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## City Council Meeting Agenda

5:30 p.m.

April 25, 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 accepting the donation of \$46,379.11 from Parks and Leisure Services Foundation (PALS) for the construction of pavilions at Jack Mann Splashpad – Scott Caron, Director of Park and Recreation. Pages 3 - 6
  - B. Consider a Resolution authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents for the purchase of a special operations trailer via the General Services Administration (GSA) using grant funding from a State Homeland Security Grant for an amount not to exceed \$100,000.00 – Hank Hester, Assistant Fire Chief. Pages 7 - 10

- C. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for the receipt and expenditure of Longview Fire Foundation funds in the amount of \$18,450.00 for equipment for the Longview Fire Department – Hank Hester, Assistant Fire Chief. Pages 11 - 14
- D. Consider a Resolution suspending the effective date proposed by Centerpoint Energy Resources Corp., Beaumont/East Texas Division, to increase rates under the Gas Reliability Infrastructure Program for 45 days, and authorize the city's continued participation in a coalition of cities known as the "Alliance of Centerpoint Municipalities" – Jim Finley, City Attorney. Pages 15 - 19
- E. Consider a Resolution accepting the Sabine Water Treatment Plant Clarifiers 1, 2 & 4 Painting and authorizing final payment in the amount of \$27,462.00 to J & A Coating LLC, of Hughes Springs, TX – Rolin McPhee, P.E., Director of Public Works. Pages 20 - 23
- F. Consider a Resolution approving the annual review and acceptance of the City of Longview Investment Policy – Angela Coen, Director of Finance. Pages 24 - 39

**IX. Action Items**

Consider an Ordinance authorizing City staff to acquire real property located at 609-611 Luckett St. and 510 1/2 Pearl St., described as Lots 35 & 36F, NCB 223, Longview McNutt Acreage, City of Longview, Gregg County, Texas, designated as parcels 2019-P-007 and 2019-P-008, respectively, for the amount of \$58,000.00 for the New Police Station location – Rolin McPhee, P.E. Director of Public Works. Pages 40 - 44

**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.

## **PARKS AND LEISURE SERVICES FOUNDATION DONATION**

**DESCRIPTION:** Consider a resolution accepting the donation of \$46,379.11 from the Parks and Leisure Services Foundation (PALS) for the construction of pavilions at Jack Mann Splashpad

**RECOMMENDED ACTION:** Passage of resolution.

**SOURCE OF FUNDS:** Funding is available from the donation and Capital Improvement Fund.

**STAFF CONTACT:** Scot Caron, Director of Parks and Recreation  
903-237-1231  
[scaron@longviewtexas.gov](mailto:scaron@longviewtexas.gov)

**COUNCIL DATE:** April 25, 2019

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE DONATION OF \$46,379.11 FROM PARKS AND LEISURE SERVICES FOUNDATION (PALS) FOR THE CONSTRUCTION OF PAVILIONS AT JACK MANN SPLASHPAD; AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO SAID DONATION; 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 desires to continue to enhance Jack Mann Splashpad and complete the Lear Park Master Plan; and,

WHEREAS, PALS has donated \$46,379.11 toward the construction of two pavilions at Jack Mann Splashpad; and,

WHEREAS, all monetary donations over ten thousand dollars (\$10,000) in value must be approved by the City Council before acceptance; and,

WHEREAS, the City of Longview will also contribute money from the Capital Improvement budget for this capital expenditure for said project; 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 acceptance of a \$46,379.11 donation from PALS toward the construction of pavilions at Jack Mann Splashpad is hereby ratified and approved.

Section 3. That the City Manager, the City Manager's designee, and/or other official of the City as shall be required, is/are hereby authorized to execute any and all documents, as approved by the City Attorney's Office, incident to the acceptance and expenditure of said donation, and any and all such documents previously executed by the City Manager or the City Manager's designee are hereby ratified and approved.

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 be effective immediately from and after its date of passage.

PASSED AND APPROVED this 25<sup>th</sup> day of April, 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 PARKS DONATON JACK MANN SPLASH PAD 4-25-19

## EXPENDITURE OF GRANT FUNDING FOR FIRE DEPARTMENT

<b>DESCRIPTION:</b>	Consider a resolution approving and authorizing the Fire Department to purchase an Emergency Response Trailer for the department's Special Operations Team from Missouri Great Dane via a GSA contract at the cost of \$95,961.00. This purchase is 100% Grant-funded via the State Homeland Security Program's (SHSP) which is administered by the East Texas Council of Governments (Reference Resolution# 5417 on December 13 <sup>th</sup> , 2018).
<b>RECOMMENDED ACTION:</b>	Approval
<b>SOURCE OF FUNDS:</b>	State Homeland Security Program (SHSP)  *Purchase initially funded by the City and reimbursed by the State upon delivery of the trailer.
<b>STAFF CONTACT:</b>	J.P. Steelman, Fire Chief  (903) 237-1227  <a href="mailto:jpsteelman@longviewtexas.gov">jpsteelman@longviewtexas.gov</a>
<b>COUNCIL DATE:</b>	April 25 <sup>th</sup> , 2019

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE PURCHASE OF A SPECIAL OPERATIONS TRAILER VIA THE CITY'S PARTICIPATION IN THE FEDERAL GOVERNMENT COOPERATIVE PURCHASING PROGRAM KNOWN AS THE GENERAL SERVICES ADMINISTRATION; AUTHORIZING AND DIRECTING 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 DOCUMENTS INCIDENT TO SAID PURCHASE; SETTING FORTH THE CONDITIONS OF SUCH AUTHORIZATION; DETERMINING THAT SAID PURCHASE IS EXEMPT FROM STATE COMPETITIVE PURCHASING REQUIREMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview's Fire Department desires to purchase a special operations trailer to help in responding to many different types of emergency catastrophic events; and,

