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## City Council Meeting Agenda

5:30 p.m.

March 28, 2019

300 West Cotton Street

Jo Ann Metcalf Municipal Building

City Hall Council Chamber

- I. **Call to Order**
- II. **Invocation**
- III. **Pledge of Allegiance**
- IV. **Employee Recognition**
- V. **Community Recognition**
- VI. **Citizen Comment**
- VII. **Public Safety Update**
  - A. Police
  - B. Fire
- VIII. **Consent Agenda**
  - A. Consider a Resolution to apply and accept a state grant award for the Health and Human Services, Community Coalition Partnerships, in an amount not to exceed of \$250,000 annually for a five year period starting September 1, 2019. The funds will support the Partners in Prevention's Coalition for Drug-Free Youth - Holly Fuller, Partners in Prevention Manager. [Pages 4-7](#)
  - B. Consider a Resolution authorizing and directing the City Manager or the City Managers designee to execute any necessary documents with Independence Fuel Systems, LLC for compressed natural gas. Dwayne Archer, Assistant Director Public Works. [Pages 8-12](#)

- C. Consider a Resolution accepting the Methvin Street Drainage Improvements and authorizing final payment in the amount of \$27,350.26 to SGL Utility Contractors, of Gilmer, Texas - Rolin McPhee, P.E., Director of Public Works. [Pages 13-16](#)
- D. Consider a Resolution awarding a contract in the amount of \$1,141,276.00 to Lone Star Equipment Co. Inc., of Henderson, Texas for the construction of the 2019 Chip Seal project - Rolin McPhee, P.E., Director of Public Works. [Pages 17-25](#)
- E. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to authorize application, accept and expend grant funds from the Texas State University, Texas School Safety Center School – Mike Bishop, Police Chief. [Pages 26-29](#)
- F. Consider an Ordinance repealing Section 28-24 of the Longview City Code and eliminating the office of City Marshal – Mary Ann Miller, Director of Administration. [Pages 30-33](#)

## **IX. Action Items**

- A. Consider an Ordinance allowing a variance to the requirements of Section 10-4 of the Longview City Code relating to the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a church or school, said variance to apply to the tract of land with a street address of [301 E. Loop 281](#) - Michael Shirley, Director of Development Services. [Pages 34-40](#)
- B. Consider an Ordinance authorizing the City Manager to execute change order no. 9 with Ironhorse Unlimited, Inc., of Malakoff, Texas, regarding the project entitled “The Longview Arboretum and Nature Center”; providing the City Manager with the maximum authority allowed by law for approval of other change orders to said contract; approving the acquisition of 2.855 acres of property located adjacent to the Longview Arboretum and Nature Center for use as part of said park; authorizing the City Manager to negotiate, finalize, and execute, any and all lease agreements and other documents necessary or convenient for the lease of said property to the Longview Arboretum and Nature Center, Inc.; authorizing the use of bond proceeds to pay any or all expenditures associated with the design, redesign, construction, reconstruction, expansion, or improvement of the Longview Arboretum and Nature Center; authorizing the acceptance of any and all donations for use in conjunction with the Longview Arboretum and Nature Center; and authorizing the City Manager to take such other actions and enter

such other transactions as may be necessary or convenient to carry out the purposes of this Ordinance – Scott Caron, Director of Parks and Recreation. [Pages 41-49](#)

**X. Items of Community Interest**

**XI. 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.

## TEXAS HEALTH AND HUMAN SERVICES FOR COMMUNITY COALITION PROGRAM

- DESCRIPTION:** The Texas Health and Human Services is soliciting new program applications from local government agencies for the Community Coalition Program. Funds are to be used to establish and strengthen collaboration among communities, to support the efforts of community coalitions, and to prevent and reduce substance abuse among youth, college students and adults.
- City of Longview will apply for the grant in an amount not to exceed \$250,000 annually for a five year period starting September 1, 2019. The match requirement of 5% will be derived from in-kind contributions. The grant requires a Coalition Coordinator be dedicated at 100%, and will conduct prevention program services.
- RECOMMENDED ACTION:** Passage of resolution.
- SOURCE OF FUNDS:** -0-
- STAFF CONTACT:** Holly Fuller, Partners in Prevention Manager ,  
903-237-1016  
[hfuller@LongviewTexas.gov](mailto:hfuller@LongviewTexas.gov)
- COUNCIL DATE:** March 28, 2019

## RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AN APPLICATION FOR A GRANT IN AN AMOUNT OF UP TO \$250,000 PER YEAR FOR A FIVE YEAR PERIOD STARTING SEPTEMBER 1, 2019 FROM THE DEPARTMENT OF STATE HEALTH AND HUMAN SERVICES (HHS) FOR THE COMMUNITY COALITION PROGRAM TO DEVELOP PROJECTS TO ENCOURAGE COMMUNITY COALITION BUILDING AND TO REDUCE SUBSTANCE ABUSE AMONG YOUTH; AUTHORIZING THE TIMELY SUBMISSION OF SAID APPLICATION; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING FOR, SECURING AND EXPENDING SAID GRANT; 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 finds it in the best interest of the citizens of Longview that the Partners in Prevention's Coalition for Drug-Free Youth Program be operated starting September 1, 2019 – August 31, 2024, pending annual approval by Department of State Health and Human Services; and,

WHEREAS, the Department of State Health and Human Services provides funds for community substance abuse prevention programs for the state's four prevention priorities: underage alcohol use, tobacco and nicotine products, marijuana and other cannabinoids, and prescript drug misuse for youth, college students and adults; and,

WHEREAS, program staff will provide opportunities for adults and youth to engage in community coalitions in an effort to reduce substance abuse among youth; and,

WHEREAS, funds will be used to support staff for program coordination, to secure supplies and equipment for project implementation, to promote HHS's statewide media campaign, to provide support to existing community coalition efforts, and other requirements as set forth in the grant request; and,

WHEREAS, this grant requires 5% matching funds from the City of Longview, which will be derived from in-kind match; 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 a grant from the Department of State Health and Human Services in an amount up to \$250,000.00 per year for five years to fund the Partners in Prevention's Coalition for Drug-Free Youth.

Section 3. That the City of Longview is hereby authorized to submit said application to the Department of State Health and Human Services in a timely manner.

Section 4. That the City Manager, or the City Manager's designee, is hereby authorized and directed to execute all necessary documents, as approved by the City Attorney's Office, incident to applying for, securing and expending said grant.

Section 5. 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 6. That this resolution shall be effective immediately from and after its date of passage.

