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## City Council Meeting Agenda

5:30 p.m.  
August 25, 2016  
300 West Cotton Street  
Jo Ann Metcalf Municipal Building  
City Hall Council Chamber

- I. Call to Order**
- II. Invocation**
- III. Pledge of Allegiance**
- IV. Employee Recognition**
- V. Citizen Comment**
- VI. Presentation Item**

Presentation to residents of Marguerite Drive that assisted with neighborhood rescue – Council Member Ishihara.

- VII. Public Safety Update**

- A. Police
- B. Fire

- VIII. Consent Agenda**

- A. Acceptance of the June 30, 2016 Quarterly Investment Report - Angela Coen, Director of Financial Services. [Pages 4 - 5](#)
- B. Consider a Resolution authorizing the Mayor to enter into a municipal maintenance agreement with the Tyler District of Texas Department of Transportation (TX DOT) – Rolin McPhee, P.E., Director of Public Works. [Pages 6 - 8](#)
- C. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager’s designee to execute any

necessary documents with MuniServices, LLC, for sales tax analysis and compliance services – Angela Coen, Director of Financial Services. [Pages 9 - 12](#)

- D. 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 in an amount not to exceed \$8,000.00 from the Union Pacific Foundation to be used to enhance the Partners in Prevention Mentoring Program and the Unity and Diversity Committee - Holly Fuller, Partners in Prevention Manager. [Pages 13 - 16](#)
- E. 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 in an amount up to \$6,150.00 from the Texas School Safety Center from the Texas Department of State Health Services, Tobacco Prevention and Control Branch Tobacco Enforcement Program – Mike Bishop, Police Chief. [Pages 17 - 20](#)
- F. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents with L3 Communications for the purchase of a police body camera system and body-worn cameras for the Police Department – Mike Bishop, Police Chief. [Pages 21 - 25](#)
- G. Consider approval of the following minutes: July 14, 2016 and July 28, 2016 – Shelly Ballenger, City Secretary. [Page 26](#)

## **IX. Budget Items**

- A. Discussion of the proposed 2016 – 2017 budget for the City of Longview – Keith Bonds, Assistant City Manager.
- B. **A PUBLIC HEARING** will be held to consider a proposed tax rate. The City Council will vote on the tax rate, Thursday, September 8, 2016. It will begin at 5:30 p.m. at the City Hall Council Chambers; 300 West Cotton Street, Longview, Texas – Angela Coen, Director of Financial Services. **THIS ITEM REQUIRES A PUBLIC HEARING.** [Page 27](#)

## **X. Action Items**

- A. Consider the issuance and sale of the City of Longview General Obligation Improvement and Refunding Bonds, Series 2016, including the adoption of an ordinance authorizing the issuance of such bonds - John Martin, Hilltop Securities, LLP.

- B. Consider the issuance and sale of the City of Longview Waterworks and Sewer System Revenue Refunding Bonds, Series 2016, including the adoption of an ordinance authorizing the issuance of such bonds - John Martin, Hilltop Securities, LLP.
- C. Consider a Resolution authorizing City Staff to acquire certain property in the Hamilton McNutt Survey, A-129, designated as parcels 2014-H-005 and 2014-T-001 by eminent domain, in furtherance of the Cotton Street Improvements Project – Rolin McPhee, P.E., Director of Public Works. [Pages 28 - 33](#)
- D. Consider a Resolution authorizing City Staff to acquire certain property in the Alexander Jordan Survey, A-262, designated as parcels 2014-H-032, 2014-D-004, and 2014-T-002 by eminent domain, in furtherance of the Cotton Street Improvements Project – Rolin McPhee, P.E., Director of Public Works. [Pages 34 - 39](#)
- E. Consider a Resolution authorizing City Staff to acquire certain property in the M. D. Greer Survey, A-83, designated as parcels 2014-H-045 and 2014-T-003 by eminent domain, in furtherance of the Cotton Street Improvements Project - Rolin McPhee, P.E., Director of Public Works. [Pages 40 - 45](#)

## **XI. Items of Community Interest**

### **XII. Mayor Mack’s Book Club**

The Shark and the Goldfish by Jon Gordon

### **XIII. 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.

## INVESTMENT REPORT FOR QUARTER ENDING JUNE 30, 2016

**DESCRIPTION:** The Investment Report for the quarter ending June 30, 2016 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, Cutwater Texas Class Investment Pool and Certificate of Deposits.