WHEREAS, said special operations trailer is available through the cooperative purchasing program administer through the Federal Government known as the General Services Administration (GSA); and,

WHEREAS, Section 833 of the John Warner National Defense Authorization Act for fiscal year 2007 (Public Law 109-364) authorizes state and local governments to purchase via GSA schedules for items used in disaster purchasing; and,

WHEREAS, the purchase of said special operations trailer is exempt from state purchasing requirements pursuant to section 271.103(b) of the Texas Local Government Code; and,



WHEREAS, funding will be provided from a State Homeland Security Program Grant; and,

WHEREAS, said State Homeland Security Program Grant was approved and accepted by City of Longview City Council on December 13<sup>th</sup>, 2018, Resolution number 5417; and,

WHEREAS, the purchase of the said special operations trailer will not exceed the grant award amount of \$100,000.00; NOW, THEREFORE,

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

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

Section 2. That the City Manager, the City Manager's designee and/or other official(s) of the City as shall be required, are hereby authorized and directed to execute any and all contract and other documents on behalf of the City of Longview, as approved by the City Attorney's Office, incident to the purchase of a special operations trailer for the Fire Department.

Section 3. That the authorization provided herein is contingent upon of the following:

- a) All purchases authorized herein shall not require an amendment of the City's budget;
- b) All purchases and contracts authorized herein shall be made through the Federal Cooperative Purchasing Program known as the General Services Administration; and,

- c) That the purchase will not exceed the amount of the State Homeland Security Program Grant received by City of Longview in the amount of \$100,000.00.

Section 4. That the purchase described in this resolution is exempt from state purchasing requirements pursuant to section 271.103 (b) of the Texas Local Government Code.

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

PASSED AND APPROVED this 25<sup>th</sup> day of April, 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

## RECEIPT OF GRANT FUNDING FOR FIRE DEPARTMENT

**DESCRIPTION:** Consider a resolution approving and authorizing the Fire Department to execute the required documents to receive the donation of \$18,450.00 from the Longview Fire Foundation. These funds are to purchase Firefighter personal protective equipment and Stop-the-Bleed training kits.

**RECOMMENDED ACTION:** Approval

**SOURCE OF FUNDS:** No Matching Funds Required

**STAFF CONTACT:** J.P. Steelman, Fire Chief  
903-237-1227  
[jpsteelman@longviewtexas.gov](mailto:jpsteelman@longviewtexas.gov)

**COUNCIL DATE:** April 25<sup>th</sup>, 2019

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE CITY OF LONGVIEW TO RECEIVE AND EXPEND DONATED FUNDS FROM THE LONGVIEW FIRE FOUNDATION IN THE AMOUNT OF \$18,450.00; FINDING THAT NO FUNDS WILL BE REQUIRED TO RECEIVE AND EXPEND SAID FUNDS; FINDING THAT THE MEETING AT WHICH THE RESOLUTION WAS APPROVED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the Fire Department is an emergency service response agency within the City, parts of Gregg and Harrison County, and regionally, which responds to fires and other emergencies; and,

WHEREAS, emergency services response, training and equipment needs are an ever evolving cost to our City; and,

WHEREAS, funds are available from non-profit donated resources which are designed to facilitate emergency responder equipment needs; and,

WHEREAS, these funds are available at no matching cost to our community; and,

WHEREAS, these funds will enhance or improve existing programs or equipment which is dedicated to state, regional and local emergency response and management; 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 accept and expend Longview Fire Foundation donated funding in the total amount of \$18,450.00.

Section 3. That the City Manager through the City Manager's designee, is hereby authorized to execute all necessary documents, as approved by the City Attorney's Office, incident to securing and expending said donated funds referenced herein from the Longview Fire Foundation.

Section 4. These funds will be utilized for the purchase of fire department protective equipment and Stop-the-Bleed safety training kits.

Section 5. That no cost or matching funds are required to receive and expend said funds.

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

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

PASSED AND APPROVED this 25<sup>th</sup> day of April, 2019

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Andy Mack  
Mayor

ATTEST:

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Angie Shepherd  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R FIRE 2019 FIRE FOUNDATION FUNDS 4-25-19

**ACTION TO SUSPEND THE EFFECTIVE DATE PROPOSED BY CENTERPOINT ENERGY RESOURCES CORP., BEAUMONT/EAST TEXAS DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM FOR 45 DAYS**

**DESCRIPTION:**

The City is a member of the Alliance of CenterPoint Municipalities (ACM). The ACM group was organized by a number of municipalities served by CenterPoint Energy Resources Corp., Beaumont/East Texas Division (“CenterPoint”).

Under section 104.301 of the Gas Utility Regulatory Act (GURA), a gas utility is allowed to request increases in its rates to recover a return on investments it makes between rate cases. This section of GURA is commonly referred to as the “GRIP” statute, that is, the “Gas Reliability Infrastructure Program.”

