Restaurant

COUNCIL DISTRICT:
District 4 – Council Member Kristen Ishihara

FUTURE LAND USE:
The Comprehensive Plan designates this area for Retail (RET).

STAFF COMMENTS:
The applicant is requesting to amend PD15-15 and PD17-01, in order to revise the site plan and to allow for the construction of two MRI and CAT Scan Imaging Systems trailers in a parking lot located behind the current structure.

Currently, the applicant operates Excel ER, a standalone medical emergency room, at this location. The existing building is approximately 8,000 square feet in size. The building is part of a larger Planned Development (PD15-15 and PD17-01), which was approved for restaurants, retail, and a medical emergency room.

The applicant has proposed to place two trailers for MRI and CAT scan technology to the south of their current building located in the parking lot. As shown in the site plan provided, the applicant will place them in 17 parking spots. The fire lane will be preserved and the current site has provided more parking that what is required by the zoning ordinance. The current parking lot is shared between all of the tenants. The strip center is required 50 parking spaces and Excel ER is required to have 27 based on current codes. Through the development process, the developer will meet all City of Longview codes. Staff finds the proposed zoning change is consistent with the future land use map and surrounding uses.

STAFF RECOMMENDATION:

The Planning & Zoning Commission (8-0) recommended approval with a recommendation that staff contact the public works department to examine potential issues to traffic and drainage on Skyline Drive. Staff recommends approval of this request. (See letter from City Engineer)



APPLICATION FOR AMENDMENT TO THE DISTRICT ZONING MAP (REZONING)

Application is hereby made to amend the Zoning Ordinance and to change the Zoning District Map of the City of Longview, Texas, as hereinafter set forth, and in support of such request the following facts are shown:

APPLICANT Diagnostic Clinic of Longview 707 Hollybrook Drive Longview, Texas 75605
(Name) (Mailing Address, City, and Zip)
903-757-6042 (Phone) (E-mail address)

LEGAL DESCRIPTION OF PROPERTY 30 Parking Spaces behind EXCEL ER (SEE ATTACHED LEGAL)
(Lot, Block, and Subdivision or Abstract, Survey, Tract and Section)

STREET ADDRESS 116 East Loop 281 Longview, Texas 75605 & 118 EAST LOOP 281

WIDTH IN FEET 200' / 281' DEPTH IN FEET 419' / 419'

APPLICANT'S INTEREST IN PROPERTY Provide Medical imaging services.
(Owner, Agent, Lease, Option, etc.)

CHANGE REQUESTED FROM PD DISTRICT TO PD-AMENDED DISTRICT

REASON FOR REQUEST/ PROPOSED USE OF PROPERTY
Locate mobile MRI and Cat Scan Imaging systems in parking lot behind EXCEL ER.
Where MRI and CT procedures can be provided to patients of Diagnostic Clinic of Longview.

ARE THERE DEED RESTRICTIONS THAT WOULD PREVENT THIS PROPERTY BEING USED IN THE MANNER HEREIN PROPOSED? [X] NO [] YES
IF YES, PLEASE PROVIDE DEED RESTRICTIONS.

HAVE ALL PERSONS HAVING ANY FINANCIAL INTEREST IN THE REQUEST BEEN LISTED OR ARE SIGNATORIES TO THIS APPLICATION?
[] YES [X] NO

6/26/2018
Date

Signature of Property Owner: [Handwritten Signature]