PASSED AND APPROVED this 28<sup>th</sup> day of March 2019.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PIP HHS 2019 3-28-19

## COMPRESSED NATURAL GAS

<b>DESCRIPTION:</b>	<p>This item would allow the City to negotiate and execute a contract to continue to purchase compressed natural gas from Independence Fuel Systems, LLC for the Sanitation and Street Divisions. April 1, 2014 the Council approved and the City entered into a contract with Independence Fuel Systems, LLC to provide compressed natural gas for use in the City's CNG vehicles. The current contract will expire on March 31, 2019. This resolution will authorize the purchase of CNG from Independence Fuel Systems, LLC as long as they continue to be a sole source. The initial term of any contract cannot exceed 5 years, however, City Manager may renew contracts for additional terms not to exceed five years each.</p> <p>Independence Fuel Systems, LLC of Longview, Texas has the only compressed natural gas (CNG) fueling stations in Longview. One of these sites is located on Mobile Drive, across from the City's Public Works facility. In addition they have installed slow fill CNG stations at the City of Longview Public Works facility at 933 Mobile Drive to allow for the overnight filling of the City's CNG vehicles. Currently the Sanitation and Streets Division purchase approximately \$95,000 annually on CNG.</p> <p>Independence Fuel Systems, LLC is a sole source vendor for compressed natural gas in Longview and is therefore, exempt from state bidding requirements. Chapter 252.022 of the Local Government Code provides for an exemption from the competitive process if the item is available from only one source.</p>
<b>RECOMMENDED ACTION:</b>	Approval of Resolution
<b>SOURCE OF FUNDS:</b>	Motor Vehicle Fuel Accounts; 023-032-000-2245 Sanitation; 001-040-000-2245 Streets
<b>STAFF CONTACT:</b>	Dwayne Archer, Assistant Director of Public Works 903-237-1287 <a href="mailto:darcher@longviewtexas.gov">darcher@longviewtexas.gov</a>
<b>COUNCIL DATE:</b>	March 28, 2019



RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE PURCHASE OF COMPRESSED NATURAL GAS FROM INDEPENDENCE FUEL SYSTEMS, LLC, OF LONGVIEW, TEXAS; AUTHORIZING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE AND/OR OTHER OFFICIAL(S) OF THE CITY AS SHALL BE REQUIRED, TO NEGOTIATE AND EXECUTE ANY AND ALL CONTRACTS AND OTHER DOCUMENTS NECESSARY FOR SAID PURCHASE; SETTING FORTH THE CONDITIONS OF SUCH AUTHORIZATION; DETERMINING THAT SAID PURCHASE IS EXEMPT FROM THE COMPETITIVE PURCHASING REQUIREMENTS OF STATE LAW; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview (hereinafter called the "City") currently owns and operates certain refuse trucks that are used by the Sanitation Division in providing trash collection services and that use compressed natural gas (hereinafter called "CNG") as fuel; and,

WHEREAS, the City also owns and operates certain CNG vehicles through the City's Fleet Services Division; and,

WHEREAS, Independence Fuel Systems, LLC, of Longview, Texas, operates the only CNG fueling stations in Longview and, as such, is the only source of CNG fuel in Longview; and,

WHEREAS, pursuant to its contractual agreement with the City, Independence Fuel Systems, LLC, constructed one of the aforesaid CNG fueling stations at the City's Public Works facility where the aforementioned refuse

trucks are housed for the express purpose of providing CNG fuel for said trucks and for other City CNG vehicles; and,

WHEREAS, the aforementioned contractual agreement between the City and Independence Fuel Systems, LLC, is about to expire; and,

WHEREAS, as a result of the foregoing, the City desires to continue purchasing CNG from Independence Fuel Systems, LLC; and,

WHEREAS, as a result of the foregoing, the City Council finds and determines that the purchase of the CNG required to fuel the aforementioned refuse trucks and other City-owned CNG vehicles constitutes the procurement of an item that is available from only one source and is, therefore, exempted from the bidding requirements of Chapter 252 by Section 252.022 (a) (7) of said chapter; and,

WHEREAS, funding for the purchase of CNG during the City's current fiscal year is provided from sanitation (account number 023-032-000-2245) and streets (account number 001-040-000-2245) funds; 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 is hereby authorized to purchase CNG from Independence Fuel Systems, LLC, of Longview, Texas.

Section 3. That, subject to the conditions set forth in this resolution, the City Manager, the City Manager's designee and/or other official(s) of the City as shall be required, are hereby authorized to negotiate and execute any and all contracts and other documents on behalf of the City, as approved by the City Attorney's office, incident to the purchase of CNG from Independence Fuel Systems, LLC, of Longview, Texas.

Section 4. That any contract or other document authorized herein shall not be construed as creating any debt by or on behalf of the City and all obligations of the City under such a contract shall be subject to the appropriation of funds for same.

Section 5. That the initial term of any contract authorized herein shall not exceed five (5) years, provided, however, that the City Manager may renew said contract for additional terms not to exceed five years each, but only so long as Independence Fuel Systems, LLC, of Longview, Texas, remains the sole source of CNG for City vehicles and only so long as said contract is exempt from the competitive purchasing requirements of state law.

Section 6. That the purchase described in this resolution is exempt from the competitive purchasing requirements of state law pursuant to section 252.022 of the Texas Local Government Code.

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

PASSED AND APPROVED this 28<sup>th</sup> day of March, 2019.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW SOLE SOURCE COMPRESSED NATURAL GAS AMDMT 3-28-19

## METHVIN STREET DRAINAGE IMPROVEMENTS

<b>DESCRIPTION:</b>	<p>Consider a resolution accepting the Methvin Street Drainage Improvements and authorizing final payment in the amount of \$27,350.26 to SGL Utility Contractors, of Gilmer, Texas. Approval of final payment will begin the contractor's one-year warranty period.</p> <p>The City Council awarded a contract to SGL Utility Contractors on August 23, 2018 in the amount of \$107,012.31. The final construction cost is \$88,582.48.</p> <p>The scope of work provided for the construction of 412 linear feet of 24 inch reinforced concrete pipe at Methvin Street and 3rd Street and miscellaneous work as necessary to complete the installation.</p> <p>The project has been completed in accordance with the contract and recommended for acceptance by Hayes Engineering Inc. Public Works Engineering staff concur with the recommendation to accept the project and approve the final payment.</p>
<b>RECOMMENDED ACTION:</b>	Passage of the resolution.
<b>SOURCE OF FUNDS:</b>	Funding is available from the Drainage CIP fund.
<b>STAFF CONTACT:</b>	Rolin McPhee, P.E., Director of Public Works 903-237-1336 <a href="mailto:rmcphee@LongviewTexas.gov">rmcphee@LongviewTexas.gov</a>
<b>COUNCIL DATE:</b>	March 28, 2019