On or about March 28, 2019 CenterPoint Energy Resources Corp., Beaumont/East Texas Division (“CenterPoint”) filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program (“GRIP”). CenterPoint’s application if approved by the Commission will result in an increase in the monthly customer charges as shown below:

Rate Schedules	Current Customer Charge	Proposed 2019 “GRIP” Adjustment	Proposed 2019 Charge	Proposed Percentage Increase
R-2091-GRIP 2019 - Residential	\$22.45	\$1.56	\$24.01	7%
GSS-2091-GRIP 2019- General Service Small	\$34.06	\$2.50	\$36.56	7%
GSLV-622-GRIP 2019 - General Service Large Volume	\$117.45	\$15.45	\$132.90	13%

Although the City’s ability to review and effectuate a change in CenterPoint’s requested increase is limited, the City should exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries, including increases requested under the GRIP statute to ensure compliance with the requirements of that law.

To exercise its due diligence, it is necessary to suspend

CenterPoint's proposed effective date of May 27, 2019 for forty-five days, so that the City can evaluate whether the data and calculations in CenterPoint's rate application are correctly done.

Therefore, ACM's Special Counsel, the law firm of Herrera Law & Associates, PLLC (through Alfred R. Herrera) recommends that the City adopt a resolution suspending CenterPoint's proposed effective date for 45 days. Assuming a proposed effective date of May 27, 2019, CenterPoint's proposed effective date is suspended until July 11, 2019.

**RECOMMENDED ACTION:** Passage of Resolution.

**SOURCE OF FUNDS:** Cities by statute are entitled to recover their reasonable rate case expenses from the utility.

**STAFF CONTACT:** Jim Finley, City Attorney  
903-237-1091  
[jfinley@longviewtexas.gov](mailto:jfinley@longviewtexas.gov)

**COUNCIL DATE:** April 26, 2019



RESOLUTION NO.

A RESOLUTION BY THE CITY OF LONGVIEW, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., BEAUMONT/EAST TEXAS DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "ALLIANCE OF CENTERPOINT MUNICIPALITIES"; REQUIRING THE REIMBURSEMENT OF COSTS; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS on about March 28, 2019 CenterPoint Energy Resources Corp., Beaumont/East Texas Division ("CenterPoint") filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"), resulting in a requested increase in the monthly customer charges as shown in the table below:

Rate Schedules	Current Customer Charge**	Proposed 2019 "GRIP" Adjustment**	Proposed 2019 Charge**	Proposed Percentage Increase**
R-2091-GRIP 2019 - Residential	\$22.45	\$1.56	\$24.01	7%
GSS-2091-GRIP 2019-General Service Small	\$34.06	\$2.50	\$36.56	7%
GSLV-622-GRIP 2019 -General Service Large Volume	\$117.74	\$15.45	\$132.90	13%

\*\* Charges shown are per customer per month; and,

WHEREAS the City has a responsibility to exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries; and,

WHEREAS the application to increase rates by CenterPoint is complex;  
and,

WHEREAS it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in CenterPoint's rate application are correctly done; and,

WHEREAS the effective date proposed by CenterPoint is May 27, 2019 but a suspension by the City will mean that the rate increase cannot go into effect prior to July 11, 2019, NOW, THEREFORE,

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

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

Section 2. The City suspends the requested effective date by CenterPoint for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas Utilities Code. The City finds that additional time is needed in order to review the data and calculations that provide the basis for the rate increase application.

Section 3. The City shall continue to act jointly with other cities that are part of a coalition of cities known as the Alliance of CenterPoint Municipalities ("ACM").

Section 4. The City authorizes the law firm of Herrera Law & Associates, PLLC, to act on its behalf in connection with CenterPoint's application to increase rates.

Section 5. To the extent allowed or required by law, CenterPoint is ordered to pay the City's reasonable rate case expenses incurred in response to CenterPoint's rate increase application within 30 days of receipt of invoices for such expenses to the extent allowed by law.

Section 6. A courtesy copy of this resolution shall be sent to Mr. Keith Wall, Director of Regulatory Affairs, P.O. Box 2628, Houston, Texas 77252-2628 and to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 816 Congress Ave., Suite 950, Austin, Texas 78701.

Section 7. The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 8. This resolution shall become effective from and after its passage.

PASSED AND APPROVED this 25<sup>th</sup> day of April, 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

## **SABINE WATER TREATMENT PLANT CLARIFIERS 1, 2 & 4 PAINTING**

**DESCRIPTION:** Consider a resolution accepting the Sabine Water Treatment Plant Clarifiers 1, 2 & 4 Painting project and authorizing final payment in the amount of \$27,462.00 to J & A Coating, LLC. Approval of final payment will begin the contractors one-year warranty period.

The City Council awarded a contract to J & A Coating, LLC., on July 26, 2018 in the amount of 122,055.00 The final construction cost is \$102,855.00.

The scope of work includes the needed painting improvements to the Sabine Water Treatment Plant Clarifiers 1, 2 and 4. This includes abrasive blast cleaning/painting of the interior and exterior structure, weld repairs and abrasive blast cleaning/painting of the attached walkway, handrail and piping.

