



---

## City Council Meeting Agenda

5:30 p.m.  
February 27, 2014  
300 West Cotton Street  
Jo Ann Metcalf Municipal Building  
City Hall Council Chamber

- I. **Call to Order**
- II. **Invocation**
- III. **Pledge of Allegiance**
- IV. **Citizen Comment**
- V. **Presentation Items**
  - A. Presentation to Council of recent ISO audit of Building Codes currently in use in the City of Longview – Skip Whittle, C.B.O. Building Official, Building Inspection.
  - B. Presentation to Council of the Pedestrian Transit Access Plan – Brooke Droptini, P. E., Freese & Nichols.
- VI. **Consent Agenda**
  - A. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager's designee to execute any documents with Independence Fuel Systems, LLC for compressed natural gas – Dwayne Archer, Fleet/Sanitation Manager. [Pages 3 - 7](#)
  - B. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents with Noble Enterprises – Noble Security of Longview, Texas for armored car service – Jaye Latch, Purchasing Manager. [Pages 8 - 11](#)

- C. Consider a Resolution authorizing the City Manager or the City Manager's designee to enter into an enterprise license agreement with Azteca Systems, Inc. in the amount of \$60,000.00 for asset management and permitting system software maintenance – Justin Cure, Information Services Manager. [Pages 12 - 15](#)
- D. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager's designee to execute any documents with RPR Construction Co., Inc. of Tyler, Texas, for construction of the "Longview Transit Garage Renovation" project in the amount of \$180,000.00 – Kevin Cummings, Director of Development Services. [Pages 16 - 19](#)
- E. Consider a Resolution adopting and reconfirming tax abatement guidelines and criteria – Mary Ann Miller, Assistant to the City Manager. [Pages 20 - 30](#)
- F. Consider approval of the following minutes: February 13, 2014 – Shelly Ballenger, City Secretary. [Page 31](#)

## **VII. Action Item**

Consider a Resolution authorizing city staff to acquire right-of-way parcel 2013-H-001, utility easement 2013-U-032, and temporary easement 2013-T-023 either by agreement or by using eminent domain to condemn said parcel and easements in furtherance of the Fourth Street Extension Project – Keith Bonds, P. E., Director of Public Works. [Pages 32 - 37](#)

## **VIII. Items of Community Interest**

## **IX. 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.

## COMPRESSED NATURAL GAS

<b>DESCRIPTION:</b>	<p>This item would allow for the purchase of compressed natural gas for use in the City's 8 refuse trucks that are currently on order with East Texas Mack, Inc. The purchase of the CNG refuse trucks is part of the City's simplified collection plan for trash and recycling that was approved by council on August 22, 2013, Resolution #4658.</p> <p>Independence Fuel Systems, LLC of Longview, Texas has the only compressed natural gas (CNG) fueling station in Longview. They have agreed to install an additional fast-fill CNG station on Mobile Drive, as well as 8 slow fill CNG stations at the City of Longview Public Works facility at 933 Mobile Drive. The Sanitation Department estimates spending approximately \$95,000.00 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>	<p>Approval of a contract to purchase compressed natural gas from Independence Fuel Systems, LLC using the sole source provision in the Local Government Code.</p>
<b>SOURCE OF FUNDS:</b>	<p>Motor Vehicle Fuel Account; 023-032-000-2245</p>
<b>STAFF CONTACTS:</b>	<p>Dwayne Archer, Fleet and Sanitation Manager 903-237-1287 <a href="mailto:darcher@longviewtexas.gov">darcher@longviewtexas.gov</a></p> <p>Keith Bonds, P.E. Director of Public Works 903-237-1051 <a href="mailto:kbonds@longviewtexas.gov">kbonds@longviewtexas.gov</a></p>
<b>COUNCIL DATE:</b>	<p>February 27, 2014</p>

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 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 (hereinafter called the "City") is purchasing eight (8) refuse trucks for use by the Sanitation Division in providing trash collection services; and,

WHEREAS, said refuse trucks will use compressed natural gas as fuel; and,

WHEREAS, Independence Fuel Systems, LLC, of Longview, Texas, operates the only compressed natural gas fueling station in Longview and, as such, is the only source of compressed natural gas fuel in Longview; and,

WHEREAS, Independence Fuel Systems, LLC, is willing to build a second compressed natural gas fueling station in Longview and to run lines to make eight slow-fill stations at the City of Longview Public Works facility where the aforementioned refuse trucks will be housed; and,

WHEREAS, as a result of the foregoing, the City Council finds and determines that the purchase of the compressed natural gas required to fuel the aforementioned refuse trucks and other City-owned vehicles that may operate on compressed natural gas 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 compressed natural gas during the City's current fiscal year is provided from the Motor Vehicle Fuel account number 023-032-000-2245; 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 compressed natural gas 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 compressed natural gas from Independence Fuel Systems, LLC, of Longview, Texas.