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT ENTITLED “METHVIN STREET DRAINAGE IMPROVEMENTS”; AUTHORIZING AND APPROVING FINAL PAYMENT TO SGL UTILITY CONTRACTORS, LLC, OF GILMER, 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 August 23, 2018, the City Council awarded a construction contract to SGL Utility Contractors, of Gilmer, Texas in the amount of \$ 107,012.31 for the construction of the project known as “Methvin Street Drainage Improvements”; and,

WHEREAS, this project provided for the construction of 412 linear feet of 24 inch reinforced concrete pipe at Methvin Street and 3<sup>rd</sup> Street as well as miscellaneous work as necessary to complete the installation; and,

WHEREAS, the final construction cost for said project was \$88,582.48; and,

WHEREAS, the project has been completed and the contractor, SGL Utility Contractors, has requested final payment in the amount of \$27,350.26; and,

WHEREAS, the final amount of \$27,350.26 is due to the contractor as final payment; and,

WHEREAS, the acceptance of the work by SGL Utility Contractors, on the aforementioned contract and the approval of final payment therefore will begin the one-year warranty period for said work; NOW, THEREFORE

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

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

Section 2. That the work performed by SGL Utility Contractors, of Gilmer, Texas on the project known as “Methvin Street Drainage Improvements” is hereby accepted as complete and that final payment of \$27,350.26 for the completion of said project is hereby approved.

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

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

PASSED AND APPROVED this 28<sup>th</sup> day of March, 2019.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW FINAL PAY METHVIN ST DRAINAGE IMPROVEMENTS 3-28-19



## 2019 CHIP SEAL

**DESCRIPTION:**

Consider a resolution awarding a contract in the amount of \$1,141,276.00 to Lone Star Equipment Company of Henderson, Texas, for the construction of the referenced project. The following bids were opened on March 19, 2019:

Bidder	Amount
Lone Star Equipment Company Henderson, TX	\$1,141,276.00
Longview Bridge and Road, Ltd Longview, TX	\$1,625,076.00

This is a part of our annual maintenance that consists of the asphalt seal coating of approximately 462,000 square yards of streets citywide. The streets were selected using the Pavement Management Program, which selects the streets needing annual maintenance based upon actual field investigation, testing data and according to the Pavement Management Policy as adopted by City Council. The streets are:

STREET	LIMITS		
10TH ST.	PINE ST.	TO	LAUREL ST.
11TH ST.	ODEN ST.	TO	SYLVAN DR.
12TH ST.	TIMPSON ST.	TO	SYLVAN DR.
12TH ST.	NOEL DR.	TO	YOUNG ST.
14TH ST.	DEXTER DR.	TO	DEAD END
14TH ST.	RIDGELEA AV.	TO	LEVEL ST.
14TH ST.	REX LN.	TO	WELLS ST.
15TH ST.	HARRIS ST.	TO	LOYD ST.
15TH ST.	TIMPSON ST.	TO	SYLVAN ST.
1ST ST.	MARSHALL AV. E.	TO	PADON ST.
2ND ST. N.	SUMMIT ST.	TO	CLARK ST.
2ND ST. N.	RUSSELL ST.	TO	SHORT ST.
5TH AV.	CENTER ST. S.	TO	MAIN ST.
5TH ST.	MAGRILL ST.	TO	WHALEY ST. E.
9TH ST. S.	COTTON ST. E.	TO	SYLVAN DR.
ALLEY ST.	JORDAN ST.	TO	EL PASO ST.
ALTA ST.	MCKINLEY RD.	TO	GILMER RD.
ANDREWS ST.	RICHARDSON ST.	TO	BIRDSONG ST. V
ANNETTE DR.	RON ST.	TO	BASS DR.
ARMOND ST.	ARVERN ST.	TO	JEROME ST.

ARNO ST.	CANNON ST.	TO	AMBER ST.
ARTHUR ST.	ROLLING HILLS DR.	TO	BAXLEY ST.
ARVERN ST.	NIXSON DR.	TO	ARMOND ST.
ASAFF ST.	14TH ST.	TO	15TH ST.
ATOKA CI.	DEAD END	TO	CHARLENE DR.
AVALON AV. E.	HOUSTON ST.	TO	MOBBERLY AV.
AVENUE C	BRANDON AV.	TO	BERKLEY ST. E.
BAXTER AV.	RICHARDSON ST.	TO	BIRDSONG ST. W.
BENNY ST.	CLEARDALE DR.	TO	MEADOWVIEW DR.
BETTY ST.	DIANE DR.	TO	HIGH ST. S.
BIRDSONG ST. E.	GREEN ST. S.	TO	MOBBERLY AV.
BLAKE DR.	DENSON DR.	TO	GENE DR.
BONNER ST.	SANTA FE ST.	TO	COTTON ST. E.
BOSTON DR.	ALPINE ST.	TO	DEAD END
BRANDON AV.	LOOP 281 W.	TO	AVENUE B
BRENTWOOD ST. E.	SWAN ST.	TO	CLINTON ST.
BREWTON ST.	BATES ST.	TO	DEAD END
BRIDGERS HILL RD.	NO NAME	TO	GOODNIGHT TR.
BROWN ST.	CORNER	TO	CORNER
BUCHANAN AV.	DALSTON AV.	TO	12TH ST.
BUCHANAN AV.	PERKINS ST.	TO	HUTCHINGS BL.
BUCKNER ST.	LYNNWOOD LN. E.	TO	HOPE DR. E.
CADDO DR.	JORDAN ST.	TO	EL PASO ST.
CALVIN BL.	LACY ST.	TO	FREDONIA ST. S.
CANNON ST	ARNO ST	TO	DEAD END
CARTER ST.	NELSON ST. W.	TO	SABINE ST.
CHERYL ST. W.	PINE TREE RD.	TO	FRENCH DR.
CLARK ST.	NO NAME	TO	1ST ST.
CLINTON ST.	LYNNWOOD LN. E.	TO	EVERGREEN ST.
CLOVER LN.	DAN ST.	TO	DEAN ST.
CLYDE ST.	CHERYL ST. W.	TO	WAIN DR.
COTTON ST. E.	FRJ DR.	TO	INDUSTRIAL DR.
COURT ST. N.	NORTHCUTT AV.	TO	CORNER
COURT ST. N.	HARVARD AV.	TO	LOMOND ST.
DAN ST.	HUTCHINGS BL.	TO	CLOVER DR.
DEADWOOD DR.	CHISOLM TR.	TO	GARNER LN.
DELIA DR.	GROVE CT.	TO	MARSHALL AV. E.
DELIA DR.	HEIGHTS PARK DR.	TO	MONA DR.
DENSON DR.	TAMMY LYNN DR.	TO	NIKKI DR.
DIANE DR.	WILLOW DR.	TO	FRANCES DR.
DONALD DR.	ANNIVERSARY DR.	TO	RIVER OAKS DR.
			HITCHING POST
DUMAS RD.	TANGLEWOOD DR.	TO	ST.
EDMOND BL.	EASTMAN RD. S.	TO	CITY LIMITS
	M.L. KING JR.		
EL PASO ST.	BLVD.	TO	CADDO ST.
ELDERVILLE RD.	JOHNSON ST.	TO	ROLLINS ST.
ELECTRA ST.	COTTON ST. E.	TO	MELTON ST. E.
ELLIOTT ST.	WALNUT ST.	TO	SABINE ST.
FOREST PARK DR.	DEAD END	TO	MARSHALL AV. W.
FOSTER DR.	TRACY DR.	TO	GARFIELD DR.