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

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

**SOURCE OF FUNDS:** Funding is available from the Water Purification O&M Fund.

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

**COUNCIL DATE:** April 25, 2019

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT ENTITLED "SABINE WATER TREATMENT PLANT CLARIFIERS 1, 2 & 4 PAINTING"; AUTHORIZING AND APPROVING FINAL PAYMENT TO J & A COATING, LLC., OF HUGHES SPRINGS, TEXAS FOR COMPLETION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, on July 26, 2018 the City Council awarded to J & A Coating, LLC, of Hughes Springs, Texas in the amount of \$122,055.00 for the project known as "Sabine Water Treatment Plant Clarifiers 1, 2 & 4 Painting"; and,

WHEREAS, this project involved, among other things, abrasive blast cleaning/painting of the interior and exterior structure, weld repairs and abrasive blast cleaning/painting of the attached walkway, handrails and piping; and,

WHEREAS, the final construction cost for said project is \$102,855.00; and,

WHEREAS, the project has been completed and the contractor, J & A Coating, LLC. has requested final payment in the amount of \$27,462.00; and,

WHEREAS, the final amount of \$27,462.00 is due to the contractor as final payment; and,

WHEREAS, the acceptance of the work by J & A Coating, LLC. of Hughes Springs, Texas on the aforementioned contract and the approval of final payment therefore will begin the one-year warranty period for said work; NOW, THEREFORE,

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

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

Section 2. That the work performed by J & A Coating, LLC., of Hughes Springs, Texas on the project known as “Sabine Water Treatment Plant Clarifiers 1, 2 & 4 Painting” is hereby accepted as complete and the final payment in the amount of \$27,462.00 for the completion of said project is hereby approved.

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

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

PASSED AND APPROVED this 25<sup>th</sup> day of April, 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 SABINE WTP CLARIFIER PAINTING 4-25-19

## ANNUAL APPROVAL OF INVESTMENT POLICY

<b>DESCRIPTION:</b>	<p>The Public Funds Investment Act (PFIA), Chapter 2256 of the Texas Statutes provides for the investment of public funds. The City developed and adopted its Investment Policy in accordance with the PFIA in 1996. One requirement of the PFIA is that Cities review, and if needed, revise their policy on an annual basis. There are a few minor changes to the language in the Policy in the current year, which are intended to clarify the policy. These changes are highlighted in the attached Policy for your convenience.</p> <p>The broker/dealer list for authorization is an appendix of the Policy. This complies with the PFIA requirements of an annual authorized list of broker/dealers.</p>
<b>RECOMMENDED ACTION:</b>	Consider resolution approving the City of Longview's Investment Policy.
<b>STAFF CONTACT:</b>	Angela Coen, Director of Finance 903-239-5521 <a href="mailto:acoen@ci.longview.tx.us">acoen@ci.longview.tx.us</a>
<b>COUNCIL DATE:</b>	April 25, 2019



RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPROVING AND ADOPTING THE INVESTMENT POLICY FOR THE CITY OF LONGVIEW IN ACCORDANCE WITH THE PUBLIC FUNDS INVESTMENT ACT AND THE APPLICABLE PROVISIONS OF THE LONGVIEW CITY CHARTER; FINDING 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 Council of the City of Longview, Texas, has previously considered and approved a resolution adopting an investment policy for the City of Longview, including a separate written investment strategy for each of the funds or group of funds under the City Council's control; and,

WHEREAS, the aforesaid prior investment policy was approved and adopted in accordance with the provisions of the Public Funds Investment Act, Texas Government Code Chapter 2256, and with the provisions of Sections 9.13(d) and (e) and 10.03 of the Longview City Charter specifying responsibilities of the City Manager and the City Council with regard to the custody of, responsibility for, and investment of any and all City funds; and,

WHEREAS, the City Council has reviewed the City's investment policy and investment strategies as required by law and any changes to said policy and strategies adopted herein are shown in the attached Exhibit A; NOW, THEREFORE,

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

Section 1. That the findings and provisions set out in the preamble to this

resolution are hereby in all things approved and adopted.

Section 2. That the City of Longview has complied with the requirements of the Public Funds Investment Act, Texas Government Code Chapter 2256 and with the requirements of Sections 9.13(d) and (e) and 10.03 of the Longview City Charter.

Section 3. That the City of Longview Investment Policy, as attached hereto as Exhibit A, is hereby approved and adopted as the Investment Policy of the City of Longview.

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

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

PASSED AND APPROVED this 25<sup>th</sup> day of April, 2019.

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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 FINANCE INVEST POLICY 4-25-19

**EXHIBIT A**

**City of Longview, Texas**

**Investment Policy**

Date of Original Adoption:  
June 13, 1996

Date of Last Revision and Adoption  
April 25, 2019

Prepared by the Finance Department

Approved by the City Manager's Office

Confirmed by the City Council with Resolution #

## **I. Policy Statement**

The City of Longview, Texas (the City), has adopted this Investment Policy (the Policy) to ensure the prudent management of City funds. All such funds shall be invested in accordance with this Policy, and in compliance with the Texas Public Funds Investment Act and all other laws and regulations governing the investment of public funds. Chapter 2256 of the Texas Government Code (the Public Funds Investment Act) requires each investing entity to adopt a written investment policy regarding the investment of its funds and funds under its control.

## **II. Scope of Policy**

### **A. Funds Included**

This Policy covers all financial assets of the City accounted for in the Comprehensive Annual Financial Report, including, but not limited to: General Fund, Special Revenue Funds, Enterprise Funds, Trust and Agency Funds, Capital Project Funds, and any other funds created and not specifically exempted.

### **B. Funds Excluded**

This Policy shall not govern funds which are managed under separate investment programs. Such funds currently include: funds established by the City for deferred employee compensation plans, the City's participation in the Texas Municipal Retirement System, Firemen's Pension Fund, and defeased bonds that are held in trust escrow accounts. The City will maintain responsibility for these funds as required by Federal and State Law and the City Charter and Code.

## **III. Objectives of Policy**

The City's funds shall be invested in accordance with all applicable City policies and codes, Texas statutes, and Federal regulations, and then shall consider, in order of priority: the protection of principal, liquidity, diversification, and yield. Investments for the City will be made for the purpose of earning income and not speculation.