Section 4. That the authorization provided herein is contingent upon all of the following:

- a) 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; and,
- b) the term of any contract authorized herein shall not exceed five (5) years.

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

PASSED AND APPROVED this 27<sup>th</sup> day of February, 2014.

---

Jay Dean  
Mayor

ATTEST:

---

Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

---

Jim Finley  
City Attorney

R PW SOLE SOURCE COMPRESSED NATURAL GAS 2-27-14

## 1314-07 ARMORED CAR SERVICE

**DESCRIPTION:** This item is for an annual agreement for Armored Car service to transport cash receipts in sealed bags from various City locations to the City's selected Bank Depository, which is currently Southside Bank. The selected armor car service would pick up cash receipts from four city departments on a daily basis.

On January 14, 2014, bid documents were mailed and emailed to armored car service vendors and posted on the City of Longview website. Bids were advertised in the local newspaper on January 14, 2014, and January 21, 2014. On January 29, 2014, two bids were on file.

The bids are as follows:  
Noble Security - Longview, TX - \$13.50 per pick up  
Dunbar Armored, Inc. - Hunt Valley, MD - \$25.38 per pick up

**RECOMMENDED ACTION:** Approval of the Resolution awarding Noble Security the Armored Car Service Bid #1314-07.

**SOURCE OF FUNDS:** 001-006-000-5111,010-070-000-5111,001-050-000-5160,001-005-000-5160,001-038-000-5160 Contractual Services, Special Service.

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

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

**COUNCIL DATE:** February 27, 2014

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

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

WHEREAS, the City of Longview issued and advertised an invitation to bid for armored car service to transport cash receipts from various City locations to the City's selected bank depository; and,

WHEREAS, Noble Enterprises - Noble Security of Longview, Texas, submitted the lowest and best bid for said armored car service; and,

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

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

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

Section 2. That the bid submitted by Noble Enterprises - Noble Security of Longview, Texas, is the lowest and best bid submitted to the City of Longview for armored car services.

Section 3. That the City of Longview hereby accepts the aforementioned bid from Noble Enterprises - Noble Security of Longview, Texas.

Section 4. That the total amount of the contract for armored car service to be provided by Nobel Enterprises - Noble Security of Longview, Texas, shall not exceed budgeted funds for the corresponding fiscal year.

Section 5. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, are hereby authorized and directed to execute any and all contracts and other documents, as approved by the City Attorney's Office incident to the acceptance on behalf of the City of Longview of aforesaid bid from Noble Enterprises - Noble Security of Longview, Texas, for said armored car service.

Section 6. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, is hereby authorized to renew said contract at the City Manager's discretion for up to four additional one-year terms provided that the total amount spent under said contract for any one renewal term shall not exceed funds budgeted for said contract in the concurrent budget year.

Section 7. 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 8. 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 9. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 27<sup>th</sup> day of February, 2014.

---

Jay Dean  
Mayor

ATTEST:

---

Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

---

Jim Finley  
City Attorney

R BID ARMORED CAR SERVICE 2-27-14

## **CITYWORKS ASSET MANAGEMENT AND PERMITTING SOFTWARE MAINTENANCE**

**DESCRIPTION:** Consider a Resolution approving and authorizing the City Manager to enter into an enterprise license agreement with Azteca Systems, Inc. in the amount of \$60,000.00 for asset management and permitting system software maintenance.

The City of Longview has an Enterprise License Agreement (ELA) with Azteca Systems, Inc. for the asset management and permitting software Cityworks. The ELA allows for unlimited use of all Cityworks software. It also reduces administrative costs, provides architectural flexibility, and includes maintenance updates.