Quarter Ending June 30, 2016

Texpool	\$ 833,744	
	Ending Yield 0.36%	
	Weighted Average Maturity	1 Days
	Interest Earned	\$721

Texas Class	\$ 2,162,970	
	Ending Yield 0.63%	
	Weighted Average Maturity	1 Days
	Interest Earned	\$4,747

Certificate of Deposits	\$29,375,466	
	Ending Yields	
	12 Months 0.50%	
	12 Months 0.51%	
	12 Months 0.80%	
	18 Months 0.30%	
	24 Months 1.12%	
	24 Months 0.90%	
	24 Months 1.00%	
	30 Months 0.85%	
	30 Months 0.73%	
	30 Months 1.12%	
	36 Months 0.88%	
	36 Months 1.20%	
	36 Months 1.41%	
	Interest Earned	\$65,778

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 at the daily 30-Day T-Bill rate plus thirty five basis points.

**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](mailto:acoen@ci.longview.tx.us)

**COUNCIL DATE:** August 25<sup>th</sup>, 2016

## MUNICIPAL MAINTENANCE AGREEMENT – TYLER DISTRICT TX DOT

**DESCRIPTION:** Consider a Resolution authorizing the Mayor or his designee to enter into a municipal maintenance agreement with the Tyler District of TXDOT. The City currently has an agreement with the Tyler District for the portion of the City in Gregg County. This agreement will renew the existing agreement.

**RECOMMENDED ACTION:** Passage of Resolution.

**SOURCE OF FUNDS:** N/A

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

**COUNCIL DATE:** August 25<sup>th</sup>, 2016

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPROVING AND AUTHORIZING THE MAYOR OR HIS DEGSIGNEE TO EXECUTE A MUNICIPAL MAINTENANCE AGREEMENT BETWEEN THE CITY OF LONGVIEW AND THE TEXAS DEPARMENT OF TRANSPORTATION – TYLER DISTRICT; CONDITIONING SAID AUTHORIZATION ON THE RECEIPT OF ALL NECESSARY 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 REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the Texas Department of Transportation – Tyler District, hereinafter referred to as TxDOT, has requested that the City enter into a municipal maintenance agreement; and,

WHEREAS, the City currently has an agreement with the Tyler District of TxDOT, which covers the portion of the City within Gregg County; and,

WHEREAS, this proposed agreement will renew the agreement with the Tyler District of TxDOT; 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 define 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 municipal maintenance agreement on behalf of the City of Longview with the Texas Department of Transportation – Tyler District.

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 25<sup>th</sup> day of August, 2016.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW MUNICIPAL MAINT K TYLER 8-25-16



## SALES TAX ANALYSIS AND COMPLIANCE SERVICES

<b>DESCRIPTION:</b>	<p>The City of Longview has been utilizing MuniServices LLC Sales Tax Analysis and Sales Tax Compliance Review Services since 2012. MuniServices provides sales tax collection data to the City on a monthly basis in categories such as but not limited to retail, services and manufacturing. The data helps in forecasting future sales tax revenue. In addition the data allows the City of Longview to recognize trend patterns over periods of time.</p> <p>This company also provides sales tax compliance review of sales/use permits and collections. Muniservices will provide documentation to businesses who mistakenly report tax to an incorrect jurisdiction. This helps facilitate a correction of the registration information and assists the business, in filing returns and making payments for all open tax periods. The finance department budgeted \$23,072 in the fiscal year 2016 - 2017 for these services.</p> <p>These Sales Tax Compliance Review Services constitute professional/planning services and are not subject to requirements of a competitive process.</p>
<b>RECOMMENDED ACTION:</b>	Approval of the agreement with MuniServices, LLC.
<b>SOURCE OF FUNDS:</b>	General Fund
<b>STAFF CONTACT:</b>	Angela Coen, Director of Finance 903-239-5521 <a href="mailto:acoen@longviewtexas.gov">acoen@longviewtexas.gov</a>
<b>COUNCIL DATE:</b>	August 25, 2016