### **A. Safety**

The primary objective of the City's investment program is preservation of capital and protection of investment principal.

### **B. Liquidity**

Secondarily, the City's investment portfolio shall remain sufficiently liquid to enable the City to meet all reasonably anticipated operating requirements.

C. Public Trust

All participants in the City's investment process shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction which might impair public confidence in the City's ability to administer effectively.

D. Diversification

The City's investment portfolio shall be diversified to avoid incurring unreasonable market risks.

E. Yield

Investments shall be managed to attain a market rate of return consistent with the objectives of safety and liquidity.

#### **IV. Investment Training**

The City shall provide periodic training in investments for the investment personnel through courses and seminars offered by professional organizations and associations in order to insure the quality and capability of investment management. Independent training sources must be approved by the City Council and must cover investment controls, security types and risks, portfolio strategy and market risks, diversification of the investment portfolio, and compliance with the Public Funds Investment Act.

Each Investment Officer shall attend at least one training session accumulating at least 10 hours of instruction from an independent source relating to the Officer's responsibilities described herein within 12 months after assuming investment responsibilities. On a continuing basis each Investment Officer shall attend at least 8 hours of similar investment training sessions not less than once in a two-year period that begins on the first day of the City's fiscal year.

Authorized investment training sources are: Texas Municipal League (TML), Government Finance Officers Association of Texas (GFOAT), Government Treasurer's Association of Texas (GTOT), University of North Texas (UNT), Council of Governments (COG), American Institute of Certified Public Accountants (AICPA), and Government Finance Officers Association (GFOA).

#### **V. Delegation of Authority**

Management responsibility for the investment program is assigned to the City Manager

with delegation by him to the Director of Financial Services, Finance Manager and Accountant (the "Investment Officers"), as provided for in the City's Home Rule Charter. The Director of Financial Services is designated as the primary Investment Officer and is responsible for establishing a system of controls to regulate the activities of designated subordinates.

## **VI. Internal Controls**

The City shall develop written administrative procedures and internal controls consistent with this Policy for the operation of the City's investment program. Such procedures shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, or imprudent actions by employees of the City.

In conjunction with the annual audit, a compliance audit shall be conducted of management controls on investments and adherence to the City's established investment policies. Additionally, the quarterly reports shall be formally reviewed at least annually by the City's independent auditor, and the results of the review shall be included in the annual report to City Council by the auditor. If the investments have been limited to money market mutual funds, investment pools, or depository bank investments, such as certificates of deposit or money market accounts, the reports are not subject to this annual review.

## **VII. Prudence**

The standard of prudence to be used by both internal and external investment officers of the City shall be the "Prudent Person Rule" as set forth in Section 2256.006 of the Texas Government Code. The Prudent Person Rule states that "Investments shall be made with judgment and care, under prevailing circumstances that a person of prudence, discretion and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital as well as the probable income to be derived." This standard of prudence to be used by Investment Officers shall be applied in the context of managing an overall portfolio of funds, rather than a consideration as to the prudence of a single investment.

The City's investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The City recognizes that no investment is totally without risk and that the investment activities of the City are a matter of public record. Accordingly, the City recognizes that occasional measured losses may occur in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of an investment is in the best long-term interest of the City.

Investment Officers acting in accordance with established procedures and exercising

due diligence shall be relieved of personal responsibility for an individual issuer's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion to the City Council and appropriate action is taken to control adverse developments.

### **VIII. Conflict of Interest**

Investment Officers and employees involved in the investment process will refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair or create the impairment of their ability to make impartial investment decisions. Investment Officers and employees shall disclose to the City Manager any material financial interest in business organizations that conduct business with the City and shall further disclose any material, personal investment positions that could be related to the performance of the City's portfolio. Investment Officers and employees shall subordinate their personal investment transactions to those of the City, particularly with regard to the timing of purchases and sales.

An Investment Officer who is related within the second degree by affinity or consanguinity to individuals seeking to sell an investment to the City, or has a personal business relationship with a business organization offering to engage in an investment transaction with the City, shall file a statement disclosing that relationship with the Texas Ethics Commission and the City Council.

### **IX. Selection of Broker/Dealers**

City Council shall annually review and adopt a list of qualified broker/dealers authorized to engage in investment transactions with the City (Appendix A). The Investment Officers shall maintain a list of broker/dealers approved for investment purposes, and it shall be the policy of the City to purchase securities only from those authorized firms.

To be eligible, a firm must meet at least one of the following criteria:

1. Be recognized as a Primary Dealer by the Federal Reserve Bank of New York or have a Primary Dealer within its holding company structure,
2. Report voluntarily to the Federal Reserve Bank of New York,
3. Qualify under Securities and Exchange Commission (SEC) Rule 15c3-1 (Uniform Net Capital Rule).

The Investment Officers will recommend broker/dealers on the basis of their expertise in public cash management and their ability to provide service to the City's account.

Local government investment pools and discretionary investment management firms must sign a certification acknowledging that the business organization has received and thoroughly reviewed the City's Investment Policy and have implemented reasonable

procedures and controls in an effort to preclude all investment activities that are not authorized by the City's Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards or relates to investment transactions of the City that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority. An Investment Officer of the City may not enter into a transaction with a firm that has not filed this instrument.