FREDA ST.	VICKY DR.	TO	LYNNWOOD LN. E.
FRENCH DR.	CRYSTAL ST.	TO	LINDA KAYE DR.
GAY ST.	11TH ST.	TO	13TH ST.
GLEND A DR.	BIRDSONG ST. W.	TO	BUDD PL.
GOLF AV.	DEAD END	TO	PINE CREST DR.
GRAHAM DR.	LACY DR.	TO	FREDONIA ST. S.
GREGG TEX RD.	GILMER RD.	TO	DOLLAHITE LN.
			GEORGE RICHEY RD.
GREGG TEX RD.	BACLE RD.	TO	
GUM SPRINGS RD.	COTTON ST. E.	TO	FORD LN.
HARDY ST.	MEMPHIS ST.	TO	HARRISON RD. E.
HARRIS ST.	14TH ST.	TO	15TH ST.
HOLLAND ST.	HIGH ST. S.	TO	DUNBAR DR.
HOLLY ST.	AVALON AV. W.	TO	ISGREN DR.
HOPE DR. W.	JONES ST.	TO	STARDUST DR.
HOUSTON ST.	AVALON AV. E.	TO	HIGHLAND AV. E.
HUGHES ST.	BRIDGE	TO	LACY DR.
HUTCHINGS BL.	IDYLWOOD DR.	TO	RIDGELEA AV.
HUTCHINGS BL.	BUCHANAN AV.	TO	YOUNG ST.
IDYLWOOD DR.	12TH ST.	TO	CLOVER LN.
IDYLWOOD DR.	CLOVER LN.	TO	MOBBERLY AV.
INGRAM ST.	7TH ST.	TO	9TH ST. N.
JARVIS AV.	WALNUT ST.	TO	WASHINGTON ST.
JENNY ST.	LELAND ST.	TO	BILL OWENS PK.
JEROME ST.	NIXSON DR.	TO	ARMOND ST.
JEWEL DR.	HIGH ST. S.	TO	FLANAGAN DR.
JEWEL DR.	PLILER ST. W.	TO	GREEN ST. S.
JONQUIL DR.	CORNER	TO	10TH ST.
JONQUIL DR.	HYACINTH DR.	TO	TULIP LN.
JOURNAL ST.	RANDLE ST.	TO	NOWLIN ST.
KATHLEEN DR.	HELANE LN.	TO	CAMILLE DR.
KAY DR.	LONGVIEW PK.	TO	MARSHALL AV. E.
KEIGHLEY DR.	DANVILLE CT.	TO	ROUNCIVAL DR.
KELSO TRACK ST.	LOOP 281 W.	TO	AVENUE B
KENT ST.	BRANCH ST. E.	TO	VINEWOOD LN.
LAKE DR.	PINE ST.	TO	LETTIE ST.
LAKE LAMOND RD.	MARSHALL AV. W.	TO	COTTON ST. W.
LAKESHORE DR.	HOLLYBROOK DR.	TO	RICK DR.
LARRY DR.	FRANCES DR.	TO	BETTY ST.
LAURA LN.	CRESTWOOD DR.	TO	DEAD END
LEDUKE BL.	SUNSHINE SQ.	TO	WOOD PL.
	LEONA ST. TURN OFF	TO	OMEGA ST.
LEONA ST.			
LeTOURNEAU DR.	FM 1845	TO	DEAD END
LILLY ST.	SWANCY ST.	TO	EASTMAN RD. S.
LOIS LN.	DEAD END	TO	PAGE RD.
LORIN DR.	13TH ST.	TO	14TH ST.
LORIN DR.	15TH ST.	TO	M.L. KING JR. BL.
LOUISE ST.	TEXAS ST.	TO	ARKANSAS ST.
MAGNOLIA ST.	GREEN ST. S.	TO	VESTA ST.
MAGRILL ST.	3RD ST. N.	TO	4TH ST.

MAHLOW DR.	HUGHEY DR.	TO	BLUEBIRD DR.
MAIN ST.	COLLEGE ST. E.	TO	5TH AV.
MAMON DR.	R.R.	TO	MEMPHIS ST.
MARION DR.	MELTON ST. W.	TO	DEAD END
MASSINGILL DR.	NW CORNER	TO	SW CORNER
MCCARVER ST.	LILLY ST.	TO	EASTMAN RD. S.
MEMPHIS ST.	WARD DR. S.	TO	DEAD END
MILLSTONE LN.	SAGE RD.	TO	HIDDEN LAKE
MOLTON ST.	WALNUT ST.	TO	ROOSEVELT ST.
MONROE ST.	RANDLE ST.	TO	WAGSTER ST.
MORRIS DR.	HIGH ST. S.	TO	FLANAGAN DR.
MYRLE AV.	DIXON ST.	TO	HUTCHINGS BL.
MYRLE AV.	GREEN ST. S.	TO	MOBBERLY AV.
MYRTLE ST.	BUCKNER ST.	TO	RODDEN DR.
NELSON ST. W.	CARTER ST.	TO	CENTER ST. S.
NIBLICK ST. W.	CAMERON ST.	TO	STANDARD ST. N.
NIKKI DR.	NIKKI CT.	TO	GILMER RD.
NO NAME ST.	JACKSON RD.	TO	BRIDGERS HILL RD.
NOBLE DR.	EMILY ST.	TO	PINE ST.
NORTON DR.	FREDONIA ST. S.	TO	MARION DR.
OAK LEIGH	BILL OWENS PKWY.	TO	END
ODEN ST.	DAVIS ST.	TO	BONNER ST.
ODEN ST.	BONNER ST.	TO	CLOVER LN.
ODEN ST.	ELECTRA ST.	TO	DAVIS ST.
O'NEAL ST.	DEAN ST.	TO	OWINGS AV.
ORANGE ST.	EL PASO ST.	TO	DEAD END
OSBORNE ST.	DEAD END	TO	REVELYN ST.
OXFORD LN.	HIGH ST. N.	TO	JUDSON RD.
PADON ST.	FREDONIA ST. N.	TO	3RD ST. N.
PADON ST.	5TH ST.	TO	6TH ST.
PARK DR.	PARK DR.	TO	DELIA DR.
PAT DR.	AUDREY ST.	TO	CORNER
PAYNE RD.	WHATLEY RD.	TO	BLACKSTONE RD.
PAYNE RD.	BLACKSTONE RD.	TO	BRELAND RD.
PEGUES PL.	9TH ST. N.	TO	10TH ST.
PINE BLUFF RD.	CORNER	TO	RIVER OAKS DR.
PINE ST.	3RD ST. N.	TO	4TH ST.
PINE ST.	7TH ST.	TO	8TH ST.
PLILER ST. W.	CORNER	TO	GREEN ST. S.
PRIMROSE LN. W.	STARDUST DR. GEORGE RICHEY RD.	TO	PINE TREE RD.
PRINCE RD.		TO	NO NAME
RANEY DR.	13TH ST.	TO	M.L. KING JR. BL.
RAY ST.	SABINE AV.	TO	R.R.
REEVES RD.	DEAD END	TO	HESTON RD.
RIDGELEA AV.	13TH ST.	TO	14TH ST. WILLOW SPRINGS DR.
RIVER OAKS DR.	DONALD DR.	TO	
RODDEN DR.	VINEWOOD LN.	TO	SHOFNER DR. E.
ROLLINS ST.	ELDERVILLE RD.	TO	BRONCO ST.
ROLLINS ST.	BISHOP ST.	TO	M.L. KING JR. BL.