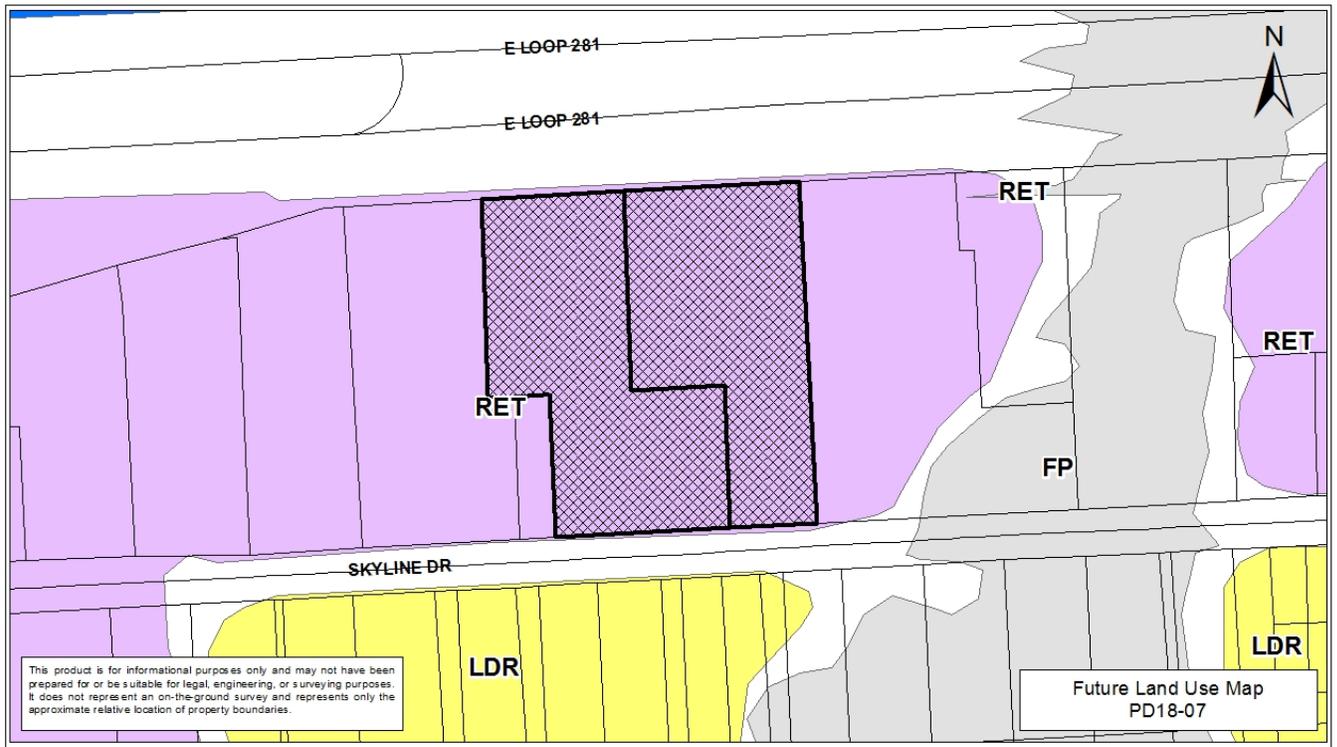
THE FOLLOWING IS TO BE COMPLETED ONLY IF A PERSON (S) OTHER THAN THE OWNER IS MAKING THIS APPLICATION.