## **X. Safekeeping and Custody**

The City shall select one or more financial institutions to provide safekeeping and custodial services for the City. A City approved Safekeeping Agreement shall be executed with each financial institution prior to utilizing that bank's safekeeping services. To be eligible for designation as the City's safekeeping or custodian bank, a financial institution shall be a member of the FDIC and shall qualify as a depository of public funds in the State of Texas as defined in Chapter 105 of the Texas Government Code.

The purchase and sale of securities and repurchase agreement transactions shall be settled on a delivery versus payment basis. Ownership of all securities shall be perfected in the account of the City, and sufficient evidence of title shall be consistent with modern investment, banking and commercial practices.

All fed wireable, book-entry securities owned by the City shall be evidenced by a safekeeping receipt or a customer confirmation issued to the City by the safekeeping bank stating that securities are held in the Federal Reserve System in a customer account for the safekeeping bank which will name the City as "customer".

All DTC eligible securities shall be held in the safekeeping bank's Depository Trust Company (DTC) participant account and the custodian bank shall issue a safekeeping receipt evidencing that the securities are held for the City as "customer".

All non-book entry securities (physical delivery) shall be held by the safekeeping bank or its correspondent bank, and the custodian shall issue a safekeeping receipt to the City evidencing that the securities are held by the correspondent bank for the City as "customer".

The City's safekeeping bank will be required to furnish the City with monthly reports of holdings and safekeeping activity.

## **XI. Competitive Transactions**

It is the policy of the City to provide a competitive environment for all individual security



purchases and sales, financial institution deposits, and money market mutual fund and local government investment pool selections. The Investment Officers shall develop and maintain procedures for ensuring competition in the investment of the City's funds.

## **XII. Authorized Investments**

All investments of the City shall be in accordance with Chapter 2256 of the Texas Government Code. It is the intent of the City that the list of securities be strictly interpreted. Maturity limitations vary by fund type. Please see Section XV, Investment Strategy by Fund Type of this Investment Policy. The City has further restricted the investment of funds to the following types:

- A. U.S. Treasury Obligations: Treasury Bills, Treasury Notes, Treasury Bonds, and Treasury Strips.
- B. Federal Agency and Instrumentality Obligations: Debentures, discount notes, callables, step-up bonds, and other obligations issued by the following only: Federal Home Loan Bank (FHLB), Federal National Mortgage Association (FNMA), Federal Farm Credit Bank (FFCB), Federal Home Loan Mortgage Corporation (FHLMC), Federal Agricultural Mortgage Corporation (FAMC), and Federal Deposit Insurance Corporation (FDIC).
- C. Direct obligations of the State of Texas or its agencies and instrumentalities.
- D. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by the State of Texas or the United States or its agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.
- E. Obligations of states, agencies, counties, cities, and other political subdivisions of any state, rated as to investment quality by nationally recognized statistical ratings organization (NRSRO) at least A or its equivalent.
- F. Financial Institution Deposits that are placed in compliance with Section 2256.010 and Chapter 2257 of the Texas Government Code.
- G. Repurchase Agreements placed in compliance with Section 2256.011. For the purpose of this section, the term collateral shall mean purchased securities under the terms of the City's approved repurchase agreement. The purchased securities shall have a minimum market value including accrued interest of 103% of the dollar value of the transaction. Collateral shall be held in the City's third-party custodian bank, and the market value of the collateral securities shall be marked-to-the-market daily.

Repurchase Agreements shall be entered into only with counterparties who have executed a City approved Repurchase Agreement with the City Business organizations approved as Repurchase Agreement counterparties shall have a short-term credit rating of A-1 or the equivalent and a long-term credit rating of at least A or the equivalent by each NRSRO that rates the firm. The City shall maintain copies of the executed Repurchase Agreements.

- H. Money Market Mutual Funds registered under the Investment Company Act of 1940 that are “no-load” (meaning no commission or fee shall be charged on purchases or sales of shares); have a stated objective to maintain a daily net asset value per share of \$1.0000; limit assets of the fund to “government” obligations; have a maximum stated maturity and weighted average maturity in accordance with Federal Securities Regulation 2a-7; and have a rating of at least AAAM or the equivalent.
- I. Local Government Investment Pools authorized under Section 2256.016 of the Texas Government Code that are “no-load” (meaning no commission or fee shall be charged on purchases or sales of shares); have a stated objective to maintain a daily net asset value per share of \$1.00; limit assets of the fund to securities authorized by the Public Funds Investment Act; and have a rating of at least AAAM or the equivalent.

Furthermore, to be eligible as an authorized investment, the investment pool must comply with the disclosure and reporting requirements of Section 2256.016 of the Texas Government Code.

The following investment instruments are not authorized for purchase by the City:

1. Collateralized Mortgage Obligations with a stated final maturity greater than ten years.
2. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
3. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
4. Inverse floating rate collateralized mortgage obligations.

Any deviation from this list must be pre-approved by the City Council. Investments purchased prior to this Policy’s revision that do not meet the revised requirements of this Policy are not required to be liquidated. The Investment Officers shall monitor each investment’s status to determine whether it is in the best interest of the City to hold or liquidate the investment.

Any Authorized Investment that requires a minimum rating does not qualify during the period the investment does not have the minimum rating. The City shall monitor the

rating of each issuer, as applicable, at least quarterly, and take all prudent measures that are consistent with this Policy to liquidate an investment that does not have the minimum rating.