RON ST.	LEWAN CI.	TO	ANNETTE DR.
ROOSEVELT ST.	WASHINGTON ST.	TO	PARK ST.
ROSEDALE ST.	MILLIGAN DR.	TO	GOLFCREST DR.
ROYAL LN.	TWILIGHT DR. E.	TO	SARAH AV. E.
SAGE RD.	DUNDEE RD.	TO	MILLSTONE LN.
SCHOOL ST.	TUPELO DR.	TO	CORNER
SECRETARIAT TR.	KELSO TRACK ST.	TO	JAHAN TR.
SIDNEY ST.	YOUNG ST.	TO	HOUSTON ST.
SKELLY ST.	SKELLY CI.	TO	COTTON ST. E.
ST. ANDREWS DR.	DORAL DR.	TO	SPYGLASS
STADIUM RD	CDS	TO	BILL OWENS PK.
STONEWALL DR.	GILMER RD.	TO	VICTORIA DR.
SUPPLY ST. N.	NIBLICK ST. W.	TO	MARSHALL AV. W.
SURRATT RD.	TANGLEWOOD RD.	TO	SURRATT RD.
SYLVAN DR.	CLOVER LN.	TO	11TH ST.
TALLWOOD LN.	OAKWOOD DR.	TO	LAWNDALE AV.
TEMPLE ST.	DEAD END	TO	CONROE ST.
TERI LYN DR.	DEAD END	TO	CHERYL ST. W.
TRACY DR.	FOSTER DR.	TO	WHITAKER DR.
TUMBLEWEED AL	GARNER LN	TO	CHISOLM TR
	MEADOWBROOK		
TUPELO DR.	DR.	TO	JUDSON RD.
TUPELO DR.	MCCANN RD.	TO	OXFORD LN.
URBAN AV.	AZTEC AL. E.	TO	MARSHALL AV. W.
VAN ST.	LILLY ST.	TO	EASTMAN RD. S.
VICTOR DR.	LAWSON ST.	TO	HOLLERS ST.
VIEWCREST DR.	PAGE ST.	TO	LANE WELLS DR. S.
VILLAGE DR.	RUE DU SOLEIL ST.	TO	TOLER RD.
VINEWOOD LN.	GREENBRIAR DR.	TO	RODDEN DR.
WAGSTER ST.	MONROE ST.	TO	M.L. KING JR. BL.
WALNUT ST.	FAIR ST.	TO	ELLIOTT ST.
WASHINGTON ST.	MOORE ST.	TO	WALNUT ST.
WATKINS ST.	MARSHALL AV. W.	TO	DEAD END
WEDGEWOOD LN.	OAKWOOD DR.	TO	LAWNDALE AV.
WELCH ST.	DEAD END	TO	GLOVER DR.
WESTWOOD DR.	OAKWOOD DR.	TO	LAWNDALE AV.
WHITAKER DR.	GARFIELD DR.	TO	DEAD END
WHITNEY ST.	VICTORY ST.	TO	LILLY ST.
	SWINGING BRIDGE		
WILBERT ST.	RD.	TO	DONALD DR.
WILBURN ST.	EASTMAN RD. S.	TO	GUM SPRINGS RD.
WILLOW DR.	CLINGMAN DR.	TO	GLENDA DR.
WILLOW OAK DR.	WOODCREST LN.	TO	HILLMONT AV.
WILLOW SPRINGS			
DR.	ANNIVERSARY DR.	TO	RIVER OAKS DR.
WINDLAND PK.	PAGE RD.	TO	MIRIA CT.
WINDSOR DR.	STANDARD ST. S.	TO	CHEROKEE ST.
WOOD PL.	CAMELLIA LN.	TO	AZALEA DR.
YATES DR.	HURST PL.	TO	NORTHKNOLL CI.
YATES RD.	BIRDWELL LN.	TO	HAWKINS PK. W.
ZEOLA ST.	BENNY ST.	TO	LELAND ST.

**RECOMMENDED ACTION:** Public Works has examined the bids and the qualifications of the low bidder, and recommends award of the contract to Lone Star Equipment Company in the amount of \$1,141,276.00.

**SOURCE OF FUNDS:** Funding is available from the Streets Maintenance Fund.

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

**COUNCIL DATE:** March 28, 2019

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF LONE STAR EQUIPMENT COMPANY, OF HENDERSON, TEXAS, FOR CONSTRUCTION OF THE PROJECT ENTITLED "2019 CHIP SEAL"; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND LONE STAR EQUIPMENT COMPANY 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 "2019 Chip Seal"; and,

WHEREAS, this project provides for the asphalt overlay of approximately 462,000 square yards of street citywide; and,

WHEREAS, funding for this project is provided from the General 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 Lone Star Equipment Company, of Henderson, Texas for construction of the project known as "2019

Chip Seal” in the amount of \$1,141,276.00 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 Lone Star Equipment Company, of Henderson, Texas in the amount of \$1,141,276.00.

Section 4. That the 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 Lone Star Equipment Company, of Henderson, Texas for the project known as “2019 Chip Seal”.

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 28<sup>th</sup> day of March, 2019.