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPROVING AND AUTHORIZING THE CITY MANAGER, THE CITY MANAGER'S DESIGNEE OR OTHER OFFICIAL OF THE CITY AS SHALL BE REQUIRED, TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MUNISERVICES, LLC. FOR SALES TAX ANALYSIS AND SALES TAX COMPLIANCE REVIEW SERVICES; AUTHORIZING THE RENEWAL OF SAID AGREEMENT AT THE CITY MANAGER'S DISCRETION FOR UP TO FOUR ADDITIONAL ONE-YEAR TERMS PROVIDED THAT THE TOTAL AMOUNT SPENT UNDER SAID AGREEMENT FOR ANY ONE RENEWAL TERM SHALL NOT EXCEED FUNDS BUDGETED FOR SAID AGREEMENT IN THE CONCURRENT BUDGET YEAR; DETERMINING THAT SAID SERVICES CONSTITUTE PROFESSIONAL OR PLANNING SERVICE AND ARE NOT SUBJECT TO REQUIREMENTS OF A COMPETITIVE PROCESS; 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, MuniServices, LLC, provides sales tax analysis and sales tax compliance review services to assist in forecasting and trend analysis of sales and use tax revenue by detecting, documenting and correcting sales tax misallocations; and,

WHEREAS, the Longview City Council finds and determines that the services described herein constitute professional and planning services within the meaning of §252.022 (a) (4) of the Texas Local Government Code exempting said services from the requirements of a competitive purchasing process; and,

WHEREAS, the City Council finds and determines that said services are not subject to the requirements of Chapter 2254 of the Texas Government Code; and,

WHEREAS, total amount spent under said contract shall not exceed funds budgeted in any concurrent budget year; NOW, THEREFORE,

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

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

Section 2. That the City Manager, the City Manager's designee, or other official of the City as shall be required, is hereby authorized to negotiate and execute an agreement, as approved by the City Attorney's Office, on behalf of the City of Longview with MuniServices, LLC., for sales tax analysis and compliance review services.

Section 3. That the total amount of the agreement with MuniServices, LLC. for sales tax analysis and compliance review services shall not exceed funds budgeted in any corresponding budget year.

Section 4. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, is hereby authorized to renew said contract at the City Manager's discretion for up to four additional one-year terms provided that the total amount spent under said contract for any one renewal term shall not exceed funds budgeted for said contract in the concurrent budget year.

Section 5. That said service constitute professional or planning services within the meaning of §252.022 (a) (4) of the Texas Local Government Code and is therefore not subject to requirements of a competitive process.

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

Government Code Chapter 551.

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

PASSED AND APPROVED this 25th day of August, 2016.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R FINANCE K SALES TAX ANALYSIS 08-25-16

## UNION PACIFIC FOUNDATION GRANT 2016 - 2017

**DESCRIPTION:** The Union Pacific Foundation is accepting grant applications to better the quality of life in the communities in which its employees live and work. Qualifying organizations must be established in a community that is served by Union Pacific.

The City of Longview Partners in Prevention is requesting \$8,000. Matching funds are not required.

City of Longview will apply for the grant and use the funds to help support the program areas of Mentoring and Unity and Diversity.

**RECOMMENDED ACTION:** Passage of Resolution

**SOURCE OF FUNDS:** -0-

**STAFF CONTACT:** Holly Fuller, Partners in Prevention Manager  
903-237-1016  
[hfuller@LongviewTexas.gov](mailto:hfuller@LongviewTexas.gov)

**COUNCIL DATE:** August 25, 2016

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING APPLICATION, ACCEPTANCE AND EXPENDITURE OF GRANT FUNDS IN THE AMOUNT OF \$8000.00 FROM THE UNION PACIFIC FOUNDATION FOR USE BY THE CITY OF LONGVIEW, PARTNERS IN PREVENTION; AUTHORIZING AND DIRECTING THE CITY OF LONGVIEW PARTNERS IN PREVENTION PROGRAM MANAGER OR OTHER OFFICIAL OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING FOR, SECURING AND EXPENDING SAID GRANT; AUTHORIZING THE ACCEPTANCE OF ALL SPECIAL CONDITIONS IMPOSED IN CONNECTION WITH SAID GRANT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED 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 Union Pacific Foundation awards grants for the purpose of enhancing the quality of life of citizens in communities in which they serve; and,

