



City Council Meeting Agenda

5:30 p.m.
March 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 of the Fiscal Year 2012 - 2013 Comprehensive Annual Financial Report – Henry and Peters, PC.
 - B. Presentation to Council of the schematic Animal Shelter Facility Plan by Larry Connolly, AIA with Connolly Architects – Kevin Cummings, Director of Development Services.
- VI. **Consent Agenda**
 - A. Consider a Resolution approving a Juvenile Justice and Delinquency Prevention local Juvenile Service Project grant contract between the City of Longview and Longview Teen Court, Inc., in the amount of \$21,740.00 and authorizing the City Manager or the City Manager's designee to execute any necessary documents with Longview Teen Court, Inc., for the performance of said contract – Kimber Lewinski, Executive Director of Longview Teen Court. [Pages 3 - 6](#)
 - B. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to accept a donation from Harvest Festival, Inc. for one half of the construction costs for the swine barn addition to the

large Longview Agricultural Pavilion at the Maude Cobb Convention and Activity Complex – Dixie Golden, Convention Complex Manager.

[Pages 7 - 10](#)

- C. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to enter into an interlocal agreement between the City of Dallas and City of Longview for participation in the Internet Crimes Against Children grant program – Don Dingler, Police Chief.
[Pages 11 - 14](#)
- D. Consider a Resolution making appointments, reappointments, and chair designations to various city boards, commissions, and committees – John Sims, Councilman District 1 and Sidney Allen, Councilman District 6.
[Pages 15 - 16](#)
- E. Consider a Resolution authorizing city staff to acquire parcels 2012-U-040, 2012-U-041, 2012-U-042 and 2012-U-043 in the amount of \$50,000.00 for easements in furtherance of the East Texas Regional Airport Supply Line Project – Rolin McPhee, P.E., Director of Public Works. [Pages 17 - 21](#)
- F. Consider a Resolution accepting the Sabine HSPS and Cherokee RWPS Switchgear Replacement Project and authorizing final payment in the amount of \$39,036.60 to James D. White Electric, Inc. of White Oak, Texas – Rolin McPhee, P.E., Director of Public Works. [Pages 22 - 25](#)
- G. Consider approval of the following minutes: March 13, 2014 – Shelly Ballenger, City Secretary. [Page 26](#)

VII. Action Item

Consider a Resolution authorizing the temporary closing of a portion of Triple Creek Drive for a period not to exceed 90 days to allow the drilling of an oil or gas well near said street – David Willard, City Manager. [Pages 27 - 32](#)

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.

TEEN COURT CONTRACT

DESCRIPTION: Consider a Resolution approving a contract between Longview Teen Court, Inc. and the City of Longview in the amount of \$21,740.00 from the Juvenile Justice and Delinquency Prevention and local Juvenile Services Project Grant in order to provide services and supplies to allow juveniles who have committed Class C misdemeanors the opportunity to defer their offense by attending an educational course and contributing to the community by performing community service.

RECOMMENDED ACTION: Consider a Resolution approving a Juvenile Justice and Delinquency Prevention local Juvenile Service Project Grant contract between the City of Longview and Longview Teen Court, Inc. in the amount of \$21,740.00 and authorizing the City Manager or his designee to execute any necessary documents for the performance of said grant.

SOURCE OF FUNDS: Juvenile Justice and Delinquency Prevention

STAFF CONTACT: Kimberly Lewinski, Executive Director of Longview Teen Court, Inc.
903-753-9701

COUNCIL DATE: March 27, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPROVING JUVENILE JUSTICE AND DELINQUENCY PREVENTION LOCAL JUVENILE SERVICE PROJECT GRANT BETWEEN THE CITY OF LONGVIEW AND LONGVIEW TEEN COURT, INC. IN THE AMOUNT OF \$21,740.00; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO NEGOTIATE AND EXECUTE ANY AGREEMENTS AND RELATED DOCUMENTS BETWEEN LONGVIEW TEEN COURT INC. AND THE CITY OF LONGVIEW INCIDENT TO SAID CONTRACT; 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, Longview Teen Court Inc. provides an alternative system of justice for first time offenders of Class C misdemeanors ages 12 to 18; and,