**RECOMMENDED ACTION:** Approval of the Resolution

**SOURCE OF FUNDS:** FY 2013 - 2014 GIS Budget

**STAFF CONTACT:** Justin Cure, Information Services Manager  
903-237-1048  
[jcure@longviewtexas.gov](mailto:jcure@longviewtexas.gov)

**COUNCIL DATE:** February 27, 2014

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO NEGOTIATE AND EXECUTE AN ENTERPRISE LICENSE AGREEMENT WITH AZTECA SYSTEMS, INC., IN THE AMOUNT OF \$60,000 FOR ASSET MANAGEMENT AND PERMITTING SYSTEM SOFTWARE MAINTENANCE; CONDITIONING SAID AUTHORIZATION ON THE RECEIPT OF ALL DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND AZTECA SYSTEMS, INC. FOR THE ABOVE REFERENCED SERVICES IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; AUTHORIZING THE RENEWAL OF SAID AGREEMENT AT THE CITY MANAGER'S DISCRETION FOR UP TO FOUR ADDITIONAL ONE-YEAR TERMS PROVIDED THAT THE TOTAL AMOUNT SPENT UNDER SAID AGREEMENT FOR ANY ONE YEAR RENEWAL TERM SHALL NOT EXCEED FUNDS BUDGETED FOR SAID AGREEMENT IN THE CONCURRENT BUDGET YEAR; DETERMINING 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 City of Longview operates an asset management and permitting system named Cityworks; and,

WHEREAS, said Cityworks, must be maintained to allow continuous functionality for the City of Longview; and,

WHEREAS, system maintenance are required components to provide continuous services to meet the needs of the City of Longview; and,

WHEREAS, Azteca Systems, Inc., provides the required enterprise license for the City's asset management and permitting system and the Cityworks software as a sole source vendor; and,

WHEREAS, as a result of the foregoing, the acquisition of said goods and services is exempt from the bidding requirements of Chapter 252 of the Texas Local Government Code; and,

WHEREAS, funding for these services is provided in the 2013-2014 fiscal year from account 042-012-000-5190 (GIS); 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, or other official of the City as shall be required, is hereby authorized and directed to negotiate and execute any and all agreements and other documents, as approved by the City Attorney's Office, incident to an enterprise license agreement with Azteca Systems, Inc., in the amount of \$60,000 for asset management and permitting system software maintenance.

Section 3. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, is hereby authorized to renew said contract at the City Manager's discretion for up to four additional one-year terms provided that the total amount spent under said agreement for any one year renewal term shall not exceed funds budgeted for said contract in the concurrent budget year.

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

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

PASSED AND APPROVED this 27th day of February, 2014.

---

Jay Dean  
Mayor

ATTEST:

---

Shelley Ballenger  
City Secretary

APPROVED AS TO FORM:

---

Jim Finley  
City Attorney

R IT CITYWORKS MAINTENANCE 2-27-14

## LONGVIEW TRANSIT GARAGE RENOVATIONS

**DESCRIPTION:** Consider a Resolution awarding a contract in the amount of \$180,000.00 to and authorizing the City Manager or his designee to execute any necessary documents with RPR Construction of Tyler, Texas, for the construction of the referenced project. The following bids were opened on January 21, 2014:

<u>Bidder</u>	<u>Bid Amount</u>
RPR Construction Co., Inc. (Tyler)	\$180,000.00
TCMC Commercial, LP (Tyler)	\$209,000.00
Darrell Dodd Construction (Emory)	\$225,000.00
Casey Slone Construction (Marshall)	\$227,572.00
RLM General Contractors (Longview)	\$279,557.00

This project is for the renovation of an existing building for to allow for maintenance of large passenger busses.

The Garage renovations are being funded by a Federal Transit Administration (FTA) State of Good Repairs grant. The SGR Bus initiative makes funds available to public transit providers to finance capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct/rehabilitate bus-related facilities.

No local match by the City of Longview is required as the Texas Department of Transportation awarded Transportation Development Credits (TDC's) to this project meaning that the entire drawdown of reimbursements will come from FTA.

The Architect, Johnson & Pace, Inc., and staff have examined the bids and the qualifications of the low bidder and recommends that the City award the contract to RPR Construction in the amount of \$180,000.00.

