



City Council Meeting Agenda

5:30 p.m.
August 14, 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 Item**
 - A. Presentation to Steve Burnette, Longview Police Department, for 30 years of service - Don Dingler, Chief of Police.
 - B. Presentation to Terry Davis, Longview Police Department, for 30 years of service – Don Dingler, Chief of Police.
 - C. Presentation to Mike Bishop, Longview Police Department, for 25 years of service – Don Dingler, Chief of Police.
 - D. Presentation to Gary Shirley, Longview Police Department for 25 years of service – Don Dingler, Chief of Police.
- VI. Consent Agenda**
 - A. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for an interlocal agreement with the City of The Colony for cooperative purchasing – Jaye Latch, Purchasing Manager. [Pages 5 - 8](#)
 - B. Consider a Resolution allowing the City of Longview to enter into a mutual aid radio frequency access agreement with the White Oak Volunteer Fire

Department – J.P. Steelman, Fire Chief. [Pages 9 - 20](#)

- C. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for the application, receipt and expenditure of grant funding from the Community Grant Program from Sam's Club for the purchase of materials for women's safety programs – Don Dingler, Chief of Police. [Pages 21 - 24](#)
- D. Consider an Ordinance to amend Article III of Chapter 103 of the Longview City Code by adding Section 103-38, authorizing the Chief of Police to appoint a designee to investigate and process applications for a transportation service driver's license – Don Dingler, Chief of Police. [Pages 25 - 28](#)
- E. 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 Longview Bridge and Road, Ltd. of Longview, Texas, in the amount of \$5,432,080.20 for the construction of the Green Street Reconstruction Project – Rolin McPhee, P.E., Director of Public Works. [Pages 29 - 32](#)
- F. 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 East Texas Bridge, Inc., of Longview, Texas, in the amount of \$3,527,246.55 for the construction of the Fourth Street Extension Project and authorizing amendments to the existing developer participation agreement with Gary VanDusen to allow the sharing of costs in excess of the original estimate for said project – Rolin McPhee, P.E., Director of Public Works. [Pages 33 - 38](#)
- G. Consider a Resolution authorizing participation as part of the Cities Advocating Reasonable Deregulation ("CARD") in proceedings related to Southwestern Electric Power Company's application to reconcile fuel costs – Jim Finley, City Attorney. [Pages 39 - 43](#)
- H. Consider a Resolution authorizing participation in coalitions of similarly situated cities in proceedings before the Railroad Commission of Texas and the Texas Legislature related to the City's authority to effectively review utility rates – Jim Finley, City Attorney. [Pages 44 - 49](#)
- I. 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 W. M. Miller Construction, Inc. of Longview, Texas, in the amount of \$138,506.45 for the construction of the 12-Inch Water Line Extension at Eastman Road Project – Rolin McPhee, P.E., Director of Public Works. [Pages 50 - 53](#)

- J. Consider a Resolution accepting the Hollybrook Drive Improvements Project and authorizing final payment in the amount of \$153,873.21 to East Texas Bridge, Inc., of Longview, Texas – Rolin McPhee, P.E., Director of Public Works. [Pages 54 - 57](#)
- K. Consider a Resolution accepting the Replacement of Pedestrian Bridges at Akin Park Project and authorizing final payment in the amount of \$16,600.70 to C. E. Marler Construction, Inc. of Kilgore, Texas – Rolin McPhee, P.E., Director of Public Works. [Pages 58 - 61](#)
- L. Consider acceptance of the June 30, 2014 Quarterly Investment Report – Angela Coen, Director of Finance. [Pages 62 - 63](#)
- M. Consider a Resolution authorizing the City Manager to enter into an agreement with the Cherokee Water Company that will allow the City to enter into an agreement with the U.S. Corps of Engineers to conduct a hydrographic study of Lake Cherokee – Keith Bonds, P.E., Assistant City Manager. [Pages 64 - 67](#)
- N. Consider a Resolution authorizing the City Manager to enter into an agreement with the U.S. Corps of Engineers to conduct a hydrographic study of Lake Cherokee – Keith Bonds, P.E., Assistant City Manager. [Pages 68 - 71](#)
- O. Consider an Ordinance amending Articles I, II, III, IV, V, and VI of Chapter 43 (said articles relating to flood damage prevention) of the Longview City Code as required to continue eligibility in the National Flood Insurance Program and making other changes intended to clarify said articles – Rolin McPhee, Director of Public Works. [Page 72](#)
- P. Consider approval of the following minutes: July 17, 2014 – Shelly Ballenger, City Secretary. [Page 73](#)

VII. Zoning – Public Hearing Item

A PUBLIC HEARING will be held to consider application #Z14-07 filed by East Texas Building and Properties LLC requesting a rezone from Single Family (SF-4) to Parking (P) to allow for expansion of a parking lot for approximately 0.670 acres of the proposed Lot 5, Block 2 Church Point No. 2 located on the north side of Church Street, east of Airline Road – Michael Shirley, AICP, City Planner. **THIS ITEM REQUIRES A PUBLIC HEARING.** [Pages 74 - 84](#)

VIII. Action Item

Consider a Resolution accepting a donation of \$12,500.00 from Mr. Ray Shelby for the purchase of one police canine for the Longview Police Department – Don Dingler, Chief of Police. [Pages 85 - 87](#)

IX. Budget Items

- A. Discussion of the proposed 2014-2015 budget for the City of Longview – David Willard, City Manager.
- B. Discussion of the proposed fee resolution – David Willard, City Manager.
- C. Consider a Resolution proposing a tax rate for 2014 and scheduling two public hearings on the proposed tax rate – Angela Coen, Director of Finance. [Pages 88 - 90](#)

X. Items of Community Interest

XI. Executive Session Items

- A. Personnel Matters – Under Texas Government Code Section 551.074

Consider and discuss candidates and selection processes for Director of Development Services search.
- B. Consultation with the City's Attorney(s)---Under TEXAS GOVERNMENT CODE Section 551.071.

Receive legal advice from the City's attorney(s) concerning legal issues regarding the development of a water contract with the City of Kilgore and the relinquishment of extraterritorial jurisdiction.

XII. 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.

CITY OF THE COLONY INTERLOCAL AGREEMENT

DESCRIPTION:	<p>This item would allow the City of Longview to enter into a cooperative purchasing agreement with the City of The Colony, Texas. The City of The Colony has requested to establish an interlocal agreement with the City of Longview so that they may utilized a contract that the City of Longview procured for water utility bill printing services. By entering into this interlocal agreement, this would also allow for the City of Longview to utilize contracts procured by the City of The Colony.</p> <p>Contracts that the City of Longview may utilize in the future with the City of The Colony are pre-bid and therefore meet all of the competitive purchasing laws.</p>
RECOMMENDED ACTION:	<p>Approve the Resolution allowing City of Longview to enter into a cooperative purchasing agreement with the City of The Colony.</p>
SOURCE OF FUNDS:	<p>No Direct Funding needed.</p>
STAFF CONTACT:	<p>Jaye Latch, Purchasing Manager 903-237-1324 jlatch@longviewtexas.gov</p>
COUNCIL DATE:	<p>August 14, 2014</p>

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF THE COLONY; CONDITIONING SAID AUTHORIZATION ON THE RECEIPT OF ALL RELEVANT DOCUMENTS IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; FINDING AND 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 and the City of The Colony are home-rule municipalities and political subdivisions of the State of Texas; and,

WHEREAS, the City of Longview negotiated a contract for water utility bill printing services; and

WHEREAS, City of The Colony is interested in obtaining said water utility bill printing services; and,

WHEREAS, both the vendor providing water utility bill printing services and the City of Longview are amenable to the procurement of said services by the City of The Colony pursuant to the aforesaid agreement obtained by the City of Longview; and,

WHEREAS, Section 791.025 of the Texas Government Code and Section 271.102 of the Texas Local Government Code authorized political subdivisions of the State of Texas (including with limitation, the City of The Colony and the City of Longview) to enter into cooperative purchasing agreements for the purchase of such

functions, goods and services, including without limitation the aforesaid water utility bill printing services; and,

WHEREAS, there may be other governmental administrative functions goods and services that the City of Longview wishes to procure pursuant to contracts that are awarded by the City of The Colony in accordance with all applicable competitive purchasing laws; and,

WHEREAS, purchases pursuant to such a cooperative purchasing agreement satisfy all competitive purchasing requirements applicable to the City of Longview; and,

WHEREAS, as a result of the foregoing, the City of Longview and the City of The Colony wish to enter into an interlocal agreement to provide for cooperative purchasing of goods and services; and,

WHEREAS, the City Council of the City of Longview, Texas, finds said interlocal agreement to be acceptable and in the best interests of the City of Longview and its citizens; 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 is hereby authorized to negotiate and execute a cooperative purchasing agreement by and between the City of Longview and the City of The Colony pursuant to the authority granted by Section 791.025 of the Texas Government Code and Section 271.102 of the Texas Local Government Code.

Section 3. That any contract or other documents executed pursuant to the authority granted in this resolution must be in a form approved by the City Attorney.