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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW AWARD BID 2019 CHIP SEAL 3-28-19

## GRANT APPLICATION

**DESCRIPTION:** Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to apply for and execute any necessary documents to accept a grant in an amount not to exceed \$12,000.00 from the Texas State University, Texas School Safety Center School, for the Longview Police Department to conduct controlled buy/stings and follow-ups involving the use of minors in accordance with Chapter 161, Texas Health and Safety Code.

**RECOMMENDED ACTION:** Resolution and Council approval

**SOURCE OF FUNDS:** N/A

**STAFF CONTACT:** Mike Bishop, Chief of Police  
903-237-1101  
[mbishop@longviewtexas.gov](mailto:mbishop@longviewtexas.gov)

**COUNCIL DATE:** March 28, 2019

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF LONGVIEW POLICE DEPARTMENT AND TEXAS STATE UNIVERSITY, TEXAS SCHOOL SAFETY CENTER; AUTHORIZING THE APPLICATION, ACCEPTANCE AND EXPENDITURE OF UP TO \$12,000 IN FUNDING REGARDING A TOBACCO COMPLIANCE GRANT; AUTHORIZING THE TIMELY SUBMITTAL OF SAID APPLICATION; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING, SECURING AND EXPENDING FOR SAID GRANT FUNDING; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the Texas State University, Texas School Safety Center has made funding available to be used for tobacco enforcement; and,

WHEREAS, the Longview Police Department plans to use the grant funds for controlled buy/stings and follow-ups of on-site compliance inspections of tobacco permitted retail outlets and sales and use tax permitted e-cigarette retail outlets; and,

WHEREAS, both the Police Department and the City Council and the City of Longview desire to educate the public, merchants and youth regarding the use and sale of tobacco products in order to reduce the sale of tobacco products to underage persons;

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 is hereby authorized to file an application and all attendant documents necessary to qualify for funding from the Texas State University, Texas School Safety Center, to be used to conduct controlled buy/stings and follow-ups involving the use of minors in accordance with Chapter 161, Texas Health and Safety Code.

Section 3. That the Longview Police Department is hereby authorized to submit a grant application with the Texas State University Texas School Safety Center in a timely manner and to undertake all procedures necessary for applying for and acceptance of said funding associated with said grant.

Section 4. That the Police Chief and the City Manager are hereby authorized and directed to execute all necessary documents, as approved by the City Attorney's office, incident to the application, acceptance and expenditure on behalf of the City of Longview of a said grant award.

Section 5. 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 6. That this resolution shall be effective from and after its date of passage.

PASSED AND APPROVED on this 28<sup>th</sup> day of March, 2019.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R POLICE GRANT TOBACCO COMPLIANCE 3-28-19

## **ELIMINATION OF THE CITY MARSHAL'S OFFICE**

**DESCRIPTION:** The City Marshal's Office was created by Council in 2014 to provide peace officer functions within and for Municipal Court such as acting as the bailiff in court proceedings and aiding in executing warrants for cases prosecuted in Municipal Court. Currently the City Marshal position is vacant. After evaluating the program, we have decided the Marshal's responsibilities can be better handled by the Police Department. Therefore, we are eliminating the Office of the City Marshal.

**RECOMMENDED ACTION:** Approval of the Ordinance

**STAFF CONTACT:** Mary Ann Miller, Director of Administration  
903-237-1014  
[mmiller@longviewtexas.gov](mailto:mmiller@longviewtexas.gov)

**COUNCIL DATE:** March 28, 2019

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, REPEALING SECTION 28-24 OF CHAPTER 28 OF THE CODE OF ORDINANCES, CITY OF LONGVIEW, TEXAS; ELIMINATING THE OFFICE OF CITY MARSHAL; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING A SAVINGS CLAUSE; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, Section 7.01 of the Longview City Charter authorizes the City Council to create departments, offices, or agencies of the City and prescribe the functions of same; and,

WHEREAS, the City Council of the City of Longview, Texas, has previously established the office of City Marshal in order to provide peace officer functions needed for the efficient operation of the Longview Municipal Court and the enforcement of the court's orders; and,

WHEREAS, the aforesaid office of City Marshal is currently vacant and the functions of said office can be performed by the Longview Police Department; 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 Section 28-24 of The Code of Ordinances, City of Longview, Texas, is hereby repealed and the Office of City Marshal created by said section is hereby eliminated.

Section 3. That the City Council finds that the meeting at which this ordinance was approved was conducted in strict compliance with the provisions of the Texas Open Meetings Act (Texas Government Code Chapter 551).

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

PASSED AND APPROVED this 28<sup>th</sup> day of March, 2019.

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Dr. Andy Mack  
Mayor



ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O MUNI CRT MARSHAL REPEALED 3-28-19

## VARIANCE TO ALCOHOL DISTANCE REQUIREMENTS FOR FORMER RYANS STEAKHOUSE LOCATION

**DESCRIPTION:** Developers of the former Ryans Steakhouse, located at 301 E. Loop 281, have proposed to redevelop the site into a convenience store with fuel. However, Section 10-4 of the Longview City Code prohibits the sale of alcoholic beverages on that tract since it lies within 300 feet of Longview High School and Longview Seventh-Day Adventist Church.

This ordinance would grant a variance (as authorized by state statute) allowing the proposed convenience store to obtain a permit to sell alcohol at this location. It also authorizes the City Secretary (and any other necessary City officials) to handle any paperwork required from the City in association with the variance.

**STAFF CONTACT:** Michael Shirley, Director of Development Services  
903-237-1059  
[mshirley@longviewtexas.gov](mailto:mshirley@longviewtexas.gov)

**COUNCIL DATE:** March 28, 2019

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ALLOWING A VARIANCE TO THE REQUIREMENTS OF SECTION 10-4 OF THE LONGVIEW CITY CODE RELATING TO THE SALE OF ALCOHOLIC BEVERAGES BY A DEALER WHOSE PLACE OF BUSINESS IS WITHIN 300 FEET OF A CHURCH OR SCHOOL, SAID VARIANCE TO APPLY TO THE TRACT OF LAND WITH A STREET ADDRESS OF 301 E. LOOP 281, AS SAID TRACT OF LAND IS MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT A; AUTHORIZING AND DIRECTING THE CITY SECRETARY AND SUCH OTHER CITY OFFICIALS AS MAY BE REQUIRED TO OBTAIN, COMPLETE, EXECUTE, AND DELIVER, ON BEHALF OF THE CITY OF LONGVIEW, ANY AND ALL SUCH DOCUMENTS AS MAY BE NECESSARY OR CONVENIENT TO DOCUMENT THE VARIANCE HEREIN ALLOWED AND EFFECT THE PURPOSES OF THIS ORDINANCE; FINDING THAT THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Section 109.33 of the Texas Alcoholic Beverage Code provides that the governing board of a city, such as the Longview City Council (the "City Council"), may enact regulations prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a church or school; and,