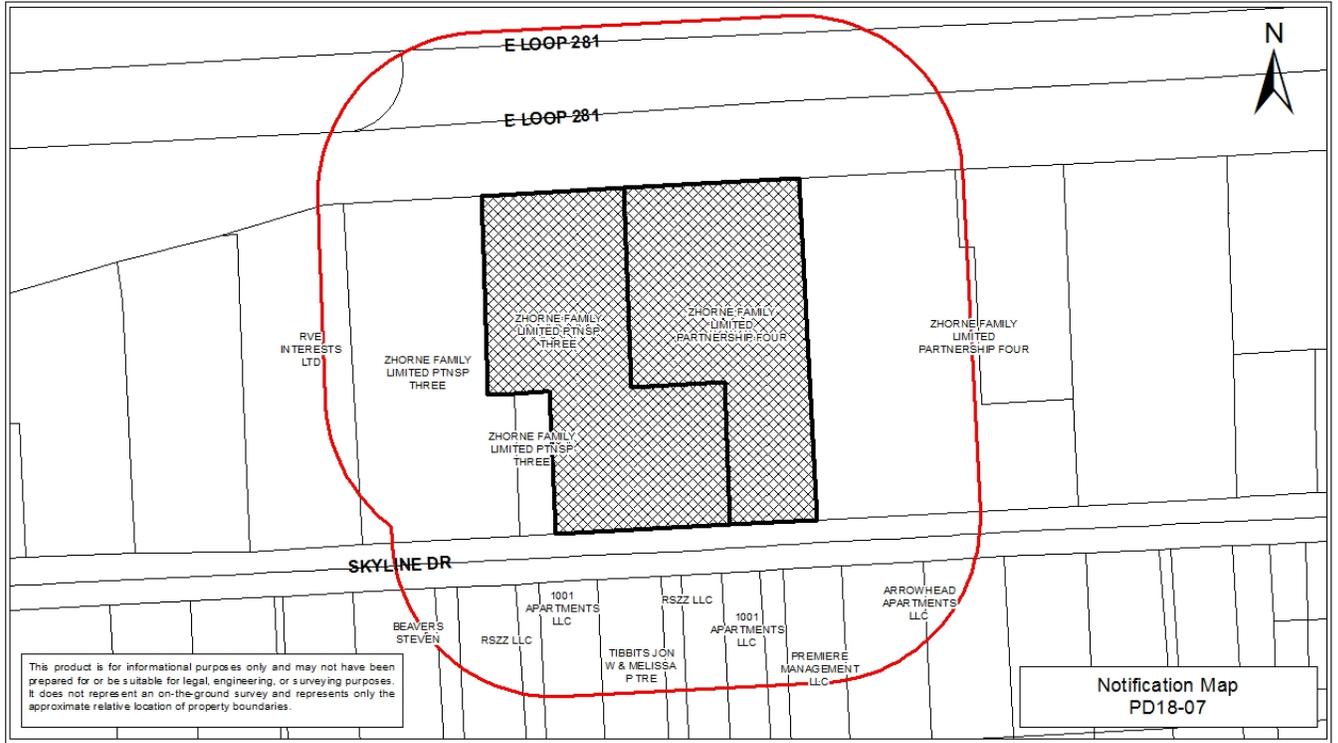
I, Bert Ratay, do certify that I am authorized to act for Scott Zhorne
owner of the above property in making this zoning application.

[Handwritten Signature] 6/13/18
Signature Date

FOR OFFICE USE ONLY
APPLICATION FEE: \$307.00
CASE NO: PD18-07
PERMIT NO: 22018-6699

RECEIVED
JUN 26 2018
PLANNING DEPT.















MELISSA TIDDITS

118 Skyline Drive (across from the ER)

1. Traffic on Skyline Drive will increase if the use of the ER increases
2. Discuss the garbage already on the lawns & the side of the road from litterers
3. Discuss the drains that were put in: great drains but they filled the ditches in with grass so there is soggy/boggy grass where the ditches should be used to be
4. I request (yet again) that a speed bump be added to Skyline or at least on the driveway that leads into the parking lot (on Skyline). This should cut out some of the traffic on Skyline, cut down on speeders as well as cause the garbage trucks that speed up Skyline to enter the parking lot from the Loop, as they should be.



July 19, 2018

Mrs. Melissa Tibbets
118 Skyline Drive
Longview, Texas 75605

Dear Mrs. Tibbets,

Thank you for your questions regarding Skyline Drive and the development of the Excel ER at Capital Plaza Subdivision.

The traffic impact of the new addition was reviewed by city engineering staff. The addition at Excel ER is very small and its impact to current traffic would be negligible.

Regarding the garbage on the lawns and the side of the road from litterers, the city will check the area for litter, and if required, increase monitoring and collection.

The developer of Capital Plaza built an underground drainage line and a swale where the former ditch was on the north side of Skyline Drive. The new inlets, drains, piping and swale will be maintained by the city. The drains and the ditch were checked and they are performing per the city's drainage criteria. There is a small amount of erosion prior to one of the inlets that will be repaired by the city.

Regarding your request for speed bumps on Skyline, there is not a process in-place to allow for the request and/or construction of speed bumps within the City. As we all know, speeding on residential streets is a common complaint reported by concerned citizens like yourself. Citizens often request the installation of speed bumps to control speeding because they are perceived as a quick and effective solution. However, several tests and studies on speed bumps have raised questions about their safety and effectiveness. They could present a potential hazard to all vehicles and an immediate danger to bicyclists, motorcyclists, and emergency vehicles.