Section 4. That the meeting at which the 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 14th day of August, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PUR AUTHORIZE PURCH AGRT CITY OF THE COLONY 8-14-14

INTERLOCAL AGREEMENT

DESCRIPTION:	Allow the City of Longview to establish a Mutual Aid Radio Frequency Access Agreement with the White Oak VFD that would allow for improved inter-agency radio communications for emergency response activities.
RECOMMENDED ACTION:	Approval of a Mutual Aid Radio Frequency Access Agreement with the White Oak VFD for the purpose of improving inter-agency radio communications for emergency response activities.
SOURCE OF FUNDS:	No funding required.
STAFF CONTACTS:	J.P. Steelman, Fire Chief (903) 237-1227 jpsteelman@longviewtexas.gov
COUNCIL DATE:	August 14, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPROVING AND AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE A MUTUAL AID RADIO FREQUENCY ACCESS AGREEMENT BETWEEN THE CITY OF LONGVIEW AND WHITE OAK VOLUNTEER FIRE DEPARTMENT FOR IMPROVING INTERAGENCY EMERGENCY COMMUNICATIONS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview and White Oak Volunteer Fire Department share an interest in providing public safety protection and emergency services along portions of a common boundary; and,

WHEREAS, the ability for emergency response agencies to communicate during natural and manmade disasters is paramount in providing effective utilization of emergency resources for public safety; 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 or the City Manager's designee is hereby authorized to execute and the City Secretary to attest to a mutual aid radio frequency access agreement substantially in the form of the attached Exhibit A, which exhibit is made a part of this resolution for all purposes.

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

PASSED AND APPROVED this 14th day of August, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R FIRE WHITE OAK VFD RADIO 8-14-14

Exhibit A

**FIRE DEPARTMENT MUTUAL AID RADIO FREQUENCY ACCESS AGREEMENT
BETWEEN THE CITY OF LONGVIEW, TEXAS,
AND WHITE OAK VOLUNTEER FIRE DEPARTMENT**

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF GREGG §

WHEREAS, the City of Longview (hereinafter the “City”) shares a common boundary with White Oak Volunteer Fire Department; and,

WHEREAS, White Oak Volunteer Fire Department (hereinafter called “VFD”) has been organized to provide fire protection services to the City of White Oak; and,

WHEREAS, as a result of the foregoing, the City and VFD share an interest in providing fire protection services along a common boundary; and,

WHEREAS, the adoption of radio interoperability between VFD and the City would serve to enhance fire protection services provided to both parties;

NOW, THEREFORE, FOR AND IN CONSIDERATION of these premises and in consideration of the mutual benefits to be conferred by the parties one to the other in mutual aid of each other, it is hereby expressly covenanted and agreed as follows:

I. Definitions

In this contract, the following terms shall have the following meanings unless context clearly requires otherwise:

- (1) “City” – The term “City” shall mean the City of Longview, Texas.
- (2) “City Administrative Agent” – The term “City Administrative Agent” shall mean the organization and administrative agent for City for the administration of this

agreement, and said agent shall be the Manager of Public Safety Communications for the City or his or her designated representative.

- (3) "FCC" – The term "FCC" shall mean the Federal Communications Commission.
- (4) "VFD" – The term "VFD" shall mean White Oak Volunteer Fire Department.
- (5) "VFD Administrative Agent" – The term "VFD Administrative Agent" shall mean the organization and administrative agent for VFD for the administration of this agreement, and said agent shall be the Fire Chief for VFD or his or her designated representative.

II. City Responsibilities

- (1) Conditioned upon all of the terms and provisions set forth in this agreement, the City grants the VFD access to the City's radio frequency talk groups known as "Fire Dispatch 1" and "Fire Department Mutual Aid (FDMA)." Said access is provided to VFD for the sole purpose of communicating with firefighters and employees of the City's fire department to enhance joint fire protection efforts and achieve radio interoperability during emergencies. The access granted to VFD under this contract shall not be used by VFD as a primary radio communications resource.
- (2) Neither City, its officers, agents, nor employees shall be deemed to be an agent or employee of VFD, and City shall not be liable for the negligence or other tortious conduct of VFD or of VFD's officers, agents, or employees.

III. VFD Responsibilities

- (1) VFD shall use the radio access granted under this agreement solely for the purpose of communicating with firefighters and employees of the City's fire

department to enhance joint fire protection efforts and achieve radio interoperability during emergencies and not as a primary radio communications resource or for any other purpose whatsoever.

- (2) VFD, at its own cost and expense, is responsible for providing VFD's employees and volunteers with radio equipment that is compatible with City's existing radio equipment, including without limitation a programmed transceiver device compatible with the City's trunking system. Equipment so provided shall be programmed and maintained at the expense of VFD.
- (3) The VFD Administrative Agent shall act as liaison with the City Administrative Agent. The VFD Administrative Agent shall provide to the City Administrative Agent a list of all members of VFD and associated radio numbers as well as a list of radio equipment and apparatus capabilities. The VFD Administrative Agent shall notify the City Administrative Agent as soon as practicable of any changes in this information.
- (4) VFD agrees to abide by the procedures, rules and regulations established by the City Administrative Agent as well as all state and federal laws that apply to radio communications, including without limitation FCC rules and regulations.
- (5) Neither VFD, its officers, agents, nor employees shall be deemed to be an agent or employee of City. VFD agrees that it is solely responsible for any claims for injuries or damages sustained by the agents or employees of VFD that may arise under this contract. VFD further agrees to maintain general liability insurance coverage, either by carrier or self-insurance that includes contractual liability coverage sufficient to cover VFD's indemnification obligations under this contract.

(6) TO THE EXTENT PERMITTED BY LAW, VFD SHALL INDEMNIFY AND HOLD HARMLESS CITY AND ALL OF CITY'S OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, LOSSES, PROPERTY DAMAGE (INCLUDING REASONABLE ATTORNEY'S FEES) BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS (INCLUDING, WITHOUT LIMITATION, EMPLOYEES OR AGENTS OF VFD) OR PROPERTY, TO THE EXTENT ARISING FROM THE NEGLIGENCE OR WILLFUL MISCONDUCT OF VFD, ITS AGENTS OR EMPLOYEES, OR ANY SUBCONTRACTOR OF SAME, IN THE PERFORMANCE OF THIS CONTRACT AND VFD WILL BE REQUIRED TO PAY ANY SUCH JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST CITY OR ANY OF CITY'S RESPECTIVE OFFICERS, AGENTS OR EMPLOYEES, INCLUDING REASONABLE ATTORNEY'S FEES. TO THE EXTENT PERMITTED BY LAW, VFD AGREES TO RELEASE, INDEMNIFY AND HOLD HARMLESS CITY, CITY'S ELECTED AND APPOINTED OFFICIALS, SUCCESSORS, ASSIGNS, EXECUTORS, ADMINISTRATORS, AGENTS, EMPLOYEES FOR CLAIMS OF DAMAGES OR LOSSES ATTRIBUTED TO EQUIPMENT FAILURE OR LOSS OF SERVICE OF CITY'S PUBLIC SAFETY COMMUNICATIONS SYSTEM OR TO THE FAILURE OF CITY TO PROVIDE ANY OF THE SERVICES TO BE PROVIDED BY CITY UNDER THIS AGREEMENT TO THE EXTENT ARISING FROM THE NEGLIGENCE OR WILLFUL MISCONDUCT OF VFD. NEITHER CITY NOR

ANY OF CITY'S ELECTED AND APPOINTED OFFICIALS, SUCCESSORS, ASSIGNS, EXECUTORS, ADMINISTRATORS, AGENTS, EMPLOYEES, LEGAL REPRESENTATIVES, AND ALL PERSONS, NATURAL OR CORPORATE, IN PRIVITY WITH THEM OR ANY OF THEM SHALL BE LIABLE FOR ANY DIRECT, INDIRECT, CONSEQUENTIAL, PUNITIVE, OR INCIDENTAL DAMAGES ARISING OUT OF THE USE OF OR INABILITY TO USE CITY'S PUBLIC SAFETY COMMUNICATIONS SYSTEM OR THE SERVICES TO BE PROVIDED BY CITY HEREUNDER, EVEN IF SAID PARTIES HAVE BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

IV. Term

The term of this contract shall commence on the date on which this agreement is executed by both parties as said date is set forth at the end of this contract. This contract shall continue in effect until terminated by either VFD or the City as provided herein. Either party hereto may terminate this agreement (solely within its discretion and for no reason or cause whatsoever) at any time by giving the other party hereto written notice of such termination, which notice must be received at least thirty (30) days in advance of the effective date of such termination. Notice of termination coming from VFD shall be considered received by City when hand-delivered to the City Administrative Agent. Notice of termination coming from City shall be considered received by VFD when hand-delivered to the VFD Administrative Agent. Further, and in either case, notice of termination shall be effective when mailed to the above identified person (instead of hand-delivered) by certified mail return receipt requested and

postage prepaid by using the respective addresses as shown below the signatures hereto.

V. Assignment

This contract shall bind and benefit the respective parties and their legal successors and shall not be assignable, in whole or in part, by either party without first obtaining written consent of the other party.

VI. Modification

Except as expressly otherwise provided herein, this contract shall be subject to change and modification only with the written mutual consent of the governing body of City and the governing body of VFD.

VII. No Benefits to Third Parties

This contract shall be for the sole and exclusive benefit of the parties hereto and shall not be construed to confer any rights upon any third party.