**RECOMMENDED ACTION:** Passage of Resolution

**SOURCE OF FUNDS:** Funding is available from the FTA grant.

**STAFF CONTACT:** Kevin Cummings  
903-239-5550  
[kcummings@longviewtexas.gov](mailto:kcummings@longviewtexas.gov)

**COUNCIL DATE:** February 27, 2014

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF RPR CONSTRUCTION CO. OF TYLER, TEXAS, FOR CONSTRUCTION OF THE PROJECT ENTITLED "LONGVIEW TRANSIT GARAGE RENOVATIONS"; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND RPR CONSTRUCTION CO. 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 "Longview Transit Garage Renovations"; and,

WHEREAS, this project provides for the renovation of an existing building to allow for maintenance of large passenger busses; and,

WHEREAS, funding for this project is provided from a Federal Transit Administration State of Good Repairs grant; 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 RPR Construction Co. of Tyler, Texas, for construction of the project known as "Longview Transit Garage Renovations"

in the total amount of \$180,000.00 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 RPR Construction Co. of Tyler, Texas, in the total amount of \$180,000.00.

Section 4. That the City Manager, his designee or other official of the City as shall be required, are hereby authorized 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 RPR Construction Co. of Tyler, Texas, for the project known as "Longview Transit Garage Renovations".

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 27th day of February, 2014.

---

Jay Dean  
Mayor

ATTEST:

---

Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

---

Jim Finley  
City Attorney

R BID TRANSIT GARAGE RENOVATION 2-27-14

## RESOLUTION RENEWING THE CITY OF LONGVIEW TAX ABATEMENT POLICY

**DESCRIPTION:** State statute requires that the City of Longview Tax Abatement Policy be approved by the City Council every two years to remain in effect. No changes are recommended to the policy, and if adopted the current abatement policy as written will be reauthorized for another two years.

**RECOMMENDED ACTION:** Approval of the Resolution.

**STAFF CONTACT:** Mary Ann Miller, Assistant to the City Manager  
903-237-1014  
[mmiller@longviewtexas.gov](mailto:mmiller@longviewtexas.gov)

**COUNCIL DATE:** February 27, 2014

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ADOPTING AND RECONFIRMING TAX ABATEMENT GUIDELINES AND CRITERIA; PROVIDING FOR AMENDMENT, REPEAL AND EXPIRATION OF SAID GUIDELINES AND CRITERIA AS REQUIRED BY TEXAS LAW; MAKING AND RECONFIRMING THE CITY'S ELECTION TO PARTICIPATE IN TAX ABATEMENT; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, tax abatements are intended to provide companies an incentive to relocate to Longview or its immediate surroundings or to make major expansions to their existing facilities in Longview or its immediate surroundings; and,

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

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

WHEREAS, the City Council, by means of this resolution, generally wishes to reconfirm its current tax abatement guidelines and criteria; NOW, THEREFORE,

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

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

Section 2. That the City Council hereby adopts and approves the Criteria and Guidelines for Tax Abatement for the City of Longview set forth in the attached Exhibit "A" and that said exhibit is for all purposes incorporated herein and made a part hereof.

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

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

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

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

Section 7. That this resolution shall be effective immediately from and after its date of passage and that, in accordance with Section 312.002 of the Texas Tax Code, the Criteria and Guidelines for Tax Abatement for the City of Longview adopted by this resolution shall be effective for two years from said date.

PASSED AND APPROVED this 27<sup>th</sup> day of February, 2014.

---

Jay Dean  
Mayor

ATTEST:

---

Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

---

Jim Finley  
City Attorney

R TAX ABATE POLICY 2-27-14

Exhibit "A"

**City of Longview  
Policy Statement**

**Amended and Restated Criteria and Guidelines for Tax Abatement**

February 27, 2014

**I. General Purpose and Objectives.**

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

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

**II. Guidelines.**

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

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

- C. To initiate the tax abatement process, a tax abatement applicant shall submit an application to the City Manager of the City of Longview, with a copy of said application to be forwarded by the applicant to the Executive Director of the Longview Economic Development Corporation. The form of the application, and the information required therein, shall be as determined by the City and the Longview Economic Development Corporation. Following receipt of an application, a committee composed of one (1) member each from the City of Longview; the affected county: Gregg or Harrison; and any other taxing unit that wishes to consider granting a tax abatement to the applicant, shall be formed to recommend the adoption or rejection of all applications. The Longview Economic Development Corporation shall serve as staff to the committee. In addition, no tax abatement application shall be considered for further processing by the City of Longview unless first approved by the governing board of the Longview Economic Development Corporation.
  