WHEREAS, the City of Longview Partners in Prevention is qualified to apply for the 2016-17 Union Pacific Foundation Grant for the amount of \$8,000.00; and,

WHEREAS, the funds will be used by the City of Longview Partners in Prevention for the Mentoring Program and the Unity and Diversity Committee to enhance program areas, train mentors, purchase supplies, and engage in activities to strengthen community relations by encouraging people to work together to build trusting relationships; 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 Partners in Prevention, by and through the Program Manager, is hereby authorized to apply for, accept and expend a grant award in the amount of \$8,000.00 from the Union Pacific Foundation.

Section 3. That the City of Longview Partners in Prevention, by and through the Program Manager, shall utilize said \$8,000.00 grant as set forth in this Resolution.

Section 4. That the City of Longview hereby accepts and agrees to all special conditions imposed in connection with the aforementioned grant before the end of the grant period.

Section 5. That the City of Longview Partners in Prevention, by and through the Program Manager, or other official of the City as shall be required, is hereby authorized and directed to execute any and all contracts and other 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 2016-17 Union Pacific Foundation award in the amount of \$8,000.00.

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

Section 7. This resolution shall be effective immediately from and after its date of passage.

PASSED AND APPROVED this 25<sup>th</sup> day of August, 2016.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PIP UNION PACIFIC FOUNDATION 2016 8-25-16



## GRANT APPLICATION

<b>DESCRIPTION:</b>	Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to apply for and execute any necessary documents to accept a grant in an amount not to exceed \$6,150.00 from the Texas School Safety Center, from the Texas Department of State Health Services, Tobacco Prevention and Control Branch Tobacco Enforcement Program for the Longview Police Department to conduct controlled buy/stings and follow-ups involving the use of minors in accordance with Subchapter H, Chapter 161, Texas Health and Safety Code.
<b>RECOMMENDED ACTION:</b>	Resolution and Council approval
<b>SOURCE OF FUNDS:</b>	N/A
<b>STAFF CONTACT:</b>	Mike Bishop, Chief of Police 903-237-1101 <a href="mailto:mbishop@longviewtexas.gov">mbishop@longviewtexas.gov</a>
<b>COUNCIL DATE:</b>	August 25, 2016

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE APPLICATION, ACCEPTANCE AND EXPENDITURE GRANT FUNDS IN THE AMOUNT OF \$6,150.00 FROM TEXAS SCHOOL SAFETY CENTER FOR A TOBACCO COMPLIANCE GRANT; AUTHORIZING THE TIMELY SUBMITTAL OF SAID APPLICATION; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING, SECURING AND EXPENDING FOR SAID GRANT FUNDING; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

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

WHEREAS, the Longview Police Department plans to use the grant funds for on-site compliance inspections of tobacco permitted retail outlets; and,

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

NOW, THEREFORE,

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

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

Section 2. That the City of Longview Police Department is hereby authorized to file an application and all attendant documents necessary to qualify for funding in an amount up to \$6,150.00 from the Texas State School Safety Center, regarding a "Tobacco Compliance Grant" to be used to educate the public and for on-site compliance inspections.

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

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

Section 5. That the meeting at which this resolution was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

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

PASSED AND APPROVED on this 25<sup>th</sup> day of August, 2016.

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Dr. Andy Mack  
Mayor  
ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R POLICE GRANT TOBACCO COMPLIANCE 08.25.16

## **POLICE BODY CAMERA SYSTEM AND BODY - WORN CAMERAS**

**DESCRIPTION:** This item would allow for the purchase of a body camera system and body-worn cameras for the City of Longview Police Department from L3 Communications. February, 2016 City Council approved the application, acceptance and expenditure of an up to \$85,000 grant from the Criminal Justice Division of the Governor's Office for the purchase of a body camera system. The approved grant requires a City of Longview match of 25%. This was approved through resolution # 5036. Citizens of the City of Longview have donated an extra \$11,329.30 to allow for the purchase of additional body cameras. Donations will continue to be taken on an ongoing basis and additional budgeted monies may become available at a later date to purchase additional cameras. The Police Department goal is to someday have all officers equipped with body-worn cameras. The body camera system to be purchased will interface with the department's current in-car camera system allowing for more streamlined training, maintenance, gathering and maintaining criminal evidence. L3 Communications is the sole vendor that can provide a camera system that will interface with the current in-car system.