VIII. Entire Understanding

This contract embodies and constitutes the entire understanding between the parties hereto regarding the subject matter hereof. This contract shall supersede all prior agreements (oral and written), if any, between the parties hereto regarding the subject matter of this contract or any part thereof.

IX. Effect of Authorship on Construction of Contract

The parties agree that this contract shall not be construed in favor of or against any party on the basis that the party did or did not author this contract.

X. Section Titles

The parties agree that the titles of each section of this contract are for the convenience of the parties only and shall have no effect on the interpretation of this contract.

XI. Controlling Law and Venue

Without regard to any rules on conflicts of law, this contract shall be subject to and interpreted in conformance with the laws of the State of Texas, unless expressly provided otherwise by state or federal law or regulations. Venue for any action arising under this contract shall lie exclusively in Gregg County, Texas, for actions in state court and in the Eastern District of Texas, Tyler Division, for actions in federal court.

XII. Severability

The invalidity or unenforceability of any provision of this contract shall not affect the validity or enforceability of any other provision of this contract. If any provision of this contract is declared or found to be illegal, unenforceable or void, then both parties hereto shall be relieved of all obligations arising under such provision, but only to the extent that such provision is illegal, unenforceable or void, it being the intent and agreement of the parties that this contract shall be deemed amended by modifying such provision to the extent necessary to make it legal and enforceable while preserving its intent or, if that is not possible, by substituting therefor another provision that is legal and enforceable and achieves the same objective.

XIII. Waiver

Failure or delay in enforcing any rights under this contract will not constitute a waiver of such rights or effect enforcement of any other rights.

XIV. Survival

Upon the expiration or termination of this contract for any reason, the obligations of the parties hereunder shall thereupon cease, but the provisions of this contract which confer rights upon either party and which limit or delineate the responsibility of either party shall remain in effect as to the parties' conduct prior to expiration of this contract.

XV. No Partnership

Nothing contained in this contract shall be construed to create a partnership or joint venture between the parties or their successors in interest.

XVI. Counterparts

This contract and any related documents and any amendments hereto or thereto may be executed in counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

XVII. Gender and Number

Within this contract, words of any gender shall be held and construed to include any other gender, and words in the singular number shall be held and construed to include the plural, unless the context requires otherwise.

XVIII. Signatory Warranty

By signing this contract, each person executing this contract on behalf of a party hereto personally warrants and represents that (i) he or she has full authority to execute this contract on behalf of the party that he or she represents and bind said party in accordance with the terms and provisions hereof and (ii) said party has taken all necessary action to enter into and make the agreements set forth herein.

This contract has been executed by the parties hereto in multiple originals, each of equal force, this _____ day of _____, 2014.

APPROVED:

City of Longview, Texas

David Willard
City Manager

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

ADDRESSES FOR GIVING NOTICE:

If to City:

Manager of Public Safety
Communications
City of Longview
P.O. Box 1952
Longview, TX 75606

If to VFD:

Fire Chief
White Oak Volunteer Fire Department
301 S. White Oak Rd
White Oak, TX 75693

APPROVED:

White Oak Volunteer Fire Department

Robin Kelm
Fire Chief

GRANT APPLICATION

DESCRIPTION: Consider a Resolution to apply for and accept a grant in an amount not to exceed \$2,500.00 from the Community Grant Program from Sam's Club for the purchase of materials for the Longview Police Department's Women's Safety Programs.

RECOMMENDED ACTION: Resolution and Council approval

SOURCE OF FUNDS:

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

COUNCIL DATE: August 14, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE APPLICATION, ACCEPTANCE AND EXPENDITURE OF A GRANT AWARD OF \$2,500.00 FROM SAM'S CLUB THROUGH THE COMMUNITY GRANT PROGRAM FOR USE BY THE CITY OF LONGVIEW POLICE DEPARTMENT FOR WOMEN'S SAFETY PROGRAMS; AUTHORIZING AND DIRECTING THE CITY MANAGER, HIS DESIGNEE OR OTHER OFFICIAL OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING, SECURING AND EXPENDING SAID GRANT AWARD; 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, Sam's Club through the Community Grant Program has made money available to be used for the purpose of supporting initiatives that reduce crime and its effect on communities; and,

WHEREAS, the aforesaid funds will be directed towards conducting women's safety programs through the Longview Police Department; and,

WHEREAS, said program will result in no additional direct cost to the City; and,

WHEREAS, both the Police Department and the City Council of the City of Longview desire to have said programs that will assist in informing and empowering women in the community on safety matters; 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 through the City Manager, his designee or other official of the City that may be required are hereby authorized to apply, accept and expend a grant award of \$2,500.00 from Sam's Club through the Community Grant Program to provide and enhance City of Longview Police Department's women's safety programs.

Section 3. That the City Manager , his designee or other official of the City that may be required are hereby authorized and directed to execute all necessary documents, as approved by the City Attorney's Office, incident to the application, acceptance and expenditure on behalf of the City of Longview of a said grant award.

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

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

PASSED AND APPROVED this 14th day of August, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R POLICE GRANT SAMS CLUB WOMEN SAFETY 8-14-14

**AMENDMENT REQUEST TO ARTICLE III CHAPTER 103 OF
THE CITY CODE BY ADDING SECTION 103-38**

DESCRIPTION: Amending Article III of Chapter 103 of the Longview City Code by adding Section 103-38, which will permit not only the Chief of Police, but also the designee of the Chief of Police to investigate and process applications for a transportation service driver's license and to communicate with applicants regarding the process and the City's final determination as to the applicant.

RECOMMENDED ACTION: Council approval amending Article III Chapter 103 of the Longview City Code

SOURCE OF FUNDS:

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

COUNCIL DATE: August 14, 2014

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AMENDING ARTICLE III OF CHAPTER 103, ENTITLED *PUBLIC VEHICLES*, SPECIFICALLY ADDING LANGUAGE TO SECTION 106-38, TO PERMIT THE CHIEF OF POLICE OR THE DESIGNEE OF THE CHIEF OF POLICE TO INVESTIGATE AND PROCESS APPLICATIONS FOR TRANSPORTATION SERVICE DRIVER'S LICENSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE 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, ("City Council") has determined that, it is necessary to amend an ordinance of the City of Longview by adding language to permit not only the Chief of Police, but also the designee of the Chief of Police to investigate and process applications for a transportation service driver's license and to communicate with applicants regarding the process and the City's final determination as to the applicant; NOW, THEREFORE,

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

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

Section 2. That subsections (d) and (e) of Section 103-38 of Article III of Chapter 103 of the Code of Ordinances, City of Longview, Texas, are hereby amended in their entirety to read as follows:

(d) The Chief of Police, **or designee**, shall investigate all applicants for a transportation service driver's license under this article to determine if the applicant meets the requirements and standards set forth in this article and either approve or disapprove each such application.

(e) The Chief of Police, **or designee**, shall inform the applicant of his decision in writing within 15 days after the application is submitted.

Section 3. That all provisions of the ordinances of the City of Longview in conflict with the provision of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Longview not in conflict with the provision of this Ordinance shall remain in full force and effect.

Section 4. That should any sentence, paragraph, subdivision clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Longview City Code as a whole.

Section 5. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of Section 4.07 of the City Charter.

Section 6. 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 7. That this ordinance shall become effective immediately from and after the date of passage.

PASSED and APPROVED this the 14th day of August, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

O POLICE TAXI PERMIT CHIEF DESIGNEE 8-14-14

GREEN STREET RECONSTRUCTION

DESCRIPTION: Consider a Resolution awarding a contract in the amount of \$5,432,080.20 to Longview Bridge and Road, Ltd., of Longview, Texas, for the construction of the referenced project. The following bids were opened on July 22nd, 2014:

Bidder	Amount
Longview Bridge and Road Longview, Texas	\$5,432,080.20
East Texas Bridge Longview, Texas	\$5,503,755.16

This project provides for the reconstruction of Green Street, a four lane concrete street, curb and gutter, drainage inlets and pipe, pavement markings and signs, sidewalk, and water and sewer improvements from Cotton to Young Street. This project was approved in the 2011 Bond Election.

KSA Engineers has examined the low bid and the qualifications of the bidder, and recommends award of the contract to Longview Bridge and Road. Staff concurs with their recommendation.

RECOMMENDED ACTION: Passage of Resolution.

SOURCE OF FUNDS: Funding is available from the 2011 General Obligation Bond Fund.

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

COUNCIL DATE: August 14th, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF LONGVIEW BRIDGE AND ROAD, LTD., OF LONGVIEW TEXAS, FOR CONSTRUCTION OF THE PROJECT ENTITLED "GREEN STREET RECONSTRUCTION"; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND LONGVIEW BRIDGE AND ROAD, LTD., 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 "Green Street Reconstruction"; and,

WHEREAS, this project provides for the reconstruction of Green Street, a four lane concrete street, curb and gutter, drainage inlets and pipe, pavement markings and signs, sidewalk, and water and sewer improvements from Cotton to Young Street; and,

WHEREAS, funding for this project is provided from the 2011 Bond Fund;
NOW, THEREFORE,

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

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

Section 2. That the bid submitted by Longview Bridge and Road, Ltd., of Longview, Texas, for construction of the project known as "Green Street Reconstruction" in the amount of \$5,432,080.20 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 Longview Bridge and Road, Ltd., in the amount of \$5,432,080.20.