The City of Longview Traffic division uses the Texas Manual for Uniform Traffic Control Devices to determine what devices are used to regulate traffic. This manual does not recognize speed bumps as an official traffic control device.

If you have any questions, please call me at 903-237-1067.

Respectfully,

A handwritten signature in blue ink that reads "Alton Bradley".

Alton Bradley, P.E.
City Engineer

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT PD15-15 AND PD17-01 BE AMENDED TO ALLOW FOR TWO TRAILERS TO BE LOCATED IN THE PARKING LOT BEHIND EXCELER ON LOTS 3 & 4 BLOCK 1 OF THE CAPITAL PLAZA CENTER SUBDIVISION LOCATED ON THE SOUTHSIDE OF EAST LOOP 281 AND NORTH OF SKYLINE DRIVE; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETING ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; 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 ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission of the City of Longview, Texas, and the City Council of the City of Longview, Texas, in compliance with the Charter of the City of Longview and the State laws in reference to the Zoning Ordinance regulations of the zoning map, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners, generally and to persons interested, situated in the affected area and in the vicinity thereof, the City Council of the City of Longview, Texas, being of the

opinion that the zoning changes should be made as set forth herein; NOW,
THEREFORE,

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

Section 1. That the basic Zoning Ordinance of the City of Longview, Texas, Ordinance No. 96, of the Ordinance of the City as amended, be, and the same is hereby amended insofar as the property herein described is concerned, and such property shall be classified and placed into the use district hereinafter set forth and be subject to the provisions of said ordinance generally, and the official zoning map of said city is hereby amended and corrected so that the following described real property, to-wit: that PD15-15 and PD17-01 be amended to allow for two trailers to be located in the parking lot behind Excel ER on Lots 3 & 4 Block 1 of the Capital Plaza Center Subdivision located on the southside of East Loop 281 and North of Skyline Drive as set forth in Exhibit A being hereto attached and made a part of hereof for all purposes.

Section 2. The City Planner is hereby directed to correct the Official Zoning District Maps in the office of the City Secretary, the Building Inspector and the City Planner to reflect the herein changes in zoning.

Section 3. That in all other respects the use of the herein above-described property shall be subject to all the applicable regulations of the Zoning Ordinance of the City of Longview, as amended.

Section 4. That both the Planning and Zoning Commission meeting and the City Council meeting at which this ordinance was approved were in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government

Code Chapter 551.

Section 5. That this ordinance is adopted in accordance with Chapter 211 of the Texas Local Government Code.

Section 6. That violations of this ordinance shall be subject to such penalties and enforcement as provided for violations of the City of Longview Zoning Ordinance (Ordinance No. 96 of the City of Longview, Texas, as amended).

Section 7. 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 8. 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 9. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of

Section 4.07 of the City Charter, which publication shall be sufficient if it contains the title of this ordinance and the penalty provided therein for violation thereof.

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

PASSED AND APPROVED this 9th day of August, 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

O P&Z PD18-07 8-9-18

Economic Development Agreement with Colony Cabinets

DESCRIPTION:	The proposed agreement with Colony Cabinets, Inc., would require the company to create at least 4 new full-time jobs and invest at least \$421,000 to construct a new building and install furniture, fixtures, and equipment at the company's current location at 900 Estes Road in Longview, Texas. The agreement would require completion of construction no later than June 30, 2019. Under the agreement, the City will pay an annual cash incentive to the company equivalent to a 100% tax abatement on the increased value of the property (including the increased value of furniture, fixtures, and equipment) over the value of the property for the 2018 tax year. The annual cash incentive would continue for ten years.
RECOMMENDED ACTION:	Approval of Request
SOURCE OF FUNDS:	General Fund
CONTACT:	Wayne Mansfield President/CEO of LEDCO (903) 753-7878
COUNCIL DATE:	August 9, 2018