### **XIII. Collateral Policy**

The City has established a collateral policy in compliance with Government Code Chapter 2257, Collateral for Public Funds. The collateral policy requires that deposits be secured with pledged collateral with a market value equal to no less than 103 percent of the principal plus accrued interest of the deposit, less any amount insured by the FDIC. Security may be in the form of surety bonds, federal deposit insurance, letters of credit issued by a federal agency or instrumentality, or a pledge of marketable securities maintained by a third-party custodian in the City's account. At its discretion, the City may accept or reject any proposed collateral and/or require a higher level of pledge for any proposed collateral. Substitutions and release of pledged securities may be made after obtaining written authorization from an Investment Officer. Collateral pledge receipts and monthly collateral reports shall be provided or verified by the custodian which includes an itemized listing of pledged securities and, may include, market value as of the statement date.

Financial institutions serving as City depositories will be required to sign a depository or collateral agreement with the City. The custodial portion of the agreement shall define the City's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- the agreement must be in writing;
- the agreement has to be executed by the depository and the City contemporaneously with the acquisition of the asset;
- the agreement must be approved by the board of directors or the designated committee of the depository and a copy of the meeting minutes must be delivered to the City; and
- the agreement must be part of the depository's "official record" continuously since its execution.

### **XIV. Diversification**

It is the intent of the City to diversify investments within the portfolio to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions, or maturities. The asset allocation in the portfolio should be flexible depending upon the outlook for the economy, market conditions, and the City's anticipated cash flow needs.

## XV. Investment Strategy by Fund Type

**Concentration Fund:** The Concentration Fund consolidates the investment of the Operating Governmental, Operating Enterprise, and Operating Special Revenue. These funds shall have as their primary objectives: safety of principal and maturity liquidity sufficient to meet anticipated cash flow requirements.

1. **Suitability:** Any investment eligible in the Investment Policy is suitable.
2. **Safety:** All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. Managing the weighted average days to maturity for the Concentration Fund's portfolio to two years or less and restricting the maximum allowable maturity to five years will minimize the price volatility of the overall portfolio.
3. **Liquidity:** The Concentration Fund requires the greatest short-term liquidity. Short-term Financial Institution deposits, investment pools and money market mutual funds will provide daily liquidity and may be utilized as a competitive yield alternative to fixed maturity investments.
4. **Marketability:** Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement
5. **Diversification:** Investment maturities should be staggered throughout the cash flow cycle. Diversifying the appropriate maturity structure out through two years will reduce market cycle risk.
6. **Yield:** Attaining a competitive market yield for comparable security-types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling one year Treasury-Bill portfolio will be the minimum yield objective.

**Debt Service Funds:** The Debt Service Funds consist of General Obligation Debt Service, Revenue Debt Service, and Revenue Debt Reserve Funds. These funds shall have as their objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the bond documents.

1. **Suitability:** Any investment eligible in the Investment Policy is suitable.
2. **Safety:** All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Debt Service Funds to not exceed the debt service payment schedule the market risk of the overall portfolio will be minimized.
3. **Liquidity:** Debt Service Funds have predictable payment schedules with reduced liquidity requirements. Investment maturities should not exceed the anticipated cash flow requirements. Financial Institution deposits, investment pools and money market mutual funds may provide a competitive yield alternative for short term fixed maturity investments.
4. **Marketability:** Securities with active and efficient secondary markets are not necessary as the event of an unanticipated cash flow requirement is not probable.
5. **Diversification:** Market conditions influence the attractiveness of fully

extending maturity to the next “unfunded” payment date. At no time shall investment maturity exceed the debt service schedule in an attempt to bolster yield.

- 6. Yield:** Attaining a competitive market yield for comparable security-types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling three-month Treasury-Bill portfolio will be the minimum yield objective.

**Capital Projects Funds:** Capital Project Funds may be consolidated in the Concentration Fund or separately invested. Investment strategies for separately invested Capital Project Funds shall have as their primary objective sufficient investment liquidity to timely meet capital project obligations. If the City has funds from bond proceeds, they shall also be invested in accordance with provisions in the bond documents.

- 1. Suitability:** Any investment eligible in the Investment Policy is suitable.
- 2. Safety:** All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Capital Project Funds to not exceed the anticipated expenditure schedule the market risk of the overall portfolio will be minimized.
- 3. Liquidity:** Capital Project Funds programs usually have reasonably predictable draw schedules reducing liquidity requirements. Financial Institution deposits, investment pools and money market mutual funds will provide readily available funds or a competitive yield alternative for short term fixed maturity investments.
- 4. Marketability:** Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement.
- 5. Diversification:** Market conditions and arbitrage regulations influence the attractiveness of staggering the maturity of fixed rate investments for Capital Project Funds. Generally, when investment rates exceed the applicable cost of borrowing, the City is best served by locking in most investments. If the cost of borrowing cannot be exceeded, then concurrent market conditions will determine the attractiveness of diversifying maturities or investing in shorter and larger amounts. A “flexible repurchase agreement,” or similar option, may be appropriate. At no time shall the anticipated expenditure schedule be exceeded in an attempt to bolster yield.
- 6. Yield:** Achieving a positive spread to the applicable borrowing cost is the desired objective. Capital Project Fund portfolio management shall at all times operate within the limits of the Investment Policy’s risk constraints.

## **XVI. Performance Benchmarks**

The investment portfolio shall be designed to attain a market rate of return throughout budgetary and economic cycles, taking into account prevailing market conditions, risk constraints for eligible securities, and cash flow requirements. The performance measurement of the investment portfolio shall be weighted average yield to maturity.

When comparing the performance of the investment portfolio, all fees involved with managing it shall be included in the computation of its rate of return net of fees.