Section 4. That the City Manager, his designee or other official of the City as shall be required, are hereby authorized and directed to execute any and all contracts and other documents, incident to the acceptance on behalf of the City of Longview of a bid by Longview Bridge and Road, Ltd., of Longview, Texas, for the project known as "Green Street Reconstruction".

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 14th day of August, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW BID GREEN STREET RECONSTRUCTION 8-14-14

FOURTH STREET EXTENSION

DESCRIPTION:

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 East Texas Bridge, Inc., of Longview, Texas, in the amount of \$3,527,246.55 for the construction of the Fourth Street Extension Project and authorizing amendments to the existing developer participation agreement with Gary VanDusen to allow the sharing of costs in excess of the original estimate for said project. The following three bids were opened on July 31, 2014:

Bidder	Amount
East Texas Bridge, Longview, TX	\$3,527,246.55
Longview Bridge and Road Longview, TX	\$3,695,757.75
McKinnon Construction Kilgore, TX	\$4,284,263.40

This project provides for the construction of a five-lane concrete street, curb and gutter section, drainage inlets and pipe, traffic signs, pavement markings, and signal improvements from Hawkins Parkway to US 259 (Eastman Road). The project also included the addition of turn lanes at the existing three approaches of Hawkins and Fourth.

This project is funded through a developer participation agreement. The City entered into a Developer Participation agreement in which the City and the developer agreed to contribute \$1,234,500 and \$2,234,500, respectively, towards the total cost of the project which was estimated at \$3,469,000. After receipt of the bids, the new total project cost is \$3,766,996.55 which requires additional funding in the amount of \$297,996.55. The developer has agreed to pay 50% of these costs contingent upon the City paying 50% of the costs (\$148,998.28). Funding is available to cover these additional costs.

Johnson and Pace has examined the bids and the qualifications of the low bidder, and recommends award of the contract to East Texas Bridge of Longview, TX in the amount of \$3,527,246.55.

RECOMMENDED ACTION:

Passage of Resolution.

SOURCE OF FUNDS: Funding is available from the General Fund and the Developer.

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

COUNCIL DATE: August 14th, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF EAST TEXAS BRIDGE, INC., OF LONGVIEW TEXAS, FOR CONSTRUCTION OF THE PROJECT ENTITLED "FOURTH STREET EXTENSION"; AUTHORIZING THE NEGOTIATION, FINALIZATION AND EXECUTION OF ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND EAST TEXAS BRIDGE, INC., FOR THE ABOVE REFERENCED PROJECT; AUTHORIZING AMENDMENTS TO THE EXISTING DEVELOPER PARTICIPATION AGREEMENT WITH MR. GARY VAN DUSEN TO ALLOW THE SHARING OF COSTS IN EXCESS OF THE ORIGINAL ESTIMATE FOR SAID PROJECT; MAKING THE ACCEPTANCE AND AUTHORIZATIONS PROVIDED HEREIN CONTINGENT UPON CERTAIN CONDITIONS; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE PURCHASING REQUIREMENTS IN SOLICITING, RECEIVING, AND ACCEPTING THE AFORESAID BID; 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") desires to begin construction of the project known as the "Fourth Street Extension"; and,

WHEREAS, the Fourth Street Extension provides for the construction of a five-lane concrete street, curb and gutter section, drainage inlets and pipe, traffic signs, pavement markings, and signal improvements from Hawkins Parkway to US 259 (Eastman Road); and,

WHEREAS, the Fourth Street Extension also includes the addition of turn lanes at the existing three approaches of Hawkins and Fourth; and,

WHEREAS, the City has previously entered into a “Developer Participation Contract for City Street Improvements” with Mr. Gary Van Dusen (the “Developer”), who owns much of the land across which the Fourth Street Extension will be constructed; and,

WHEREAS, said Developer Participation Contract for City Street Improvements provides the basis and formula pursuant to which the City and the Developer will share in the costs of constructing the Fourth Street Extension; and,

WHEREAS, in accordance with state law and with the aforesaid Developer Participation Contract for City Street Improvements, the City has issued an invitation to bid for the construction of the Fourth Street Extension and has received and opened the responses to said invitation to bid; and,

WHEREAS, the lowest bid received by the City for the construction of the Fourth Street Extension will result in a total project cost of \$3,766,996.55, which is \$297,996.55 more than the highest total project cost envisioned by the aforesaid Developer Participation Contract for City Street Improvements; and,

WHEREAS, as a result of the foregoing, the City and the Developer wish to amend the aforesaid Developer Participation Contract for City Street Improvements in order to evenly share the aforesaid excess cost of \$297,996.55; and,

WHEREAS, the City wishes to accept the aforementioned lowest bid for the Fourth Street Extension, contingent upon certain conditions set forth herein; and,

WHEREAS, the funding for the City’s portion of the total project costs for the Fourth Street Extension is provided from the City’s General Fund; NOW, THEREFORE,

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

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

Section 2. That the City Manager or the City Manager's designee, and any additional official of the City as shall be required, are hereby authorized to negotiate, finalize and execute any and all amendments to the existing Developer Participation Contract for City Street Improvements described herein necessary or convenient for the equal sharing of the excess cost of \$297,996.55 described herein.

Section 3. That the bid submitted by East Texas Bridge, Inc., for construction of the project known as the "Fourth Street Extension" in the amount of \$3,527,246.55 is the lowest bid submitted to the City of Longview for construction of said project.

Section 4. That, contingent upon the conditions set forth herein and upon the negotiation and execution of an amendment to the Developer Participation Contract for City Street Improvements as authorized herein, the City of Longview hereby accepts the aforementioned bid by East Texas Bridge, Inc., in the amount of \$3,527,246.55.

Section 5. That the City Manager or the City Manager's designee, and any additional official of the City as shall be required, are hereby authorized to negotiate, finalize, and execute any and all contracts and other documents incident to the acceptance on behalf of the City of Longview of a bid by East Texas Bridge, Inc., for the project known as "Fourth Street Extension".

Section 6. That the authorizations provided herein are contingent upon the City Attorney's approval of the form of all contracts, amendments, and other documents authorized hereby.

Section 7. That the process by which the aforementioned bid was solicited, 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 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 9. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 14th day of August, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW BID FOURTH STREET EXTENSTION 8-14-14

AUTHORIZATION TO INTERVENE TO REVIEW A REQUEST TO RECONCILE FUEL COSTS IN A PROCEEDING PENDING BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS

DESCRIPTION:	<p>Under State law a utility may seek to reconcile the amount it spends on fuel expenses with the amount it recovers through its fuel factor. On June 4, 2014, Southwestern Electric Power Company ("SWEPCO" or "Company") filed an application with the Public Utility Commission of Texas (the "Commission") asserting that for the period January 1, 2012 through February 28, 2014, it had recovered \$4.8 million less through its fuel factor than what it incurred in fuel expenses. These proceedings are referred to as "fuel-reconciliation" rate cases.</p> <p>SWEPCO's request to establish the fuel balance through February 28, 2014 would establish the underlying balance going forward from March 1, 2014. Future fuel reconciliations will only reconcile fuel costs incurred after March 1, 2014. This proceeding before the Commission will provide an opportunity to review the reasonableness and prudence of fuel contracts that SWEPCO entered into between January 1, 2012 and February 28, 2014. These fuel contracts could impact fuel costs for years to come, and thereby affect SWEPCO's rates.</p>
RECOMMENDED ACTION:	<p>Passage of the Resolution. It is important that the City intervene in the fuel-reconciliation proceeding and related proceedings to exercise its due diligence as a regulatory authority.</p>
SOURCE OF FUNDS:	<p>Cities by statute are entitled to recover their reasonable rate case expenses from the utility.</p>
STAFF CONTACT:	<p>Jim Finley, City Attorney 903-237-1091 jfinley@longviewtexas.gov</p>
COUNCIL DATE:	<p>August 14, 2014</p>

RESOLUTION NO. _____

RESOLUTION BY THE CITY OF LONGVIEW, TEXAS (“CITY”) AUTHORIZING THE CITY TO PARTICIPATE AS PART OF THE CITIES ADVOCATING REASONABLE DEREGULATION (“CARD”) IN PROCEEDINGS RELATED TO SOUTHWESTERN ELECTRIC POWER COMPANY’S (“SWEPCO”) APPLICATION TO RECONCILE FUEL COSTS SUBMITTED ON OR ABOUT JUNE 4, 2014; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; AUTHORIZING THE CARD STEERING COMMITTEE TO DIRECT THE ACTIVITIES OF LAWYERS AND CONSULTANTS REGARDING SWEPCO’S APPLICATION; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, Southwestern Electric Power Company (“SWEPCO” or “Company”) filed an Application to reconcile fuel costs on or about June 4, 2014; and,

WHEREAS, SWEPCO’s proposal asserts it has undercollected \$4,757,511 in fuel expenses; and,

WHEREAS, pursuant to the Public Utility Regulatory Act (“PURA”) § 33.025 the City has standing in each case before the Public Utility Commission of Texas (the “Commission”) that relates to an electric utility providing service in the municipality; and,

WHEREAS, the City has the authority under PURA § 33.023 to participate in ratemaking proceedings and engage consultants and attorneys to advise and represent the City and assist before a regulatory authority, or a court; and,

WHEREAS, the electric utility in the ratemaking proceeding shall reimburse the City for the reasonable cost of the services of a person engaged under

PURA § 33.023(a) to the extent the applicable regulatory authority determines is reasonable; and,

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing, analyzing and investigating SWEPCO's fuel reconciliation request it is prudent to coordinate the City's efforts with a coalition of similarly situated municipalities; and,

WHEREAS, the City, in matters regarding applications by SWEPCO to change rates, has in the past joined with other local regulatory authorities to form Cities Advocating Reasonable Deregulation ("CARD") and hereby continues its participation in CARD; and,

WHEREAS, the City will need to review and evaluate SWEPCO's fuel reconciliation request to exercise its due diligence with regard to SWEPCO's application; NOW, THEREFORE,

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

Section 1. The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

Section 2. The City continues its participation with other cities in a coalition of cities known as Cities Advocating Reasonable Deregulation ("CARD") with the understanding that the Steering Committee of CARD is to provide direction and guidance to Special Counsel representing said cities.