**RECOMMENDED ACTION:** Approval of Resolution

**SOURCE OF FUNDS:** \$63,137-Grant Funding, \$35,000 Donated Revenue which includes the City's 25% grant match.

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

**COUNCIL DATE:** August 25, 2016

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE PURCHASE OF A BODY CAMERA SYSTEM AND BODY-WORN CAMERAS FROM L3 COMMUNICATIONS; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE AND/OR OTHER OFFICIAL(S) OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ANY DOCUMENTS NECESSARY FOR SAID PURCHASE; SETTING FORTH THE CONDITIONS OF SUCH AUTHORIZATION; DETERMINING THAT SAID PURCHASE IS EXEMPT FROM STATE BIDDING REQUIREMENTS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview Police Department received a grant from the Criminal Justice Division of the Governor's Office for the Body-Worn Cameras Program in the amount of \$85,000.00; and,

WHEREAS, City of Longview City Council approved the application, acceptance and expenditure of said grant via City of Longview Resolution number 5036, dated February 25, 2016; and,

WHEREAS, City of Longview Police department received donated revenue in the amount of \$11,329.30 for the purchase of additional body-worn cameras; and,

WHEREAS, L3 Communications provides the only body worn camera system available that automatically interfaces with the City of Longview's current in-car camera systems; and,

WHEREAS, City of Longview Police Department has determined that

interfacing the current in-car camera system with the new body camera system allows for more efficient operations of the department, including but not limited to training, maintenance, gathering and maintaining criminal evidence; and,

WHEREAS, L3 Communications provides said body camera system and body-worn cameras that will interface with the current in-car camera system as a sole source vendor; and,

WHEREAS, the City Council of the City of Longview further finds and determines that said purchase is exempted from the competitive purchasing requirements of Texas Local Government Code Chapter 252 by Section 252.022 (a) (7) of said chapter; and,

WHEREAS, funding for said purchase will be provided in part from aforesaid grant from the Criminal Justice Division of the Governor's Office and the remainder from donated revenue from 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, subject to the conditions set forth in this resolution, the City Manager, the City Manager's designee and any other official of the City as shall be required, are hereby authorized to purchase a body camera system and body-worn cameras from L3 Communications.

Section 3. That the City of Longview Police Department is authorized to purchase additional body-worn cameras and camera system components from L3

Communications provided that any such purchase does not require a budget amendment.

Section 4. That the purchase authorized herein is exempt from state bidding requirements pursuant to section 252.022 (a) (7) of the Texas Local Government Code.

Section 5. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, are hereby authorized and directed to execute any and all contract and other documents, as approved by the City Attorney's Office, incident to the acceptance on behalf of the City of Longview of aforesaid purchase from L3 Communications.

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

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

PASSED AND APPROVED this 25<sup>th</sup> day of August 2016.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary



APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R POLICE BODY K CAMERA SYSTEM & BODY-WORN CAMERAS 8-25-16

**CONSIDER APPROVAL OF THE FOLLOWING MINUTES**

July 14, 2016 and July 28, 2016

## FIRST PUBLIC HEARING ON PROPOSED TAX RATE FOR FISCAL YEAR 2016 - 2017

**DESCRIPTION:** The Texas Government Code and the city charter requires that a Municipality hold two public hearings on the property tax rate. This is the first of the required hearings.

The proposed tax rate is 0.5099.  
12.99 for Debt Service  
38.00 for Operations and Management

The vote to adopt the tax rate will be on Thursday, September 8, 2016, at 5:30 p.m..