### **XVII. Investment Reports**

The Investment Officers and other investment officials, under the direction of the Director of Financial Services shall submit an investment report quarterly to the City Manager and City Council. The report must contain the following information:

- A. Investment position of the City on the date of the report;
- B. A signature of each Investment Officer of the City;
- C. A summary statement of each pooled fund or individual portfolio, that states: the beginning market value for the reporting period, the ending market value for the period, and any fully accrued interest for the reporting period;
- D. The maturity date of each separately invested asset that has a maturity date;
- E. State the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested, the method to monitor the market price of investments acquired is to check valuations from sources independent to the transaction;
- F. State the average maturity of each portfolio;
- G. State the compliance of the investment portfolio as it relates to the investment strategy expressed in the City's Investment Policy and compliance with all laws governing the City's investments.

### **XVIII. Annual Review and Adoption of Investment Policy and Strategies**

At least annually, the City Council shall adopt a written instrument by resolution stating that it has reviewed the City's Investment Policy and incorporated investment strategies. The written instrument so adopted shall record any changes made to either the Investment Policy or the investment strategies.

Appendix A  
Authorized Broker/Dealers

FTN Financial Capital Markets  
Multi-Bank Securities  
Mutual Securities  
Oppenheimer  
Raymond James  
Rice Financial  
Wells Fargo Securities

**PROPERTY ACQUISITION -  
LONGVIEW POLICE  
DEPARTMENT**

**DESCRIPTION:** Consider an Ordinance authorizing City staff to acquire certain property located at 609-611 Luckett St and 510 1/2 Pearl St described as Lots 35 & 36F, NCB 223, Longview McNutt Acreage, City of Longview, Gregg County, Texas, designated as parcels 2019-P-007 and 2019-P-008, respectively, in fee simple in the amount of \$58,000 as is required to complete the construction of the new Longview Police Department.

**RECOMMENDED ACTION:** Passage an Ordinance

**SOURCE OF FUNDS:** Public Safety Bond Fund

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

**COUNCIL DATE:** April 25, 2019



ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND APPROVING THE ACQUISITION OF REAL PROPERTY LOCATED AT 609-611 LUCKETT STREET AND 510 ½ PEARL STREET AND DESCRIBED AS LOTS 35 & 36F, NCB 223, LONGVIEW MCNUTT ACREAGE, CITY OF LONGVIEW, GREGG COUNTY, TEXAS (GCAD ACCOUNTS #34113 AND #34119) AND DESIGNATED WITH THE UNIQUE PARCEL NUMBERS 2019-P-007 AND 2019-P-008, RESPECTIVELY, ACCORDING TO THE CITY'S UNIQUE NUMBERING SYSTEM; AUTHORIZING THE CITY MANAGER OR CITY MANAGER'S DESIGNEE TO NEGOTIATE, FINALIZE, EXECUTE, AND ACCEPT FORMAL DEEDS, AGREEMENTS, AND OTHER DOCUMENTS INCIDENT TO SAID ACQUISITION; 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; CONDITIONING THE AUTHORIZATION PROVIDED HEREIN ON THE APPROVAL OF ALL DOCUMENTS BY THE CITY ATTORNEY'S OFFICE; FINDING 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 of Longview (the "City") desires to construct a new police department building to accommodate a growing police force as needed to provide for public safety; and,

WHEREAS, those certain parcels of land with the legal description of Lots 35 & 36F, NCB 223, Longview McNutt Acreage, City of Longview, Gregg County, Texas, and the street addresses of 609-611 Lockett Street and 510 ½ Pearl Street are located within the area designated for the new police department building; and,

WHEREAS, the City of Longview has designated the aforesaid parcels with the unique numbers 2019-P-007 and 2019-P-008, respectively, in accordance with the unique numbering system used by the City for property acquisition; and,

WHEREAS, the City Council hereby finds and determines that the acquisition of said parcels is necessary for the construction of the aforesaid police department building; and,

WHEREAS, the City Council finds and determines that the purchase of the aforesaid parcels is in the best interest of the City and is conducive to the health, safety and welfare of the citizens of the City; and,

WHEREAS, said purchase is an arms-length transaction negotiated between a willing buyer and a willing seller; and,

WHEREAS, funding for the acquisition authorized herein will be provided by public safety bond funds; NOW, THEREFORE,

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

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

Section 2. That the City Council hereby approves the acquisition of the property known as Lots 35 & 36F, NCB 223, Longview McNutt Acreage, City of Longview, Gregg County, Texas, and designated with the unique parcel numbers of 2019-P-007 and 2019-P-008 according to the City's unique numbering system.

Section 3. That the City Manager or the City Manager's designee is hereby authorized to acquire the aforesaid 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 property, including without limitation such surveys of the property described herein as may be obtained by the City or by the seller, and that any such documents heretofore executed by the City Manager or the City Manager's designee are hereby ratified and approved.

Section 4. 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 said property is located any and all instruments incident to the acquisition approved herein.

Section 5. That the total consideration to be paid by the City of Longview to the seller for all of the property described herein shall not exceed \$58,000.00.

Section 6. 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 property described herein.

Section 7. That the purchase, acceptance, and use of property authorized herein are for a public purpose.

Section 8. That the authorization provided herein is conditioned upon the receipt and approval of all agreements, deeds, and other documents authorized herein in a form acceptable to the City Attorney's Office.

Section 9. 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 10. That this ordinance shall be effective immediately from and after its passage.

PASSED AND APPROVED this 25<sup>th</sup> day of April, 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 PW ACQUISITION 609-611 LUCKETT & 510 ½ PEARL FOR POLICE 4-25-19