Section 3. The City authorizes participation and intervention in proceedings at the Public Utility Commission related to SWEPCO's fuel-reconciliation

case, as well as appeals taken, if any, from the Commission's decision

Section 4. The City employs Herrera & Boyle, PLLC as Special Counsel to represent the City with regard to SWEPCO's requested fuel reconciliation and related proceedings before local and state regulatory authorities and any court of law and authorizes Special Counsel to employ such rate experts as may be necessary for review and evaluation of SWEPCO's fuel application.

Section 5. The City, in coordination with the Steering Committee, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to SWEPCO for reimbursement.

Section 6. A copy of this resolution shall be sent to Mr. Jeff C. Broad, Regulatory Case Manger, American Electric Power Services Corporation – SWEPCO, 400 West 15th Street, Suite 1520, Austin, Texas 78701; and to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Ave., Suite 1250, Austin, Texas 78701.

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

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

PASSED AND APPROVED this 14TH day of August, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R UTILITY CARD RECONCILE FUEL COSTS 8-14-14

RESOLUTION SUPPORTING THE ACTIVITIES OF THE ALLIANCE OF CENTERPOINT MUNICIPALITIES ("ACM") & ATMOS TEXAS MUNICIPALITIES ("ATM") OPPOSING RULES PROPOSED BY THE TEXAS RRC CONCERNING THE REVIEW OF RATES

DESCRIPTION:

Current Texas statutes provide Texas cities with strong local control over gas utility rates by recognizing their exclusive original jurisdiction over such rates within each city. Texas law also provides that utilities must reimburse cities for the reasonable expenses that cities incur while participating in gas ratemaking proceedings both at the City level and before the Railroad Commission of Texas (the "RRC"). On July 25, 2014, the RRC published new proposed rules that would greatly diminish, if not entirely eliminate, a city's ability to review the reasonableness of a rate increase by:

1. Requiring that cities fund all rate case expenses out of their own budgets that were incurred while investigating and challenging gas rate increases that utilities propose to the RRC before receiving any reimbursement of expenses the RRC finds reasonable; and,
2. Restricting cities' ability to meaningfully participate in ratemaking proceedings before the RRC by severely limiting the mechanisms and information that a city may request from the gas utility when it proposes an increase in rates.

RECOMMENDED ACTION:

The City should participate as a member of ACM and ATM and thereby join ACM/ATM's efforts to oppose the RRC's proposed rules and any similar legislation that would: undermine the City's ratemaking jurisdiction and its ability to question and challenge unreasonable rate increases; allow for processes that do not permit a complete and thorough review of utilities' capital expenditures and operating expenses; restrict cities' ability to participate in the rate-setting process; and support ACM/ATM's efforts to preserve cities' original jurisdiction over utility ratemaking.

SOURCE OF FUNDS:

The City's cost for participation in this effort would be apportioned among the member cities in ACM and ATM based on each city's number of meters in the City relative to the overall number of meters. Longview has 10,061 meters in ACM and 8659 in ATM. Longview's cost related to rulemaking would be \$3,500 and \$5,825

for 2015 Legislative session.

STAFF CONTACT:

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

COUNCIL DATE:

August 14, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS AUTHORIZING THE CITY'S PARTICIPATION IN COALITIONS OF SIMILARLY SITUATED CITIES IN PROCEEDINGS BEFORE THE RAILROAD COMMISSION OF TEXAS AND THE TEXAS LEGISLATURE RELATED TO THE CITY'S AUTHORITY TO EFFECTIVELY REVIEW AND REGULATE UTILITY RATES; 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, Texas, hereinafter referred to as "City," is a member of Alliance of CenterPoint Municipalities ("ACM") and Atmos Texas Municipalities ("ATM"); and,

WHEREAS, ACM and ATM have previously participated in utility ratemaking proceedings before the Railroad Commission of Texas; and,

WHEREAS, ACM and ATM have previously participated in legislative proceedings before the Texas Legislature; and,

WHEREAS, as recently as in the 83rd Regular Session of the Texas Legislature the Legislature considered and rejected legislation that if enacted, would have negatively affected municipalities' original jurisdiction to regulate a utility's rates, services, and operations in the City; and,

WHEREAS, as recently as the 83rd Regular Session of the Texas Legislature in 2013, the Legislature considered and rejected legislation that if enacted, would have negatively affected municipalities' ability to undertake a meaningful

evaluation of a utility's request to increase gas rates and effectively challenge unreasonable rate increases; and,

WHEREAS, the Railroad Commission of Texas has initiated proceedings to adopt new rules whose effect would be similar to the restrictions that the Legislature rejected in its 83rd Regular Session; and,

WHEREAS, the rules the Railroad Commission of Texas proposed would diminish, if not altogether eliminate, Texas cities' original ratemaking jurisdiction over gas utilities and cities' ability to meaningfully review a gas utility's request to increase its rates; and,

WHEREAS, the City supports ACM's, ATM's and other similarly situated coalitions of cities' opposition to proposed rules or laws that would diminish and/or eliminate municipalities' ability to effectively regulate gas utility rates or to meaningfully participate in contested proceedings before the Railroad Commission of Texas; 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. The City directs ACM and ATM to oppose rules or legislation that would:

- Eliminate or reduce the ability of incorporated municipalities to exercise their statutorily guaranteed original jurisdiction over gas utility rates.

- Allow the approval of increases in rates without a complete and thorough review of a utility's capital expenditures or operating expenses by cities representing their ratepayers' interests.

- Eliminate, delay, or diminish the reimbursement of municipalities' reasonable costs incurred while investigating and challenging utility rate proposals or that would otherwise reduce municipalities' ability to participate in the rate-setting process.

Section 3. The City directs ACM and ATM to support processes that:

- Uphold and enforce municipalities' original jurisdiction over gas utility ratemaking.

- Preserve municipalities' ability to fully investigate and challenge gas utilities' proposed changes to their rates and tariffs.

- Preserve municipalities' historical right to prompt reimbursement of reasonable costs that the municipalities' incur while investigating and challenging gas utilities' proposals to change their rates in all related proceedings, without any onerous predicate requirements.

Section 4. The City authorizes the ACM and ATM Steering Committees to hire and direct its advocates in these efforts before the Railroad Commission of Texas and the Texas Legislature.

Section 5. That a copy of this resolution shall be sent to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Avenue, Suite 1250, Austin, Texas 78701, in his role as Special Counsel to ACM and ATM.

Section 6. That the meeting at which this resolution was adopted 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 14th day of August, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R UTILITY ACM & ATM RRC AMENDED RULES RATEMAKING 8-14-14

12-INCH WATER LINE EXTENSION AT EASTMAN ROAD

DESCRIPTION: Consider a Resolution awarding a contract in the amount of \$138,506.45 and authorizing the City Manager or his designee to execute any necessary documents with W. M. Miller Construction of Longview, Texas the construction of the referenced project. The following three proposals were opened on July 31, 2014:

Bidder	Amount
W. M. Miller Construction Longview, TX	\$138,506.45
7-H Construction Tyler, TX	\$140,284.00
Excel Utility Construction, Inc. Longview, TX	\$192,071.50

The scope of work includes the construction of 1,600 feet of a new 12-inch water transmission line with appurtenances from the UT Tyler campus along US 259 (Eastman Road) to the intersection with the new Fourth Street extension.

Johnson and Pace has examined the bids and the qualifications of the low bidder, and recommends that the City award the contract to W. M. Miller Construction in the amount of \$138,506.45. Staff concurs with their recommendation.

RECOMMENDED ACTION: Passage of the Resolution.

SOURCE OF FUNDS: Funding is available from Utility CIP Fund.