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE, FINALIZE, AND EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LONGVIEW AND COLONY CABINETS, INC., TO ENCOURAGE THE CONSTRUCTION AND OPERATION OF AN ADDITIONAL BUILDING IN THE CITY OF LONGVIEW AND THE INSTALLATION OF FURNITURE, FIXTURES, AND EQUIPMENT ASSOCIATED WITH SAME AND TO ENCOURAGE THE CREATION OF ADDITIONAL JOBS ASSOCIATED WITH SAME; 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, the City Council has previously enacted Article I to Chapter 33 of the Longview City Code establishing a program pursuant to Chapter 380 of the Texas Local Government Code to promote local economic development and to stimulate business and commercial activity in the City of Longview, Texas, (hereinafter called the "City") by making loans and grants of public money and providing personnel and services of the City; and,

WHEREAS, Colony Cabinets, Inc., a Texas corporation, (hereinafter called the "Company") intends to construct a new building and install furniture, fixtures, and equipment associated with same, all to be used in the Company's operations located at 900 Estes Road in Longview, Texas, (said new building, furniture, fixtures, and equipment hereinafter collectively called the "Project" and the property on which the Project is located hereinafter called the "Subject Property"); and,

WHEREAS, upon completing construction of the Project the Company expects to create at least 4 new full-time jobs on the Subject Property; and,

WHEREAS, the City Council specifically determines that the Project will bring benefit to the City consistent with Section 33-8 of the Longview City Code and that the Company and the Project otherwise comply with the applicable requirements of Section 33-7 of the Longview City Code; 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 Manager is hereby authorized to negotiate, finalize, and execute an agreement by and between the City and the Company pursuant to the authority set forth in Chapter 380 of the Texas Local Government Code and Article I to Chapter 33 of the Longview City Code.

Section 3. That the agreement authorized hereby may provide for an annual cash incentive to the Company in an amount not to exceed 100% of the City property taxes paid annually by the Company on the increase in value of the Subject Property over the value of the Subject Property for property tax year 2018.

Section 4. That the agreement authorized hereby may additionally provide for an annual cash incentive to the Company in an amount not to exceed 100% of the City property taxes paid annually by the Company on the increase in value of the furniture, fixtures, and equipment located on the Subject Property over the value of said

furniture, fixtures, and equipment for property tax year 2018.

Section 5. That the agreement authorized hereby may require the city to pay each of the cash incentives authorized hereby annually for a period not to exceed a maximum of ten years.

Section 6. That the agreement authorized hereby shall require the Company to complete construction of the Project on the Subject Property and to spend a minimum of \$421,000 on said construction no later than June 30, 2019, and to maintain and use said Project in each subsequent year of the agreement.

Section 7. That the agreement authorized hereby shall require the Company to maintain a minimum average number of 55 full-time employees for the year ending June 30, 2019, and to maintain a minimum average number of 57 full-time employees for the year ending June 30, 2020, and for each subsequent year of the agreement.

Section 8. That, subject to the conditions set forth in this resolution, the agreement authorized hereby may contain such other terms, conditions, requirements, and provisions as the City Manager and the Company may negotiate and agree upon.

Section 9. 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 10. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 9th day of August, 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R 380 K COLONY CABINETS 8-9-18

Chapter 380 Economic Development Loan for Alton Plaza otherwise known as the Petroleum Building

DESCRIPTION:	Alton Plaza, LLC, by Saigebrook Alton, LLC a Texas limited liability company request a commitment to fund a construction loan that will have a principal amount of \$600,000.00, a term of 24 months, and a 0% interest rate. The permanent loan, in the principal amount of \$600,000.00, will have a term of 18 years and 35-year amortization period with a 1% interest rate per annum. Payments during the term of the permanent loan will be subject to cash flow availability. The funds requested for Alton Plaza will help ensure the financial feasibility of the development both during construction and over the life cycle of the community
RECOMMENDED ACTION:	Approval of Loan Request
SOURCE OF FUNDS:	Reserve Funds
STAFF CONTACT:	Michael Shirley, AICP Director of Development Services 903-237-1059 mshirley@longviewtexas.gov
COUNCIL DATE:	August 9, 2018