- D. For any area within the jurisdiction of the City of Longview to be eligible for the tax abatement, it must meet the criteria for designation as a tax abatement reinvestment zone as set forth in the Property Redevelopment and Tax Abatement Act, Texas Tax Code Chapter 312. The City Council may adopt an ordinance designating a tax abatement reinvestment zone only after a public hearing has been held, notice of the public hearing has been published at least seven (7) days before the date of the hearing, and all other procedural requirements of Chapter 312 have been satisfied. Incident to approval of any ordinance designating a reinvestment zone, the City Council shall find that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and to the City after the expiration of the agreement. Any designated tax abatement reinvestment zone shall expire five (5) years from the date of

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

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

### **III. Criteria.**

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

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

1. Industrial, Manufacturing, Distribution, and Service Businesses

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

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

<b>Capital Investment</b>	<b>and/or Minimum Annual Payroll</b>	<b>and/or Jobs Created</b>	<b>Possible Abatement</b>
\$100,000.00 – 200,000.00	125,000	10-25	20%
200,000.01 – 300,000.00	325,000	26-50	30%
300,000.01 – 400,000.00	635,000	51-75	40%
400,000.01 – 500,000.00	945,000	76-100	50%
500,000.01 – 600,000.00	1,260,000	101-125	60%
600,000.01 – 700,000.00	1,570,000	126-150	70%
700,000.01 – 800,000.00	1,880,000	151-175	80%
800,000.01 – 900,000.00	2,190,000	176-200	90%
900,000.01 – 1,000,000.00	2,500,000	201-225	100%

- b. When an abatement percentage has been agreed upon, it shall be granted for years one (1) through three (3). There will be a 25% reduction in the original amount abated beginning with year four (4) and each subsequent year until the 100% property evaluation is added to the tax rolls.
- c. Notwithstanding the foregoing provisions to the contrary, any project with a capital investment of more than one million

dollars (\$1,000,000.00), or an annual payroll of two and one-half million dollars (\$2,500,000.00), or creating more than 225 new full-time jobs will be individually negotiated (and in such case, the possible abatement is 100%, with up to a 10-year duration).

- d. If a business is located or will locate within an Enterprise Zone, an additional 10-20% abatement may be available as individually negotiated, with total abatement not to exceed 100%.
- e. Inventory and/or supplies are eligible as tangible personal property for abatement purposes for industrial, manufacturing, distribution, and service businesses. However, any such abatement for inventory or supplies will be considered by the City on a case-by-case basis. The percentage of such an abatement shall be as approved by the City on a case-by-case basis.

2. Retail/Commercial Businesses

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

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

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

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

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

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

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

- D. The City of Longview shall be responsible for enforcement of the terms of any tax abatement agreement authorized hereunder.

**V. Conclusion.**

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

**CONSIDER APPROVAL OF THE FOLLOWING MINUTES**

February 13, 2014

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY IN THE P.P. RAINS SURVEY, A-258, CITY OF LONGVIEW, GREGG COUNTY, TEXAS, SAID PROPERTY CONSISTING OF A PARCEL OF LAND CONSISTING OF APPROXIMATELY 0.1235 ACRES (PARCEL 2013-H-001), A PERMANENT UTILITY EASEMENT OF APPROXIMATELY 1,503 SQUARE FEET (EASEMENT 2013-U-032), AND A TEMPORARY CONSTRUCTION EASEMENT OF APPROXIMATELY 2,679 SQUARE FEET (EASEMENT 2013-T-023); GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE FOURTH STREET EXTENSION PROJECT; AUTHORIZING THE ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN OR OTHERWISE; 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 (the "City") provides certain facilities and services to its citizens, including certain public streets and public utilities and access to public amenities; and,

WHEREAS, such facilities and services require the construction of capital improvements and the acquisition of parcels, rights-of-way, and easements; and,

WHEREAS, the Fourth Street Extension Project (sometimes called the "Project" hereinafter) will involve, among other things, the construction of approximately 3,200 linear feet of five-lane public roadway and certain associated public drainage improvements, approximately 3,105 linear feet of public sanitary sewer pipeline and appurtenances, and approximately 3,270 linear feet of public water pipeline and

appurtenances, all associated with the extension of Fourth Street from Hawkins Parkway to Texas Highway 259; and,