STAFF CONTACT: Rolin McPhee, P.E., Director of Public Works
903-237-1366
rmcphee@LongviewTexas.gov

COUNCIL DATE: August 14, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF W. M. MILLER CONSTRUCTION COMPANY OF LONGVIEW, TEXAS, FOR CONSTRUCTION OF THE PROJECT ENTITLED "12-INCH WATER LINE EXTENSION AT EASTMAN ROAD"; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND W. M. MILLER CONSTRUCTION COMPANY, FOR THE ABOVE REFERENCED PROJECT; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview desires to begin construction of the project known as "12-Inch Water Line Extension at Eastman Road"; and,

WHEREAS, said project will include the construction of 1,600 feet of a new 12-inch water transmission line with appurtenances from the UT Tyler campus along US 259 (Eastman Road) to the intersection with the new Fourth Street extension; and,

WHEREAS, funding for this project is provided from the from the Utility CIP Fund; NOW, THEREFORE,

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

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

Section 2. That the bid submitted by W. M. Miller Construction Company of Longview, Texas, for construction of the project in the amount of \$138,506.45 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 W. M. Miller Construction Company of Longview, Texas, in the amount of \$138,506.45.

Section 4. That the City Manager, his designee or other official of the City as shall be required, are hereby authorized and directed to execute any and all contracts and other documents, as approved by the City Attorney's Office, incident to the acceptance on behalf of the City of Longview of a bid by W. M. Miller Construction Company of Longview, Texas, for the project known as "12-Inch Water Line Extension at Eastman Road".

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 14th day of August, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW BID 12 INCH WATER LINE AT EASTMAN 8-14-14

HOLLYBROOK DRIVE IMPROVEMENTS

DESCRIPTION:	<p>Consider a Resolution accepting the Hollybrook Drive Improvements Project and authorizing final payment in the amount of \$153,873.21 to East Texas Bridge, Inc., of Longview, Texas. Approval of final payment will begin the contractor's one-year warranty period.</p> <p>The City Council awarded a contract to East Texas Bridge, of Longview, Texas on March 14, 2013 in the amount of \$3,092,132.35. The final construction cost is \$3,077,464.22.</p> <p>The scope of work includes the construction of a four-lane concrete street, curb and gutter section, drainage inlets and pipe, traffic signs, pavement markings, water and sewer improvements from Eastman Road to Loop 281 and any additional miscellaneous work as required to complete these installations.</p> <p>The project has been completed in accordance with the contract. The consultant, Wood Engineering recommends acceptance of the project and approval of the final payment. Staff concurs with the recommendation.</p>
RECOMMENDED ACTION:	Passage of the Resolution.
SOURCE OF FUNDS:	Funding is available from the 2011 Bond Fund
STAFF CONTACT:	Rolin C. McPhee, P.E., Director of Public Works, 903-237-1336 rmcphee@LongviewTexas.gov
COUNCIL DATE:	August 14, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT KNOWN AS "HOLLYBROOK DRIVE IMPROVEMENTS"; AUTHORIZING AND APPROVING FINAL PAYMENT TO EAST TEXAS BRIDGE, INC., OF LONGVIEW, 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 March 14, 2013, the City Council awarded a construction contract to East Texas Bridge, Inc., of Longview, Texas, in the amount of \$3,092,132.35 for the project known as "Hollybrook Drive Improvements"; and,

WHEREAS, this project provided for the construction of a four-lane concrete street, curb and gutter section, drainage inlets and pipe, traffic signs, pavement markings, water and sewer improvements from Eastman Road to Loop 281; and,

WHEREAS, the final construction cost for said project was \$3,077,464.22; and,

WHEREAS, the project has been completed in accordance with the plans and specifications and the contractor, East Texas Bridge, Inc. has requested final payment in the amount of \$153,873.21; and,

WHEREAS, the final amount of \$153,873.21 is due to the contractor as final payment; and,

WHEREAS, the acceptance of the work by East Texas Bridge, Inc., of Longview, Texas, 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 East Texas Bridge, Inc., of Longview, Texas, on the project known as "Hollybrook Drive Improvements" is hereby accepted as complete and that final payment in the amount of \$153,873.21 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 14th day of August 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW FINAL PAY HOLLYBROOK DRIVE IMPROVEMENTS 8-14-14

REPLACEMENT OF PEDESTRIAN BRIDGES AT AKIN PARK - FINAL ACCEPTANCE

DESCRIPTION:	<p>Consider a Resolution accepting the "Replacement of Pedestrian Bridges at Akin Park" project and authorizing final payment in the amount of \$16,600.70 to C.E. Marler Construction, Inc. Approval of final payment will begin the contractor's one-year warranty period.</p> <p>The City Council awarded a contract to C.E. Marler Construction, Inc. on February 13, 2014 in the amount of \$176,007.00. The final construction cost is \$166,007.00.</p> <p>This project provided for the replacement of existing pedestrian bridges at Akin Park.</p> <p>The project has been completed in accordance with the contract. Staff recommends acceptance of the project and approval of final payment.</p>
RECOMMENDED ACTION:	Passage of Resolution
SOURCE OF FUNDS:	200-280-856-9030
STAFF CONTACT:	Rolin McPhee, P.E., Director of Public Works, 903-237-1336 rmcphee@longviewtexas.gov
COUNCIL DATE:	August 14, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT ENTITLED “REPLACEMENT OF PEDESTRIAN BRIDGES AT AKIN PARK”; AUTHORIZING AND APPROVING FINAL PAYMENT TO C.E. MARLER CONSTRUCTION, INC. OF KILGORE, TEXAS, FOR THE 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 February 13, 2014, the City Council awarded a contract to C.E. Marler Construction, Inc. of Kilgore, Texas, in the amount of \$176,007.00.00 for the project known as “Replacement of Pedestrian Bridges at Akin Park”; and,

WHEREAS, this project provided for the replacement of existing pedestrian bridges at Akin Park, and;

WHEREAS, the final construction cost for said project was \$166,007.00.00; and,

WHEREAS, the project has been completed in accordance with the plans and specifications and the contractor, C.E. Marler Construction, Inc., has requested final payment in the amount of \$16,600.70; and,

WHEREAS, the final amount of \$16,600.70 is due to the contractor as final payment; and,

WHEREAS, the acceptance of the work by C.E. Marler Construction, Inc. of Kilgore, 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 construction work performed by C.E. Marler Construction, Inc. of Kilgore, Texas, on the project known as " Replacement of Pedestrian Bridges at Akin Park" is hereby accepted as complete and that final payment in the amount of \$16,600.70 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 14th day of August, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW FINAL PAY AKIN BRIDGE 8-14-14

INVESTMENT REPORT FOR QUARTER ENDING JUNE 30, 2014

DESCRIPTION:

The Investment Report for the quarter ending June 30, 2014 is presented as required by the Public Funds Investment Act.

The City's investments for the quarter were in compliance with the City's investment Policy and the Public Funds Investment Act. The City had investments in Texpool, Texas Class Investment Pool and Certificate of Deposits.

Quarter Ending June 30, 2014

Texpool \$ 3,689,683

Ending Yield 0.03%

Weighted Average Maturity 1 Days

Interest Earned \$268

Texas Class \$ 5,329,343 Ending Yield 0.10%

Weighted Average Maturity 1 Days

Interest Earned \$1,446

Certificate of Deposits \$44,778,940

Ending Yields

12 Months 0.62%

15 Months 0.54%

18 Months 0.30%

18 Months 0.61%

24 Months 0.56%

24 Months 0.64%

24 Months 0.57%

24 Months 1.02%

30 Months 0.73%

30 Months 1.12%

36 Months 0.88%

Interest Earned \$80,830

Texpool is a local government investment pool. The primary objectives of the pool are to preserve capital and protect principal, maintain sufficient liquidity, provide safety of funds and investments, diversify to avoid unreasonable or avoidable risks, and maximize the return on the pool. The pool seeks to maintain a \$1.00 value per share as required by the Texas Public Funds Investment Act. Texpool investments consist exclusively of U.S. Government securities, repurchase agreements collateralized by U.S. Government securities, and AAA-rated no-load money market mutual funds. Texpool is rated AAAM by Standard & Poor's, the highest rating a

local government investment pool can achieve. The weighted average maturity of the portfolio is limited to 60 days calculated using the reset date for variable rate notes ("VRNs") and 90 days or fewer using the final maturity date for VRNs, with the maximum maturity for any individual security in the portfolio not exceeding 397 days for fixed rate securities and 24 months for VRNs.

Through our depository bank, Southside Bank, city funds are in an interest bearing account, with pledged securities for collateral. Per the depository contract, interest is earned thirty five basis points on the average daily balance.

RECOMMENDED ACTION: Receive written investment report. No formal action required.