WHEREAS, Longview Teen Court Inc., has applied for a Juvenile Justice and Delinquency Prevention (JJDP) local Juvenile Service Project Grant to provide salary to one part time assistant, professional classroom instructors, travel and training of personnel and instructors, desk top computer, and office supplies; and,

WHEREAS, funds in the amount of \$21,740.00 (twenty-one thousand seven hundred forty dollars and no cents) are available in the Fiscal Year 2014-2015 JJDP budget; 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 of the City as shall be required, is/are hereby authorized and directed to negotiate and execute any and all agreements and other documents incident to a contract between the City of Longview and Longview Teen Court, Inc. for the use of Fiscal Year 2014-2015 JJDP funds in the amount of \$21,740.00 for salary of one part time office assistant, professional classroom instructors, and office supplies.

Section 3. That the authorization provided herein is contingent upon the approval of all agreements and other documents authorized herein by the City Attorney's Office.

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

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

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

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R TEEN COURT GRANT 2014 3-27-14

RESOLUTION FOR ACCEPTANCE OF DONATION FROM HARVEST FESTIVAL, INC.

DESCRIPTION: The City of Longview wishes to enter into an agreement with the Harvest Festival, Inc. to accept a donation for one half of construction costs for a swine barn addition to the large agricultural pavilion at the Maude Cobb Convention and Activity Complex. The Project was approved and budgeted for during the Fiscal Year 2013 - 2014 budget process. The expansion of the swine barn will allow for the expansion of activities at this location.

RECOMMENDED ACTION: Approval of a Resolution authorizing staff to accept donation from Harvest Festival, Inc.

SOURCE OF FUNDS: No Funding Required.

STAFF CONTACT: Dixie Golden, Convention Complex Manager
903-237-1271
dgolden@longviewtexas.gov

David Willard, City Manager
903-237-1011
dwillard@longviewtexas.gov

COUNCIL DATE: March 27, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE ACCEPTANCE OF A DONATION FROM HARVEST FESTIVAL, INC. FOR ONE HALF OF THE CONSTRUCTION COSTS FOR THE SWINE BARN ADDITION TO THE LARGE LONGVIEW AGRICULTURAL PAVILION AT THE MAUDE COBB CONVENTION AND ACTIVITY COMPLEX; PROVIDING FOR FUNDING LIMITATIONS; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND HARVEST FESTIVAL, INC. FOR ACCEPTANCE OF SAID DONATION; 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, Harvest Festival, Inc. holds an annual livestock show in the Longview Agricultural Pavilions and have outgrown the facility; and,

WHEREAS, Harvest Festival, Inc. proposed a private/public partnership with the City of Longview for construction of a swine barn addition to the Large Longview Agricultural Pavilion; and,

WHEREAS, funding for the construction of the swine barn addition can be provided from budgeted project funds in FY 2013-2014; NOW, THEREFORE,

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

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

Section 2. That the City of Longview hereby accepts a donation from

Harvest Festival, Inc. for one half of construction costs for a swine barn addition to the large agricultural pavilion at the Maude Cobb Convention and Activity Complex.

Section 3. That the total amount of funding to be provided by the City of Longview for said construction shall not exceed budgeted funds for Fiscal Year 2013-2014.

Section 4. 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 donation from Harvest Festival, Inc.

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 27th day of March, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R MCAC HARVEST FEST DONATION 3-27-14

INTERLOCAL AGREEMENT TO GRANT

DESCRIPTION: The City of Dallas Internet Crimes Against Children Unit has received funding from the Department of Justice to target child solicitation and child pornography over the internet. The City of Dallas has asked the Longview Police Department to execute an agreement to participate in fulfilling the purpose of the grant and will provide funding up to the amount of \$20,000.00.