**RECOMMENDED ACTION:** Open Public Hearing on Proposed Tax Rate.

**SOURCE OF FUNDS:** N/A

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

**COUNCIL DATE:** August 25, 2016

## PROPERTY ACQUISITION COTTON STREET RECONSTRUCTION

**DESCRIPTION:** Consider a Resolution authorizing city staff to acquire certain property in the Hamilton McNutt Survey, A-129, designated as parcels 2014-H-005 and 2014-T-001 in fee simple by eminent domain as is required to complete the Cotton Street Reconstruction Project.

**RECOMMENDED ACTION:** Passage of Resolution

**SOURCE OF FUNDS:** Streets Bond Fund.

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

**COUNCIL DATE:** August 25, 2016

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY IN THE HAMILTON MCNUTT SURVEY, A-129, CITY OF LONGVIEW, GREGG COUNTY, TEXAS, SAID PROPERTY CONSISTING OF A PARCEL OF LAND CONSISTING OF APPROXIMATELY 502.4 SQUARE FEET (PARCEL 2014-H-005), ALONG WITH APPROXIMATELY 500 SQUARE FEET OF TEMPORARY CONSTRUCTION EASEMENT(PARCEL 2014-T-001); GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE COTTON STREET IMPROVEMENTS PROJECT; AUTHORIZING THE ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN OR OTHERWISE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview (the “City”) provides certain facilities and services to its citizens, including certain public streets and public utilities and access to public amenities; and,

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

WHEREAS, the Cotton Street Improvements Project (sometimes called the “Project” hereinafter) will involve, among other things, the construction of approximately 6,500 linear feet of a four-lane public roadway and certain associated utility and public drainage improvements, all associated with the reconstruction of Cotton Street from Green Street to Martin Luther King Jr. Blvd.; and,

WHEREAS, the City of Longview Public Works Engineering Department

has identified parcels of land required to enable the City to implement said Project, some of which appear to be owned by Randy and Linda Witt, and which consist of the following in the Hamilton McNutt Survey, A-129, City of Longview, Gregg County, Texas, to wit: a parcel of land consisting of approximately 502.4 square feet along with a temporary construction easement consisting of approximately 500 square feet (which have been assigned the tract numbers 2014-H-005 and 2014-T-001 respectively for identifying specific parcels); and,

WHEREAS, as a result of the foregoing, the City Council hereby finds and determines that the acquisition of the 502.4 square feet and 500 square feet of temporary construction easement is a public necessity; and,

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

WHEREAS, the City has provided the aforesaid appraisal to the owner of the parcel; and,

WHEREAS, as required by Texas Property Code Section 21.0112, the City has provided a copy of the "landowner's bill of rights statement" to the owner of the parcel; and,

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

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

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

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

Section 3. That it is the City of Longview's intention to acquire the parcel described in said Attachment A, said attachment being attached hereto and made a part of this resolution for all purposes, as a necessary part of the construction of approximately 6,500 linear feet of a four-lane public roadway and certain associated utility and public drainage improvements, all associated with the reconstruction of Cotton Street from Green Street to Martin Luther King Jr. Blvd, all in furtherance of the Project described herein.

Section 4. That the aforesaid intention includes the necessity for, and so that the public welfare and convenience will be served, the acquisition, whether by purchase, eminent domain or otherwise, of real property for, but not limited to the construction of approximately 6,500 linear feet of a four-lane public roadway and certain associated public drainage improvements, all associated with the reconstruction of Cotton Street from Green Street to Martin Luther King Jr. Blvd., all in furtherance of the Project described herein.

Section 5. That the Director of Public Works or said director's designee is hereby directed to comply with all provisions of law applicable to the acquisitions

authorized in this resolution and required precedent to the filing of a condemnation petition, including without limitation, the applicable provisions of Section 21.0111 and Section 21.0113 of the Texas Property Code.

Section 6. That the Director of Public Works or said director's designee, is hereby authorized and directed to offer the sum set forth in the attached Attachment B (said attachment being attached hereto and made a part of this resolution for all purposes) as consideration for acquisition of the parcels described herein and designated with the unique designations 2014-H-005 and 2014-T-001.