WHEREAS, pursuant to the authority granted by the aforesaid Section 109.33 or its statutory predecessor, the City Council enacted Section 10-4 of the Longview City Code prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a church or school; and,

WHEREAS, there is a particular tract of land located inside the corporate limits of the City of Longview with a street address of 301 E. Loop 281, as said tract of land is more particularly described in the attached Exhibit A, which exhibit is made a part of this ordinance for all purposes (said tract of land hereinafter called the “Subject Property”); and,

WHEREAS, the Subject Property was previously the site of a restaurant; and,

WHEREAS, it is now proposed that the Subject Property be redeveloped as a convenience store with gas station; and,

WHEREAS, in conjunction with the aforesaid redevelopment of the Subject Property, the owners of the Subject Property wish to apply for the appropriate legal authorizations to sell beer and wine on the Subject Property for off-premises consumption; and,

WHEREAS, the Subject Property lies within 300 feet of a church and within 300 feet of a school and, therefore, the aforesaid Section 10-4 of the Longview City Code prohibits the sale of alcoholic beverages on the Subject Property; and,

WHEREAS, there are several other restaurants located within 300 feet of the aforesaid school that, due to historical circumstances, are currently authorized to sell alcoholic beverages; and,

WHEREAS, the City has not received any objection to the variance authorized herein from any church located within 300 feet of the Subject Property; and,

WHEREAS, the Subject Property has been vacant for a long period of time without any business or other productive use of the Subject Property; and,

WHEREAS, as a result of the foregoing, the City Council hereby finds and determines that enforcement of Section 10-4 of the Longview City Code in this particular instance constitutes waste or inefficient use of the Subject Property, does not serve its intended purpose, is not effective or necessary, and is inequitable; and,

WHEREAS, the aforesaid Section 109.33 of the Texas Alcoholic Beverage Code expressly authorizes the City Council to allow a variance to the regulations prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a church or school; and,

WHEREAS, after consideration of the health, safety, and welfare of the public and the equities of the situation, the City Council hereby finds and determines that allowing a variance to the requirements of Section 10-4 of the Longview City Code is in the best interest of the community; NOW, THEREFORE,

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

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

Section 2. That the City Council hereby allows a variance to the requirements of Section 10-4 of the Longview City Code as applied to the Subject Property, and the requirements of Section 10-4 of the Longview City Code shall not apply to the Subject Property and shall not apply to the sale of alcoholic beverages on the Subject Property.

Section 3. That in all other respects the Subject Property shall be subject to all the applicable ordinances and regulations of the City of Longview,

as amended, and Section 10-4 of the Longview City Code shall remain in full force and effect with regard to all other properties located within the corporate limits of the City of Longview except to the extent that any such property is currently subject to a valid variance granted pursuant to Section 109.33 of the Texas Alcoholic Beverage Code.

Section 4. That the City Secretary and such other officials of the City of Longview as may be required are hereby authorized and directed to obtain, complete, execute, and deliver, on behalf of the City of Longview, any and all such consents, permits, licenses, verifications, forms, and other documents as may be necessary or convenient to document the variance herein allowed and effect the purposes of this ordinance, including without limitation any documents that may be requested or required by the Texas Alcoholic Beverage Commission in connection with the variance allowed in this ordinance or the sale of alcoholic beverages on the Subject Property.

Section 5. That this ordinance is adopted pursuant to the authority granted by and in accordance with Section 109.33 of the Texas Alcoholic Beverage Code.

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

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

Section 8. That this ordinance shall be effective immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 28<sup>th</sup> day of March, 2019.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O P&Z ALCOHOL DISTANCE VARIANCE FOR MURPHY 3-28-19

**EXHIBIT A**

Lot 1, Block 1, Bolls Addition



ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 9 WITH IRONHORSE UNLIMITED, INC., OF MALAKOFF, TEXAS, REGARDING THE PROJECT ENTITLED "THE LONGVIEW ARBORETUM AND NATURE CENTER"; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO SAID CHANGE ORDER; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO REMIT FUNDS TO IRONHORSE UNLIMITED, INC., FOR THE ABOVE REFERENCED CHANGE ORDER; PROVIDING THE CITY MANAGER WITH THE MAXIMUM AUTHORITY ALLOWED BY LAW FOR APPROVAL OF OTHER CHANGE ORDERS TO SAID CONTRACT; APPROVING THE ACQUISITION OF PROPERTY LOCATED ADJACENT TO THE LONGVIEW ARBORETUM AND NATURE CENTER AND CONSISTING OF APPROXIMATELY 2.855 ACRES; AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ACCEPT FORMAL DEEDS AND NEGOTIATE AND EXECUTE CONTRACTS AND OTHER DOCUMENTS INCIDENT TO SAID ACQUISITION ON BEHALF OF THE CITY; PROVIDING FOR CONSIDERATION; PROVIDING FOR FILING; PROVIDING FOR PAYMENT OF CLOSING AND OTHER INCIDENTAL COSTS; FINDING THAT SAID PROPERTY IS TO BE PURCHASED, ACCEPTED AND USED FOR A PUBLIC PURPOSE; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, FINALIZE, AND EXECUTE, ANY AND ALL LEASE AGREEMENTS AND OTHER DOCUMENTS NECESSARY OR CONVENIENT FOR THE LEASE OF SAID PROPERTY TO THE LONGVIEW ARBORETUM AND NATURE CENTER, INC., FOR USE AS PART OF THE LONGVIEW ARBORETUM AND NATURE CENTER; AUTHORIZING THE USE OF BOND PROCEEDS TO PAY ANY OR ALL EXPENDITURES ASSOCIATED WITH THE DESIGN, REDESIGN, CONSTRUCTION, RECONSTRUCTION, EXPANSION, OR IMPROVEMENT OF THE LONGVIEW ARBORETUM AND NATURE CENTER; AUTHORIZING THE ACCEPTANCE OF ANY AND ALL DONATIONS FOR USE IN CONJUNCTION WITH THE LONGVIEW ARBORETUM AND NATURE CENTER; CONDITIONING THE AUTHORIZATION**

**PROVIDED HEREIN ON THE APPROVAL OF ALL DOCUMENTS BY THE CITY ATTORNEY'S OFFICE; 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, on April 26, 2018, the City Council awarded a construction contract to Ironhorse Unlimited, Inc., in the amount of \$2,017,180.95 for the construction of the project known as "The Longview Arboretum and Nature Center" (said contract sometimes called the "Arboretum Construction Contract" in this ordinance); and,