RECOMMENDED ACTION: Resolution and Council approval

SOURCE OF FUNDS:

STAFF CONTACT: Don Dingler, Chief of Police
903-237-1100
ddingler@longviewtexas.gov

COUNCIL DATE: March 27, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE POLICE CHIEF AND OTHER APPROPRIATE CITY OFFICIALS AS NECESSARY TO EXECUTE AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF DALLAS AND THE LONGVIEW POLICE DEPARTMENT FOR A GRANT TO TARGET CHILD SOLICITATION AND CHILD PORNOGRAPHY OVER THE INTERNET; AUTHORIZING PARTICIPATION IN SAID GRANT PROGRAM; CONDITIONING SAID AUTHORIZATION ON THE RECEIPT OF ALL NECESSARY DOCUMENTS IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; 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, police departments throughout the state are working together to target child solicitation and child pornography over the internet; and,

WHEREAS, the City of Dallas applied for and received from the Department of Justice a grant to target such crimes; and,

WHEREAS, the City of Dallas has asked the Longview Police Department to participate in fulfilling the purpose of the grant and agreed to reimburse the Longview Police Department up to \$20,000.00 for said participation; and,

WHEREAS, these funds will reimburse the Longview Police Department for expenses incurred for training, equipment, overtime, travel and undercover expenses, as deemed necessary for their operation to combat Internet Crimes Against Children grant program; NOW, THEREFORE,

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

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

Section 2. That the Longview Police Chief and other appropriate City officials are hereby authorized to execute an interlocal agreement, as approved by the City Attorney's Office, by and between the City of Longview and the City of Dallas incident to securing funds of up to \$20,000.00 for reimbursement of expenses incurred for training, equipment, overtime, travel and undercover expenses, for the Longview Police Department's participation in the Department of Justice's Internet Crimes Against Children grant.

Section 3. That Longview Police Department is authorized to participate in the Department of Justice's Internet Crimes Against Children grant program through the City of Dallas.

Section 4. That the Police Chief and other appropriate City officials are hereby authorized to execute any additional documents necessary, as approved by the City Attorney's Office, for said participation referenced herein.

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

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

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R POLICE INTERLOCAL K INTERNET CRIMES 03-27-14

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, PROVIDING FOR APPOINTMENTS, REAPPOINTMENTS AND CHAIR DESIGNATIONS TO VARIOUS BOARDS AND COMMISSIONS; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council has established advisory boards and commissions to provide feedback and recommendations on specific issues; and,

WHEREAS, the City Council provides for appointments, reappointments and chair designations to the various boards and commissions; and,

WHEREAS, there are vacancies on several boards and commissions as well as reappointments that require City Council action; 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, does hereby submit the following persons whose names are attached hereto, marked as Exhibit "A" and for all purposes incorporated herein as nominees and confirm their appointment, reappointment and/or chair designation, if applicable, for their respective boards, commissions or committees, all as designated on the attached Exhibit "A".

Section 3. That these appointments, reappointments and chair designations are to be effective immediately.

Section 4. That the meeting at which this resolution was approved 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 27th day of March, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R APPOINT B&C 3-27-14

PROPERTY ACQUISITION FOR EAST TEXAS REGIONAL AIRPORT SUPPLY LINE

DESCRIPTION: Consider a Resolution authorizing city staff to acquire parcels 2012-U-040, 2012-U-041, 2012-U-042 and 2012-U-043 in the amount of \$50,000.00 for easements for the furtherance of the East Texas Regional Airport Supply Line Project.

The parcels are located on the east side of Highway 149 between Huntsman Way and Highway 322. During preliminary design, it was determined that it is necessary to acquire these parcels to construct the East Texas Regional Airport Supply Line. The property values were negotiated between the owners and city staff.

RECOMMENDED ACTION: Passage of Resolution

SOURCE OF FUNDS: Utility CIP Fund.