STAFF CONTACT: Angela Coen, Director of Finance
903-239-5521
acoen@ci.longview.tx.us

COUNCIL DATE: August 14, 2014

CONTRACT WITH CWC

DESCRIPTION:	The U.S Corps of Engineers contracts with the Texas Water Development Board (TWDB) to conduct hydrographic studies of reservoirs across the state. The Cherokee Water Company (CWC) has indicated that a hydrographic survey of Lake Cherokee is needed to project the rate of sedimentation in Lake Cherokee. The USACE conducts such surveys only by agreement with governmental entities and because the CWC is not a governmental entity, the CWC has requested that the City enter into an agreement with the USACE in order to conduct the needed survey. The CWC will bear all costs of the required hydrographic survey.
RECOMMENDED ACTION:	Passage of Resolution.
SOURCE OF FUNDS:	N/A
STAFF CONTACT:	Keith Bonds, P.E., Assistant City Manager 903-237-1051 kbonds@longviewtexas.gov
COUNCIL DATE:	August 14 th , 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPROVING AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LONGVIEW AND THE CHEROKEE WATER COMPANY THAT WILL ALLOW THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LONGVIEW AND THE U.S. ARMY ENGINEERS TO CONDUCT A HYDROGRAPHIC STUDY OF LAKE CHEROKEE; 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, Lake Cherokee in the Sabine River Basin provides a portion of the municipal water supply for the City of Longview (CITY); and,

WHEREAS, the Cherokee Water Company (CWC) is responsible for management and administration of said lake; and,

WHEREAS, the CWC has indicated that a hydrographic survey of Lake Cherokee is needed to project the rate of sedimentation in said lake; and,

WHEREAS, the State of Texas, acting by and through the United States Army Corps of Engineers (USACE), conducts such surveys only by agreement with governmental entities; and,

WHEREAS, because the CWC is not a governmental entity, the CWC has requested that the CITY enter into an agreement with the USACE in order to conduct the needed survey; and,

WHEREAS, the CWC has indicated that the CWC will bear all costs of the required hydrographic survey; and,

WHEREAS, the USACE has provided a draft copy of the required agreement between the CITY and the USACE; 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.

Section 2. That the Mayor, his designee or other official of the City as shall be required, is hereby authorized to execute any and all contracts and other documents, as approved by the City Attorney's Office, incident to the execution of a agreement on behalf of the City of Longview with the Cherokee Water Company in which said CWC will agree to bear all costs of a hydrographic survey of Lake Cherokee as described above in return for the agreement of the CITY to enter into an agreement with USACE to obtain said hydrographic survey.

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

PASSED AND APPROVED this 14th day of August, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R CMO CHEROKEE WATER HYDRO STUDY AGRMT 8-14-14

CONTRACT WITH USACE

DESCRIPTION:	The U.S Corps of Engineers contracts with the Texas Water Development Board (TWDB) to conduct hydrographic studies of reservoirs across the state. The Cherokee Water Company (CWC) has indicated that a hydrographic survey of Lake Cherokee is needed to project the rate of sedimentation in Lake Cherokee. The USACE conducts such surveys only by agreement with governmental entities and because the CWC is not a governmental entity, the CWC has requested that the City enter into an agreement with the USACE in order to conduct the needed survey. The CWC will bear all costs of the required hydrographic survey.
RECOMMENDED ACTION:	Passage of Resolution.
SOURCE OF FUNDS:	N/A
STAFF CONTACT:	Keith Bonds, P.E., Assistant City Manager 903-237-1051 kbonds@longviewtexas.gov
COUNCIL DATE:	August 14 th , 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPROVING AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LONGVIEW AND THE U.S. ARMY CORPS OF ENGINEERS TO CONDUCT A HYDROGRAPHIC STUDY OF LAKE CHEROKEE; 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, Lake Cherokee in the Sabine River Basin provides a portion of the municipal water supply for the City of Longview (CITY); and,

WHEREAS, the Cherokee Water Company (CWC) is responsible for management and administration of said lake; and,

WHEREAS, the CWC has indicated that a hydrographic survey of Lake Cherokee is needed to project the rate of sedimentation in said lake; and,

WHEREAS, the State of Texas, acting by and through the United States Army Corps of Engineers (USACE), conducts such surveys only by agreement with governmental entities; and,

WHEREAS, because the CWC is not a governmental entity, the CWC has requested that the CITY enter into an agreement with the USACE in order to conduct the needed survey; and,

WHEREAS, the CWC has indicated that the CWC will bear all costs of the required hydrographic survey; and,

WHEREAS, the USACE has provided a draft copy of the required agreement between the CITY and the USACE; 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 Mayor, his designee or other official of the City as shall be required, is hereby authorized to execute any and all contracts and other documents, as approved by the City Attorney's Office, incident to the execution of a agreement on behalf of the City of Longview with the (USACE) for a hydrographic survey of Lake Cherokee in the Sabine River Basin in order to determine the rate of sedimentation.

Section 3. That the authorization and approval provided by this resolution shall be and are hereby conditioned upon the execution of an agreement with CWC in which CWC agrees to bear all costs of the aforesaid hydrographic survey.

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 from and after its passage.

PASSED AND APPROVED this 14th day of August, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R CMO USACE HYDRO STUDY 8-14-14

FLOOD DAMAGE PREVENTION ORDINANCE

DESCRIPTION:	Consider an Ordinance amending Article I, II, III, IV, V, and VI of Chapter 43 of the Longview City Code. The amendments to the ordinance are necessary to adopt the new Flood Insurance Report (FIR) and Flood Insurance Rate Map (FIRM). Most importantly, these changes are required as a condition of continued eligibility in the National Flood Insurance Program (NFIP). In addition to these substantive changes, we are also making additional changes intended to correct certain clerical errors and make the regulations more internally consistent.
RECOMMENDED ACTION:	Approval of the Ordinance.
SOURCE OF FUNDS:	N/A.
STAFF CONTACT:	Rolin C. McPhee, P.E., Director of Public Works 903-237-1336 rmcphee@longviewtexas.gov
COUNCIL DATE:	August 14 th , 2014

CONSIDER APPROVAL OF THE FOLLOWING MINUTES

July 17, 2014

Rezone from Single Family (SF-4) to Parking (P) to allow for expansion of a parking lot for approximately 0.670 acres of the proposed Lot 5, Block 2 Church Point No. 2 located on the north side of Church Street, east of Airline Road

DESCRIPTION:		A PUBLIC HEARING will be held to consider application #Z14-07 filed by East Texas Building and Properties LLC requesting a rezone from Single Family (SF-4) to Parking (P) to allow for expansion of a parking lot for approximately 0.670 acres of the proposed Lot 5, Block 2 Church Point No. 2 located on the north side of Church Street, east of Airline Road.
RECOMMENDED ACTION:		Staff recommends approval. Planning & Zoning Commission recommends Approval. (6-1 Lonnie Murphy voted to denied)
STAFF CONTACT:		Michael R. Shirley, AICP, City Planner
		903-237-1059
		mshirley@LongviewTexas.gov
COUNCIL DATE:		August 14, 2014

STAFF REPORT
July 15, 2014

APPLICANT: East Texas Building and Properties LLC
LOCATION: Approximately 0.670 acres of the proposed Lot 5, Block 2 Church Point No. 2
REQUEST: From Single Family (SF-4) to Parking (P).

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCEL	SF-4	Vacant
NORTH	C	Hotel & Restaurants
SOUTH	SF-4	Houses
WEST	O	Vacant
EAST	SF-4	Vacant & Home