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

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

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



PASSED AND APPROVED this 28<sup>th</sup> day of July, 2016.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW CONDEMN COTTON STREET 2014-H-005 7-28-16

## PROPERTY ACQUISITION COTTON STREET RECONSTRUCTION

**DESCRIPTION:** Consider a Resolution authorizing city staff to acquire certain property in the Alexander Jordan Survey, A-262, designated as parcels 2014-H-032, 2014-D-004, and 2014-T-002 in fee simple by eminent domain as is required to complete the Cotton Street Reconstruction Project.

**RECOMMENDED ACTION:** Passage of Resolution

**SOURCE OF FUNDS:** Streets Bond Fund.

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

**COUNCIL DATE:** August 25, 2016

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY IN THE ALEXANDER JORDAN SURVEY, A-262, CITY OF LONGVIEW, GREGG COUNTY, TEXAS, SAID PROPERTY CONSISTING OF A PARCEL OF LAND CONSISTING OF APPROXIMATELY 2,624 SQUARE FEET (PARCEL 2014-H-032), ALONG WITH APPROXIMATELY 9.49 SQUARE FEET OF DRAINAGE EASEMENT(PARCEL 2014-D-004), AND APPROXIMATELY 2,322 SQUARE FEET OF TEMPORARY CONSTRUCTION EASEMENT (PARCEL 2014-T-002); GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE COTTON STREET IMPROVEMENTS PROJECT; AUTHORIZING THE ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN OR OTHERWISE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview (the “City”) provides certain facilities and services to its citizens, including certain public streets and public utilities and access to public amenities; and,

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

WHEREAS, the Cotton Street Improvements Project (sometimes called the “Project” hereinafter) will involve, among other things, the construction of approximately 6,500 linear feet of a four-lane public roadway and certain associated utility and public drainage improvements, all associated with the reconstruction of Cotton Street from Green Street to Martin Luther King Jr. Blvd.; and,

WHEREAS, the City of Longview Public Works Engineering Department has identified parcels of land required to enable the City to implement said Project, some of which appear to be owned by Randy and Linda Witt, and which consist of the following in the Alexander Jordan Survey, A-262, City of Longview, Gregg County, Texas, to wit: a parcel of land consisting of approximately 2,624 square feet along with a drainage easement consisting of approximately 9.49 square feet, and a temporary construction easement consisting of approximately 2,322 square feet (which have been assigned the tract numbers 2014-H-032, 2014-D-004, and 2014-T-002 respectively for identifying specific parcels); and,

WHEREAS, as a result of the foregoing, the City Council hereby finds and determines that the acquisition of the 2,624 square feet, 9.49 square feet drainage easement and 2,322 square feet of temporary construction easement is a public necessity; and,

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

WHEREAS, the City has provided the aforesaid appraisal to the owner of the parcel; and,

WHEREAS, as required by Texas Property Code Section 21.0112, the City has provided a copy of the "landowner's bill of rights statement" to the owner of the parcel; and,

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

THEREFORE,

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

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

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

Section 3. That it is the City of Longview's intention to acquire the parcel described in said Attachment A, said attachment being attached hereto and made a part of this resolution for all purposes, as a necessary part of the construction of approximately 6,500 linear feet of a four-lane public roadway and certain associated utility and public drainage improvements, all associated with the reconstruction of Cotton Street from Green Street to Martin Luther King Jr. Blvd., all in furtherance of the Project described herein.

Section 4. That the aforesaid intention includes the necessity for, and so that the public welfare and convenience will be served, the acquisition, whether by purchase, eminent domain or otherwise, of real property for, but not limited to the construction of approximately 6,500 linear feet of a four-lane public roadway and certain associated public drainage improvements, all associated with the reconstruction of Cotton Street from Green Street to Martin Luther King Jr. Blvd., all in furtherance of the

Project described herein.

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

Section 6. That the Director of Public Works or said director's designee, is hereby authorized and directed to offer the sum set forth in the attached Attachment B (said attachment being attached hereto and made a part of this resolution for all purposes) as consideration for acquisition of the parcels described herein and designated with the unique designations 2014-H-032, 2014-D-004, and 2014-T-002.

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

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

Government Code Chapter 551.