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

COUNCIL DATE: March 27, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTIES IN THE FELIX MCADAMS SURVEY, A-137 AND B.B.B. AND C.R.R. SURVEY, GREGG COUNTY, TEXAS, THE SAME BEING APPROXIMATELY 4,614, 32,441, 25,463 AND 10,500 SQUARE FEET AND DESIGNATED WITH THE UNIQUE PARCEL NUMBERS 2012-U-040, 2012-U-041, 2012-U-042, AND 2012-U-043, RESPECTIVELY ACCORDING TO THE CITY'S NUMBERING SYSTEM, FOR USE AS PERMANENT EASEMENTS; AUTHORIZING THE ACQUISITION OF SAID PROPERTIES; 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 streets, drainage facilities, and certain public utilities, such as water and sanitary sewer; 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 East Texas Regional Airport Supply Line Project (the "Project") will involve the installation of approximately 19,800 linear feet of 12 inch water line between the City's Cherokee Water Plant and East Texas Regional Airport; and,

WHEREAS, the City's Public Works Department has identified parcels of land, rights-of-way and easements required to enable the City to implement said Project, of which are certain parcels of properties consisting of approximately 4,614,

32,441, 25,463 and 10,500 square feet in the Felix McAdams Survey, A-137 and B.B.B. and C.R.R. Survey to be used for permanent easements for the Project; and,

WHEREAS, the City of Longview has designated the 4,614, 32,441, 25,463 and 10,500 square-foot parcels with the unique numbers 2012-U-040, 2012-U-041, 2012-U-042, and 2012-U-043, respectively in accordance with the City's system for identifying specific parcels; and,

WHEREAS, as a result of the foregoing, the City Council hereby finds and determines that the acquisition of parcel numbers 2012-U-040, 2012-U-041, 2012-U-042, and 2012-U-043 is a public necessity; and,

WHEREAS, the City has provided a copy of the "landowner's bill of rights statement" to the owners of parcel numbers 2012-U-040, 2012-U-041, 2012-U-042, and 2012-U-043 as required by Texas Property Code Section 21.0112; and,

WHEREAS, City staff has negotiated the aforesaid parcel numbers 2012-U-040, 2012-U-041, 2012-U-042, and 2012-U-043 for the purchase of said parcels and said owners have agreed to sell said parcels to the City for a total purchase price of \$50,000.00, which price is hereby determined to be the reasonable and appropriate total fair market value of said parcels; 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 negotiated amount for the parcels known 2012-U-040, 2012-U-041, 2012-U-042, and 2012-U-043 in the total amount of \$50,000.00 is an appropriate and reasonable value.

Section 3. That the City Manager, or the City Manager's designee, is hereby authorized and directed to offer \$50,000.00 as consideration for acquisition of the permanent easements described herein and designated with the unique numbers 2012-U-040, 2012-U-041, 2012-U-042, and 2012-U-043.

Section 4. 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 5. That this resolution shall take effect immediately from and after its passage.

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

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW PROPERTY ACQUISITION AIRPORT WATER SUPPLY LINE 3-27-14

SABINE HSPS AND CHEROKEE RWPS SWITCHGEAR REPLACEMENT

DESCRIPTION: Consider a Resolution accepting the Sabine Water Treatment Plant's High Service Pump Station and the Cherokee Water Treatment Plant's Raw Water Pump Station Switchgear Replacement Project and authorizing final payment in the amount of \$39,036.60 to James D. White Electric, Inc. of White Oak, Texas. Approval of final payment will begin the contractor's one-year warranty period.

The City Council awarded a contract to James D. White Electric, Inc., on December 13th, 2012 in the amount of \$823,482.00. The final construction cost is \$780,732.00.

This project was approved as part of the 2012 Capital Improvements Plan. Its construction will provide for the replacement of electrical switchgear at the Sabine Water Treatment Plant's High Service Pump Station and the Cherokee Water Treatment Plant's Raw Water Pump Station in conjunction with miscellaneous electrical work as required completing the installation.