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF LONGVIEW, CERTAIN AGREEMENTS AND RELATED DOCUMENTS PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE TO PROVIDE A LOAN OF UP TO \$600,000 TO BE USED IN THE REHABILITATION OF THE PETROLEUM BUILDING LOCATED AT 202 E. WHALEY STREET FOR USE AS APARTMENTS; 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, the City Council has previously enacted Article I to Chapter 33 of the Longview City Code establishing a program pursuant to Chapter 380 of the Texas Local Government Code to promote local economic development and to stimulate business and commercial activity in the City of Longview, Texas, (hereinafter called the "City") by making loans and grants of public money and providing personnel and services of the City; and,

WHEREAS, Alton Plaza, LLC, (hereinafter called the "Company") intends to redevelop the Petroleum Building located at 202 E. Whaley Street into a new 9% tax credit apartment building (hereinafter called the "Project") on property lying within the corporate limits of the City; and,

WHEREAS, upon completing construction of the Project the Company expects to have at least 33 affordable residential units and 15 market rate residential units on the site of the Project; and,

WHEREAS, the City Council specifically determines that the Project will

bring benefit to the City consistent with Section 33-8 of the Longview City Code and that the Company and the Project otherwise comply with the applicable requirements of Section 33-7 of the Longview City Code; 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, pursuant to the authority set forth in Chapter 380 of the Texas Local Government Code and Article I to Chapter 33 of the Longview City Code and subject to the conditions set forth in this resolution, the City Manager is hereby authorized to execute agreements and other documents by and between the City and the Company and/or affiliates of the Company to encourage the Company to undertake and complete the Project.

Section 3. That the agreements authorized hereby shall be substantially in the form set forth in the attached Exhibit A, which exhibit is made a part of this resolution for all purposes.

Section 4. 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 5. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 9th day of August, 2018.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R 380 K ALTON PLAZA 8-9-18

Budget Amendment for the efforts to Redevelop Downtown

DESCRIPTION: In order to promote residential growth by encouraging affordable housing, redevelopment utilizing infill sites, and consider lofts and apartments downtown. A budget amendment is necessary to use the Reserve Funds in the amount of \$600,000.

RECOMMENDED ACTION: Passage Budget Amendment Ordinance

SOURCE OF FUNDS: Reserve Funds

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

COUNCIL DATE: August 9 2018

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AMENDING THE BUDGET FOR THE CITY OF LONGVIEW, TEXAS, FOR FISCAL YEAR 2017-2018 BY ALLOCATING RESERVE FUNDS IN THE AMOUNT OF \$600,000 TO ACCOUNT 001-016-000-5111 FOR A CHAPTER 380 ECONOMIC DEVELOPMENT LOAN FOR THE ALTON PLAZA PROJECT, OTHERWISE KNOWN AS THE PETROLEUM BUILDING; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR FILING WITH THE COUNTY CLERKS OF GREGG AND HARRISON COUNTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Longview Comprehensive Plan identifies the necessity to increase housing in order to encourage new development that is critical to the livability and quality of life in Longview; and,

WHEREAS, the latest Downtown Small Area Plan committee along with the consultant Freese and Nichols have identified housing as a critical need for downtown to succeed; and,

WHEREAS, affordable housing is especially needed; and,

WHEREAS, funds in the amount of \$600,000 are needed to provide a portion of the funding for the purchase of downtown's historic Petroleum Building and the renovation of said building into a residential development to be called Alton Plaza; and,

WHEREAS, the City of Longview will appropriate \$600,000.00 from Reserve Funds for said efforts to promote residential growth by encouraging affordable

housing, to promote redevelopment utilizing infill sites, and to increase the number of lofts and apartments in the downtown area; and,

WHEREAS, the 2017-2018 budget for City of Longview did not include funding for the Alton Plaza project; 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 the budget for the City of Longview, Texas, fiscal year 2017-2018 is hereby amended by appropriating funds in the amount of \$600,000.00 to account number 001-016-000-5111 from Reserve Funds.

Section 3. That the City Secretary is hereby authorized and directed to file this budget amendment with the County Clerks of Gregg and Harrison Counties, Texas, in conformance with state law.

Section 4. 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 5. That this ordinance shall be effective immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 9th day of August, 2018.

Dr. Andy Mack

Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

READ AND APPROVED:

Angela Coen
Finance Director