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

PASSED AND APPROVED this 28<sup>th</sup> day of July, 2016.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW CONDEMN COTTON STREET 2014-H-032 7-28-16

## PROPERTY ACQUISITION COTTON STREET RECONSTRUCTION

**DESCRIPTION:** Consider a Resolution authorizing city staff to acquire certain property in the M.D. Greer Survey, A-83, designated as parcels 2014-H-045 and 2014-T-003 in fee simple by eminent domain as is required to complete the Cotton Street Reconstruction Project.

**RECOMMENDED ACTION:** Passage of Resolution

**SOURCE OF FUNDS:** Streets Bond Fund

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

**COUNCIL DATE:** August 25, 2016



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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY IN THE M. D. GREER SURVEY, A-83, CITY OF LONGVIEW, GREGG COUNTY, TEXAS, SAID PROPERTY CONSISTING OF A PARCEL OF LAND CONSISTING OF APPROXIMATELY 806.3 SQUARE FEET (PARCEL 2014-H-045), ALONG WITH APPROXIMATELY 737.7 SQUARE FEET OF TEMPORARY CONSTRUCTION EASEMENT(PARCEL 2014-T-003); GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE COTTON STREET IMPROVEMENTS PROJECT; AUTHORIZING THE ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN OR OTHERWISE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview (the “City”) provides certain facilities and services to its citizens, including certain public streets and public utilities and access to public amenities; and,

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

WHEREAS, the Cotton Street Improvements Project (sometimes called the “Project” hereinafter) will involve, among other things, the construction of approximately 6,500 linear feet of a four-lane public roadway and certain associated utility and public drainage improvements, all associated with the reconstruction of Cotton Street from Green Street to Martin Luther King Jr. Blvd.; and,

WHEREAS, the City of Longview Public Works Engineering Department

has identified parcels of land required to enable the City to implement said Project, some of which appear to be owned by Randy and Linda Witt, and which consist of the following in the M. D. Greer Survey, A-83, City of Longview, Gregg County, Texas, to wit: a parcel of land consisting of approximately 806.3 square feet along with a temporary construction easement consisting of approximately 737.7 square feet (which have been assigned the tract numbers 2014-H-045 and 2014-T-003 respectively for identifying specific parcels); and,

WHEREAS, as a result of the foregoing, the City Council hereby finds and determines that the acquisition of the 806.3 square feet and 737.7 square feet of temporary construction easement is a public necessity; and,

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

WHEREAS, the City has provided the aforesaid appraisal to the owner of the parcel; and,

WHEREAS, as required by Texas Property Code Section 21.0112, the City has provided a copy of the "landowner's bill of rights statement" to the owner of the parcel; and,

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

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

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

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

Section 3. That it is the City of Longview's intention to acquire the parcel described in said Attachment A, said attachment being attached hereto and made a part of this resolution for all purposes, as a necessary part of the construction of approximately 6,500 linear feet of a four-lane public roadway and certain associated utility and public drainage improvements, all associated with the reconstruction of Cotton Street from Green Street to Martin Luther King Jr. Blvd., all in furtherance of the Project described herein.

Section 4. That the aforesaid intention includes the necessity for, and so that the public welfare and convenience will be served, the acquisition, whether by purchase, eminent domain or otherwise, of real property for, but not limited to the construction of approximately 6,500 linear feet of a four-lane public roadway and certain associated public drainage improvements, all associated with the reconstruction of Cotton Street from Green Street to Martin Luther King Jr. Blvd., all in furtherance of the Project described herein.

Section 5. That the Director of Public Works or said director's designee is hereby directed to comply with all provisions of law applicable to the acquisitions

authorized in this resolution and required precedent to the filing of a condemnation petition, including without limitation, the applicable provisions of Section 21.0111 and Section 21.0113 of the Texas Property Code.

Section 6. That the Director of Public Works or said director's designee, is hereby authorized and directed to offer the sum set forth in the attached Attachment B (said attachment being attached hereto and made a part of this resolution for all purposes) as consideration for acquisition of the parcels described herein and designated with the unique designations 2014-H-045 and 2014-T-003.

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

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

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

PASSED AND APPROVED this 28<sup>th</sup> day of July, 2016.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW CONDEMN COTTON STREET 2014-H-045 7-28-16