The project has been completed in accordance with the contract. The consultant, Electrical Expertise recommends acceptance of the project and approval of the final payment. Staff concurs with the recommendation.

RECOMMENDED ACTION: Passage of the Resolution.

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

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

COUNCIL DATE: March 27, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT KNOWN AS "SABINE HSPS AND CHEROKEE RWPS SWITCHGEAR REPLACEMENT"; AUTHORIZING AND APPROVING FINAL PAYMENT TO JAMES D. WHITE ELECTRIC, INC., OF WHITE OAK, TEXAS, FOR CONSTRUCTION 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 December 13, 2012, the City Council awarded a construction contract to James D. White Electric, Inc. of White Oak, TX, in the amount of \$823,482.00 for the project known as "Sabine HSPS and Cherokee RWPS Switchgear Replacement"; and,

WHEREAS, the "Sabine HSPS and Cherokee RWPS Switchgear Replacement" involved, among other things, the replacement of electrical switchgear at the Sabine Water Treatment Plant's High Service Pump Station and the Cherokee Water Treatment Plant's Raw Water Pump Station in conjunction with miscellaneous electrical work as required to complete the installation; and,

WHEREAS, the final construction cost for said project was \$780,732.00; and,

WHEREAS, the project has been completed in accordance with the plans and specifications and the contractor, James D. White Electric, Inc., has requested final payment in the amount of \$39,036.60; and,

WHEREAS, the final amount of \$39,036.60 is due to the contractor as final payment; and,

WHEREAS, the acceptance of the work by James D. White Electric, Inc., on the aforementioned contract and the approval of final payment therefore will begin the one-year maintenance warranty period for said work; NOW, THEREFORE,

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

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

Section 2. That the construction work performed by James D. White Electric, Inc., of White Oak, Texas, on the project known as "Sabine HSPS and Cherokee RWPS Switchgear Replacement" is hereby accepted as complete and that final payment in the amount of \$39,036.60 for the construction of said project is hereby approved.

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

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

PASSED AND APPROVED this 27th day of March 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW FINAL PAY SWITCHGEAR REPLACEMENT 3-27-14

CONSIDER APPROVAL OF THE FOLLOWING MINUTES

March 27, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE TEMPORARY CLOSING OF A PORTION OF TRIPLE CREEK DRIVE FOR A PERIOD NOT TO EXCEED 90 DAYS TO ALLOW THE DRILLING OF AN OIL OR GAS WELL NEAR SAID STREET; SETTING FORTH ANY SPECIAL CONDITIONS IMPOSED ON SAID CLOSURE BY THE CITY COUNCIL; AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO IMPOSE SUCH CONDITIONS AND REQUIRE SUCH PROCEDURES AS THE CITY MANAGER OR DESIGNEE MAY DEEM APPROPRIATE; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, H & T Exploration, Inc., (hereinafter called the "Operator") has requested permission to temporarily close a portion of the public street named Triple Creek Drive in order to drill an oil and/or gas well near said street; and,

WHEREAS, Section 61-5 of the Longview City Code provides that no street can be closed in any drilling or production operation except by special order of the City Council of the City of Longview, Texas, (hereinafter called the "City Council"); and,

WHEREAS, Section 61-5 of the Longview City Code further provides that any street closure for the purpose of a drilling or production operation must be temporary; and,

WHEREAS, Triple Creek Drive is a dead-end street with no residences and relatively little traffic; and,

WHEREAS, the Operator is requesting to close only a portion of said

street for a period not to exceed 90 days; and,

WHEREAS, the portion of said street requested to be closed is beyond the point needed for access to nearby businesses and the requested closure will, therefore, not prevent access to said businesses; and,

WHEREAS, the City Council wishes to impose certain limits and restrictions as a condition of approval of the requested road closure; and,

WHEREAS, the City Council wishes to authorize the City Manager of the City of Longview, Texas, (hereinafter called the "City Manager") or the City Manager's designee to impose such additional limits and restrictions as may, in the reasonable discretion of the City Manager or the City Manager's designee, be necessary to protect the integrity of the City's streets and rights-of-way and the health and safety of the general public and to otherwise minimize the impact of the road closure authorized 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 the resolution are hereby in all things approved and adopted.