WHEREAS, on April 26, 2018, the City Council approved change order No. 1 to the Arboretum Construction Contract in the amount of \$484,717 to reduce to scope of the construction to meet available funding limits of the project known as "The Longview Arboretum and Nature Center" for a revised contract price of \$1,532,463.95; and,

WHEREAS, on October 11, 2018, the City Council approved change order No. 5 to the Arboretum Construction Contract in the amount of \$93,500 to increase the work items of the project known as "The Longview Arboretum and Nature Center" for a revised contract price of \$1,625,963.95; and,

WHEREAS, this project provides for the construction of a city park (said park hereinafter called the "Arboretum Park") with approximately 32,145 square feet of 5-inch concrete trail and related work on 26 acres at 706 W. Cotton Street located between Grace Creek and Maude Cobb Convention & Activity Complex; and,

WHEREAS, the City of Longview desires to increase the contract work items necessary for the completion of the project; and,

WHEREAS, Change Order No. 9 will increase the contract price for the Arboretum Construction Contract by \$391,592.75; and,

WHEREAS, the nonprofit corporation known as the Longview Arboretum and Nature Center, Inc., (hereinafter called the “Arboretum Board”) has proposed selling the approximately 2.855-acre property described in the attached Exhibit A (hereinafter called the “Adjacent Property”) to the City for use as part of the Arboretum Park; and,

WHEREAS, the Arboretum Board has offered to lease the Adjacent Property from the City, manage said Adjacent Property as part of the Arboretum Park, and make improvements to said Adjacent Property, all in accordance with the purposes for which the Arboretum Board was founded; and,

WHEREAS, at an election held on November 6, 2018, the voters of the City authorized the City to issue certain municipal general obligation bonds for the purpose of improving portions of the City’s park system, including without limitation the Arboretum Park; and,

WHEREAS, in the interest of time and efficiency, the City Council wishes to provide the City Manager with the authority to negotiate, finalize, and execute such transactions as may be necessary or convenient to ensure the completion of the project known as “The Longview Arboretum and Nature Center” in a timely manner; to allow for the improvement and expansion of the Arboretum Park as permitted by available bond proceeds, donations, and other

funds reasonably available for the purpose; and to allow for the management of the Arboretum Park or a portion thereof by the Arboretum Board; 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, subject to the conditions set forth in this ordinance, Change Order No. 9 in the amount of \$391,592.75 for the project known as the "The Longview Arboretum and Nature Center" is hereby approved.

Section 3. That the revised contract price for the Arboretum Construction Contract will be \$2,017,556.75.

Section 4. That, subject to the conditions set forth in this ordinance, the City Manager, his designee or other official of the City as shall be required, are hereby authorized to execute Change Order No. 9 in the amount of \$391,592.75 for the project known as the "The Longview Arboretum and Nature Center."

Section 5. That, subject to the conditions set forth in this ordinance, the City Manager, his designee or other official of the City as shall be required, are hereby authorized remit funds in an amount not to exceed \$391,592.75 to Ironhorse Unlimited, Inc., for Change Order No. 9 for the project known as "The Longview Arboretum and Nature Center".

Section 6. That, in addition to Change Order No. 9 authorized herein and to the extent consistent with Section 252.048 of the Texas Local Government Code, the City Manager is hereby authorized to negotiate, finalize, and execute any future change orders to the Arboretum Construction Contract.

Section 7. That the City Council hereby authorizes the acquisition of the Adjacent Property described in the attached Exhibit A, which exhibit is made a part of this ordinance for all purposes, with the understanding that the precise legal description of said Adjacent Property may be modified by a new survey of same.

Section 8. That the City Manager or the City Manager's designee is hereby authorized to acquire the Adjacent Property by formal written deeds or other appropriate documents and to negotiate, finalize, execute and accept any and all deeds, agreements, and other documents necessary or convenient for the purchase of said Adjacent Property, including without limitation such surveys of the Adjacent Property as may be obtained by the City or by the seller.

Section 9. That the City Manager or the City Manager's designee is hereby authorized to place for filing in the property records of the County Clerk wherein the Adjacent Property is located any and all instruments incident to the acquisition approved herein.

Section 10. That the purchase price to be paid by the City to the seller for the Adjacent Property shall not exceed the fair market value of said Adjacent Property as shown in a professional appraisal of the Adjacent Property.

Section 11. That, in addition to the consideration to be paid to the seller, the City Manager or the City Manager's designee is authorized to pay all reasonable closing costs, survey costs, title insurance costs and other incidental costs associated with the acquisition of the Adjacent Property.

Section 12. That the purchase, acceptance and use of the Adjacent Property authorized herein are for a public purpose and said Adjacent Property shall be a public park immediately upon conveyance to the City.

Section 13. That the City Manager or the City Manager's designee is hereby authorized to negotiate, finalize, and execute any and all lease agreements and other documents necessary or convenient for the lease of the Adjacent Property to the Arboretum Board for the purpose of allowing the Arboretum Board to manage and improve said Adjacent Property as a part of the Arboretum Park and in support of the operation of the Arboretum Park.

Section 14. That the City Manager or the City Manager's designee is hereby authorized to accept, on behalf of the City, any and all donations of whatever amount, of whatever kind, and from whatever source for use in conjunction with the Arboretum Park.

Section 15. That, to the extent consistent with all applicable bond covenants and other applicable contractual and legal obligations, and only to the extent compliant with all applicable law, the City Council hereby authorizes the use of proceeds from the City's most recent issuance of municipal general revenue bonds to pay any and/or all expenditures associated with the design, redesign, construction, reconstruction, expansion, or improvement of the

Longview Arboretum and Nature Center; and the City Manager and such other employees and/or officials of the City as shall be required are hereby authorized to negotiate, finalize, and execute any documents necessary or convenient for such use of bond proceeds, provided any such documents are acceptable to the City's professional bond counsel or the City Attorney, as appropriate.

Section 16. That the City Manager is hereby authorized to negotiate, finalize, and execute, on behalf of the City, such agreements and other documents as may be necessary or convenient to carry out the purposes of this ordinance, including without limitation any deeds, contractual agreements, leases, or other documents between the City and the Arboretum Board or between the City and any other party.

Section 17. That the authorizations provided herein are conditioned upon the receipt and approval of all agreements, leases, deeds and other documents authorized herein in a form acceptable to the City Attorney's Office.

Section 18. That the meeting at which this ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 19. That this ordinance shall be effective immediately from and after its passage.

PASSED and APPROVED this 28<sup>th</sup> day of March, 2019.

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Dr. Andy Mack  
Mayor

ATTEST:

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Angie Shepard  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O CM ARBORETUM AUTHORITY 3-28-19



[Insert Exhibit A – legal description of Arboretum Board Property to be acquired]