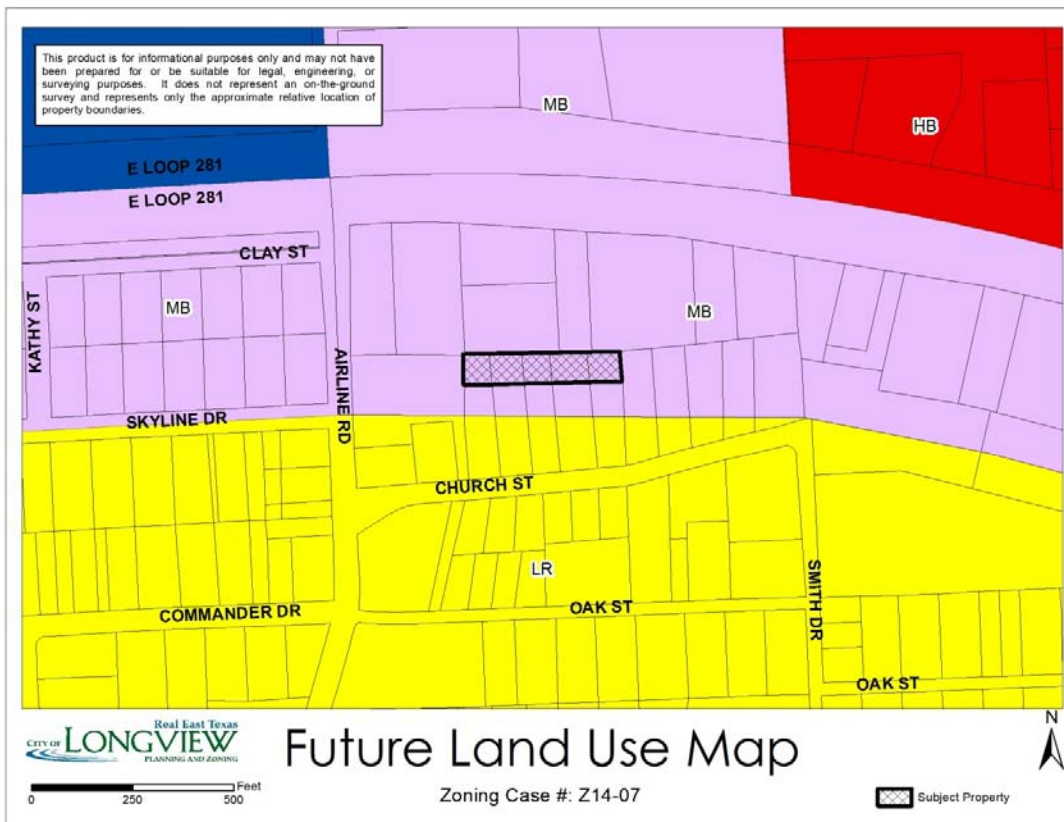
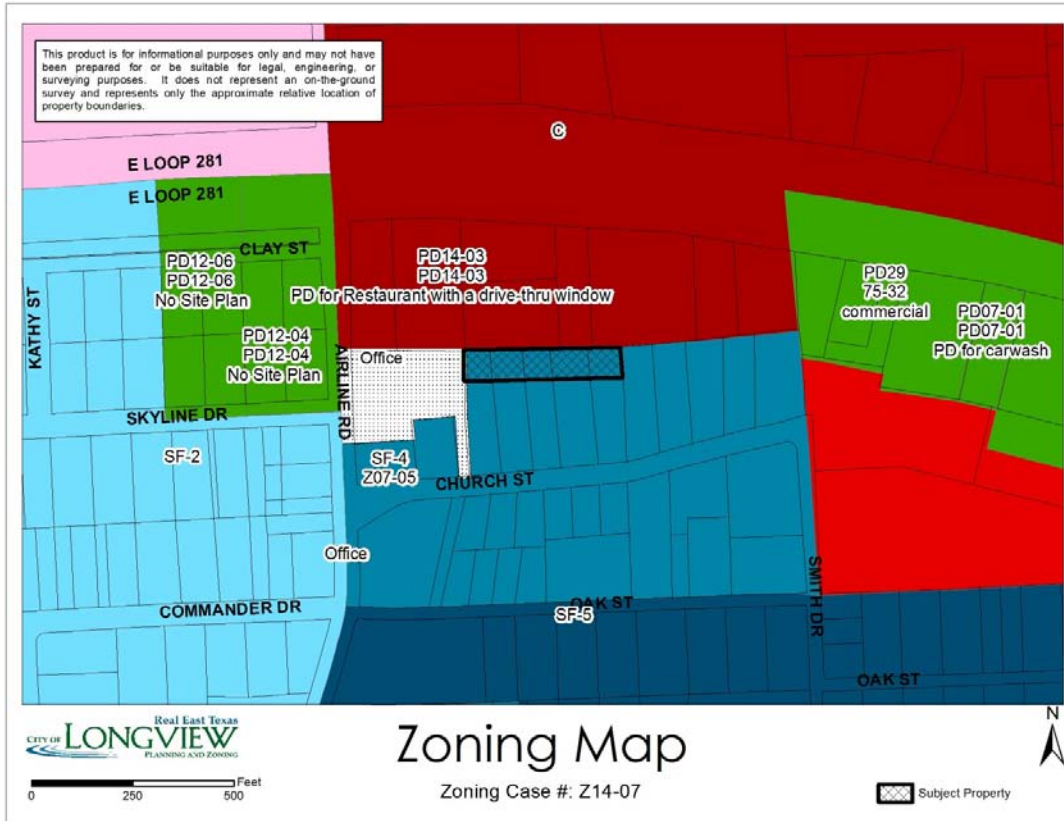
COUNCIL DISTRICT:
District 4 – Council Member Kristen Ishihara

FUTURE LAND USE:
The Comprehensive Plan designates this area for Medium Intensity Business.

STAFF COMMENTS:
The applicant is requesting a rezone from Single Family (SF-4) to Parking (P) to allow for expansion of a parking lot for approximately 0.670 acres of the proposed Lot 5, Block 2 Church Point No. 2 located on the north side of Church Street, east of Airline Road. Texas Roadhouse is proposing to add parking spaces to their existing parking lot. Since opening in 1999, Texas Roadhouse has had a parking problem and the city has received numerous complaints over the years. This expansion should hopefully resolve this issue. Due to its adjacency to residential, a ten foot wide buffer will be required between them. The buffer will include a ten foot wide landscape area and a six foot tall solid wood or masonry fence.

Staff finds the proposed zoning change is consistent with the existing use and the surrounding uses.

STAFF RECOMMENDATION:
Planning and Zoning Commission (6-1 Lonnie Murphy voted to denied) and Staff recommend **approval** of this request.











ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT APPROXIMATELY 0.670 ACRES OF THE PROPOSED LOT 5, BLOCK 2 CHURCH POINT NO. 2 LOCATED ON THE NORTH SIDE OF CHURCH STREET, EAST OF AIRLINE ROAD BE REZONED FROM SINGLE FAMILY (SF-4) TO PARKING (P); FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

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

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

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

Section 1. That the basic Zoning Ordinance of the City of Longview, Texas, Ordinance No. 96, of the Ordinance of the City as amended, be, and the same is hereby amended insofar as the property herein described is concerned, and such property shall be classified and placed into the use district hereinafter set forth and be subject to the provisions of said ordinance generally, and the official zoning map of said city, is hereby amended and corrected so that the following described real property, to-wit: that approximately 0.670 acres of the proposed Lot 5, Block 2 Church Point No. 2 located on the north side of Church Street, east of Airline Road be rezone from Single Family (SF-4) to Parking (P).

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

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

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

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

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

Section 7. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only; provided, however, that the repeal of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal, and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

Section 8. That if any section, paragraph, subdivision, clause, subsection, phrase, sentence, or other provision of this ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

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

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

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

PASSED AND APPROVED this 14th day of August, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

O P&Z Z14-07 8-14-14

ACCEPTANCE OF DONATION

DESCRIPTION: Consider a Resolution accepting the donation of \$12,500 from Mr. Ray Shelby for the purchase of one police canine for the Longview Police Department; authorizing the City Manager or City Manager's designee to execute all necessary documents incident to said donation.

RECOMMENDED ACTION: Resolution and Council approval

SOURCE OF FUNDS:

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

COUNCIL DATE: August 14, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE DONATION OF \$12,500.00 FROM MR. RAY SHELBY FOR THE PURCHASE OF A POLICE CANINE FOR THE POLICE DEPARTMENT; 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 PASSED 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 Police Department is in need of one police patrol canine; and,

WHEREAS, Mr. Ray Shelby has offered to donate \$12,500.00 toward the purchase a police patrol canine; and,

WHEREAS, all monetary donations over ten thousand dollars (\$10,000.00) in value must be approved by the City Council before acceptance; and,

WHEREAS, this donation will provide a third patrol canine so that each patrol shift has access to a trained canine; and,

WHEREAS, the donation means the City of Longview does not have to make this capital expenditure; 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 \$12,500.00 donation from Mr. Ray Shelby to purchase one police canine is hereby 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 of the donation.

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 14th day of August, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R POLICE K9 DONATION 08-14-14

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

DESCRIPTION:

Chapter 26 of the Property Tax Code requires the City to comply with truth-in-taxation laws in adopting its tax rate each year. The Tax Code states that the governing body may not adopt a tax rate that exceeds the lower of the rollback tax rate or the effective tax rate until the governing body has held two public hearings.

The attached resolution proposes a tax rate of 50.99 cents per \$100 of valuation and establishes September 11, 2014, as the date on which the city council will adopt the tax rate. The resolution also establishes Thursday, August 28, and Thursday, September 4, 2014, as the dates for the two public hearings on the tax rate.

The proposed tax rate and dates of the public hearings on the proposed rate will be reported in the "Notice of 2014 Tax Year Proposed Property Tax Rate for The City Of Longview" published in the Longview News-Journal.

RECOMMENDED ACTION:

Adoption of Resolution

SOURCE OF FUNDS:

N/A

STAFF CONTACT:

Angela Coen, Director of Finance
903-239-5521
acoen@longviewtexas.gov

COUNCIL DATE:

August 14, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, PROPOSING A TAX RATE FOR 2014; ESTABLISHING A DATE FOR THE CONSIDERATION OF THE ORDINANCE ADOPTING A TAX RATE; SCHEDULING TWO PUBLIC HEARINGS ON THE PROPOSED 2014 TAX RATE; DIRECTING THE POSTING AND PUBLICATION OF SAID HEARINGS AS REQUIRED BY LAW; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, if the City's proposed tax rate exceeds the lower of the rollback rate or the effective rate, two public hearings on the proposed tax rate prior to its adoption are required by Chapter 26 of the Tax Code; NOW, THEREFORE,

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

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

Section 2. That the Longview City Council hereby proposes a tax rate of 50.99 cents per \$100 of valuation.

Section 3. That an ordinance to adopt the tax rate is to be placed on the September 11, 2014, City Council agenda for a vote.

Section 4. That a public hearing on the proposed tax rate is set to be held on Thursday, August 28, 2014, at 5:30 P.M. in the City Council Chambers located in the Jo Ann Metcalf Municipal Building at 300 West Cotton Street, Longview, Texas, 76501.

Section 5. That another public hearing on the proposed tax rate is set to be held on Thursday, September 4, 2014, at 5:30 P.M. in the City Council Chambers located in the Jo Ann Metcalf Municipal Building at 300 West Cotton Street, Longview, Texas, 76501.

Section 6. That the City Manager or the City Manager's designee is hereby directed to post and publish notice of each of the public hearings on the tax rate as required by law.

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

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

PASSED AND APPROVED this 14th day of August, 2014.

Jay Dean
Mayor

ATTEST:

Shelly Ballenger
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R BUDGET TAX RATE 8-14-14