Section 2. That, pursuant to Section 61-5 of the Longview City Code and conditioned upon compliance with the provisions of this resolution, the City Council hereby authorizes and specially orders the closure of a portion of Triple Creek Drive for the purpose of allowing the Operator or the Operator's agents or successors in interest to conduct such drilling and production operations as may be reasonably necessary to drill an oil and/or gas well near said street.

Section 3. That the street closure authorized and ordered herein shall begin on the date designated by the City Manager or the City Manager's designee, provided that said closure shall not commence before the date on which a permit for the drilling of the proposed well is issued by the City of Longview pursuant to Chapter 61 of the Longview City Code.

Section 4. That, anything to the contrary herein notwithstanding, the street closure authorized and ordered herein shall end and the street shall be re-opened within one business day from the date on which the Operator notifies the City that any operations requiring said closure have ceased; provided, however, that, in any event, the street closure authorized and ordered herein shall end and the street shall be re-opened no later than ninety (90) days after the street is first closed if said street is not re-opened earlier as provided herein.

Section 5. That the street closure authorized and ordered herein is conditioned upon the special conditions set forth in Exhibit A, which exhibit is attached to this resolution and made a part hereof for all purposes, and the Operator or the Operator's agents or successors in interest shall comply with said special conditions.

Section 6. That the City Manager or the City Manager's designee shall designate the exact portions of Triple Creek Drive to be closed pursuant to the authorization and order herein; provided, however, that in no event shall said closure prevent access to the businesses located adjacent to Triple Creek Drive.

Section 7. That the City Manager or the City Manager's designee is hereby authorized and directed to take such actions as may, in the reasonable discretion of the City Manager or said designee, be necessary to carry out the purposes

of this resolution.

Section 8. That the City Manager or the City Manager's designee is hereby authorized and directed to impose such additional limits, restrictions and conditions and to require such additional procedures as may, in the reasonable discretion of the City Manager or the City Manager's designee, be necessary to protect the integrity of the City's streets and rights-of-way and the public health and safety and to otherwise minimize the impact of the road closure authorized herein.

Section 9. That nothing in this resolution relieves the Operator or the Operator's agents or successors in interest of the obligation to comply with any and all ordinances of the City of Longview, Texas, and any and all other applicable federal, state, and local laws and regulations, including without limitation the obligation to obtain a drilling permit in full compliance with all applicable provisions of Chapter 61 of the Longview City Code and the obligation to obtain and maintain an annual operating permit for the operation of any completed well that results from said drilling in full compliance with all applicable provisions of Chapter 61 of the Longview City Code.

Section 10. That the street closure authorized and ordered herein must begin no later than one year from the date of this resolution; otherwise this resolution shall be null and void and the authorization and order of street closure herein shall lapse.

Section 11. 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 12. That this resolution shall be effective immediately from and

after its date of passage.

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

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R DEV O&G CLOSE TRIPLE CREEK DR 3-27-14

Exhibit A
Special Conditions

The street closure authorized and ordered by this resolution is subject to all of the following special conditions:

1. The street closure and all work conducted in the street shall be conducted in full compliance with all relevant provisions of the most recently adopted version of the Texas Manual on Uniform Traffic Control Devices.

2. Before the street is re-opened, the street shall be returned to as good or better condition as before the closure of the street. The Operator or the Operator's agents or successors in interest shall post bond or other security in such an amount and form as the City Manager may reasonably require to ensure that the street is returned to as good or better condition as before the closure of the street.