WHEREAS, the City of Longview Public Works Engineering Department has identified parcels of land, rights-of-way and easements required to enable the City to implement said Project, some of which appear to be owned by Westco Family Limited Partnership, a Texas Family Limited Partnership, and which consist of the following in the P.P. Rains Survey, A-258, City of Longview, Gregg County, Texas, to wit: a parcel of land consisting of approximately 0.1235 acres (which has been assigned the unique number 2013-H-001 in accordance with the City's system for identifying specific parcels), a permanent utility easement of approximately 1,503 square feet (which has been assigned the unique number 2013-U-032 in accordance with the City's system for identifying specific easement parcels), and a temporary construction easement of approximately 2,679 square feet (which has been assigned the unique number 2013-T-023 in accordance with the City's system for identifying specific easement parcels); and,

WHEREAS, the City Council hereby finds and determines that the Project described herein is a public use and further finds and determines that the City intends to acquire the parcels numbered 2013-H-001, 2013-U-032, and 2013-T-023 for said public use; and,

WHEREAS, as a result of the foregoing, the City Council hereby finds and determines that the acquisition of the parcels numbered 2013-H-001, 2013-U-032, and 2013-T-023 is a public necessity; and,

WHEREAS, the City has obtained a professional appraisal for each of the aforesaid parcels and has determined the reasonable and appropriate total market value of said parcels to be the value shown on the attached Attachment B; and,

WHEREAS, the City has provided the aforesaid appraisals to the owners of the parcels numbered 2013-H-001, 2013-U-032, and 2013-T-023; and,

WHEREAS, as required by Texas Property Code Section 21.0112, the City has provided a copy of the "landowner's bill of rights statement" to the owners of the parcels numbered 2013-H-001, 2013-U-032, and 2013-T-023; and,

WHEREAS, each of the parcels described herein will be acquired by and owned by the City and will be used for a public use, as described herein; NOW, THEREFORE,

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

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

Section 2. That the City Council of the City of Longview, Texas, hereby officially determines that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition of certain parcels and easements in, over and across certain tracts of real property located in Gregg County, Texas, as described in the attached Attachment A.

Section 3. That it is the City of Longview's intention to acquire the parcels and easements as set out and described in said Attachment A, said attachment being attached hereto and made a part of this resolution for all purposes, as a necessary part

of the construction of approximately 3,200 linear feet of five-lane public roadway and certain associated public drainage improvements, approximately 3,105 linear feet of public sanitary sewer pipeline and appurtenances, and approximately 3,270 linear feet of public water pipeline and appurtenances, all in furtherance of the Project described herein.

Section 4. That the aforesaid intention includes the necessity for, and so that the public welfare and convenience will be served, the acquisition, whether by purchase, eminent domain or otherwise, of real property for, but not limited to the construction of approximately 3,200 linear feet of five-lane public roadway and certain associated public drainage improvements, approximately 3,170 linear feet of public sanitary sewer pipeline and appurtenances, and approximately 3,270 linear feet of public water pipeline and appurtenances, all in furtherance of the Project described herein.

Section 5. That the Director of Public Works or said director's designee is hereby directed to comply with all provisions of law applicable to the acquisitions authorized in this resolution and required precedent to the filing of a condemnation petition, including without limitation, the applicable provisions of Section 21.0111 and Section 21.0113 of the Texas Property Code.

Section 6. That the Director of Public Works or said director's designee, is hereby authorized and directed to offer the sum set forth in the attached Attachment B (said attachment being attached hereto and made a part of this resolution for all purposes) as consideration for acquisition of the parcels and the permanent and

temporary easements described herein and designated with the unique numbers 2013-H-001, 2013-U-032, and 2013-T-023.

Section 7. That, in the event such offer is not accepted, and after the Director of Public Works has complied with all provisions of law required precedent to the filing of a condemnation petition to institute the eminent domain proceedings authorized herein (including without limitation, the applicable provisions of Section 21.0111 and Section 21.0113 of the Texas Property Code), the City Attorney, or the City Attorney's designee, is hereby authorized and empowered to institute proceedings in eminent domain to acquire such easements for the Project and to take such other action necessary to carry out the terms of this resolution against any persons referenced above and all other owners of or claimants in the property described in Attachment A.

Section 8. That the meeting at which this resolution was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 9. That this resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED this 27<sup>th</sup> day of February, 2014.

---

Jay Dean  
Mayor

ATTEST:

---

Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

---

Jim Finley  
City Attorney

R PW CONDEMN 4<sup>TH</sup> ST EXTENSION 2-27-14