



City Council Meeting Agenda

5:30 p.m.

January 9, 2020

300 West Cotton Street

Jo Ann Metcalf Municipal Building

City Hall Council Chamber

- I. Call to Order**
- II. Invocation**
- III. Pledge of Allegiance**
- IV. Employee Recognition**
- V. Community Recognition**
- VI. Citizen Comment**
- VII. Public Safety Update**
 - A. Police
 - B. Fire
- VIII. Consent Agenda**
 - A. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to authorize application, accept and expend grant funds in an amount not to exceed \$11,250.00 from the Texas State University, Texas School Safety Center for the Longview Police Department to conduct controlled buy/stings and follow-ups of tobacco permitted retail outlets and sales and use tax permitted e-cigarette retail outlets – Mike Bishop, Police Chief. Pages 4-7
 - B. Consider a Resolution amending a contract and authorizing and directing the City Manager or the City Managers designee to execute any documents with Paymentus for interactive voice response payments and payment processing services for water utility department – Angela Coen, Finance Director. Pages 8-12

- C. Consider a Resolution accepting the Guthrie Creek Shared Use Path Utility Relocation Project and authorizing final payment of \$48,629.40 to Wicker Construction, Inc. of Shreveport, Louisiana – Rolin McPhee, P.E., Director of Public Works. Pages 13-16
- D. Consider an Ordinance amending Section 11-45 of the Code of Ordinances of the City of Longview relating to the collection of fees for emergency ambulance service and amending sections 11-21, 11-43, 11-75, and 11-77 relating to the regulation of non-emergency ambulance service – J.P. Steelman, Fire Chief. Pages 17-26
- E. Consider a Resolution accepting the 2019 Street Overlay Project and authorizing final payment in the amount of \$182,066.50 to Reynolds and Kay, LTD., of Tyler, Texas. - Rolin McPhee, P.E., Director of Public Works. Pages 27-30
- F. Consider a Resolution to authorize the execution of an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) for a Highway 80 Median Improvements Project. - Rolin McPhee, P.E., Director of Public Works. Pages 31-34
- G. Consider a Resolution accepting the recommendations of Longview Walk of Stars Task Force. - Shawn Hara. Pages 35-38
- H. Consider approval of the following minutes: November 14, 2019 and December 12, 2019 – Angie Shepard, City Secretary. Page 39

IX. Election Item

Consider an Ordinance calling a General Election on May 2, 2020 to fill expired terms of Council Members for City Council District 3 and 4 – Angie Shepard, City Secretary. Pages 40-45

X. Zoning – Public Hearing Item

A PUBLIC HEARING will be held to consider application #Z19-12 filed by Mahan Shabani requesting a rezone from Single Family (SF-5) to Heavy Commercial (C-2) for the south 40 feet of Lots 16, 17, and 18, Block 28, Northcutt Heights located on the south side of Northcutt Avenue east of High Street - Angela Choy, AICP, City Planner. Pages 46-61

XI. Action Items

- A. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or his designee to execute any necessary documents with Leland Bradlee Construction, Inc. of Longview, Texas, in the amount of \$4,606,736 for

the construction of the Guthrie Creek Shared Use Path project – Scott Caron, Director of Parks. Pages 62-66

- B. Consider various alternative Resolutions establishing fees for residential and commercial sanitation customers – Dwayne Archer, Assistant Director of Public Works. Pages 67-88

XII. Items of Community Interest

XIII. Executive Session

Deliberations Regarding Real Property — Under TEX. GOV'T CODE Section 551.072.

Consideration of the purchase and value of real property located in the Alex Jordan Survey to the City of Longview, Gregg County, Texas.

VIX. 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.

GRANT APPLICATION

DESCRIPTION: 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 \$11,250.00 from the Texas State University, Texas School Safety Center, for the Longview Police Department to conduct controlled buy/stings and follow-ups of tobacco permitted retail outlets and sales and use tax permitted e-cigarette retail outlets involving the use of minors in accordance with Chapter 161, Texas Health and Safety Code.

RECOMMENDED ACTION: Resolution and Council approval

SOURCE OF FUNDS: N/A

STAFF CONTACT: Mike Bishop, Chief of Police
903-237-1101
mbishop@longviewtexas.gov

COUNCIL DATE: January 9, 2020

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 \$11,250.00 FROM TEXAS STATE UNIVERSITY - 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 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 University – Texas School Safety Center has made funding available to be used for tobacco and e-cigarette enforcement; and,

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

WHEREAS, the City of Longview, City Council and Police Department desire to educate the public, merchants and youth regarding the use and sale of tobacco and e-cigarette products in order to reduce the sale of tobacco and e-cigarette 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 \$11,250.00 from Texas State University – Texas School Safety Center,

regarding a tobacco and e-cigarette 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 University - Texas School Safety Center in a timely manner and to undertake all procedures necessary for application for, acceptance and expenditure 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 9th, day of January, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R POLICE GRANT TOBACCO E CIG COMPLIANCE 1-9-20

WATER UTILITY BILLING PAYMENTUS CORPORATION FEE REDUCTION

DESCRIPTION:	<p>The Water Utility Billing division utilizes Harris Northstar software to perform utility billing. Paymentus Corporation is the only certified partner of Harris Northstar that is embedded within Northstar CustomerConnect making it a sole source. Paymentus provides the ability to pay by phone, over the internet, and is the credit card payment processor. Paymentus also provides true Payment Card Industry compliance. Payment Card Industry compliance is necessary in order to take credit cards.</p> <p>In order to keep technology up to date, it was necessary to upgrade Paymentus to a cloud hosted solution. With this change, the usage of Paymentus increased by our citizens and the respective fees increased. These increased fees were unexpected. Staff renegotiated with Paymentus and both parties came to a mutually agreeable fee structure.</p> <p>An existing contract exists and this amendment will lower the fees paid to Paymentus. The fee reduction will be retroactive to February 2019 when the cloud hosted solution was put into production. The annual estimated fees are \$72,000.</p>
RECOMMENDED ACTION:	Approval of this resolution amending the contract with Paymentus Corporation and lowering the current fees.
SOURCE OF FUNDS:	
STAFF CONTACTS:	Angela Coen, Director of Financial Services 903-237-5521 acoen@longviewtexas.gov
COUNCIL DATE:	January 23, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO AMEND THE CURRENT CONTRACT WITH PAYMENTUS CORPORATION LOWERING CERTAIN FEES FOR INTERACTIVE VOICE RESPONSE AND PAYMENT PROCESSING SERVICES FOR WATER UTILITY BILL PAYMENT SERVICES AND TO NEGOTIATE, FINALIZE AND EXECUTE ANY AND ALL AGREEMENTS AND OTHER DOCUMENTS INCIDENT TO ANY SUCH AMENDMENT; AUTHORIZING THE RENEWAL OF SAID AMENDED CONTRACT AT THE CITY MANAGER'S DISCRETION FOR UP TO FOUR ADDITIONAL ONE-YEAR TERMS PROVIDED THAT THE TOTAL AMOUNT SPENT UNDER SAID AMENDED CONTRACT FOR ANY ONE RENEWAL TERM SHALL NOT EXCEED FUNDS BUDGETED FOR SAID CONTRACT IN THE CONCURRENT BUDGET YEAR; DETERMINING THAT THE PURCHASE AUTHORIZED HEREIN ARE FROM A SINGLE SOURCE AND ARE EXEMPT FROM THE COMPETITIVE PURCHASING REQUIREMENTS OF CHAPTER 252 OF THE TEXAS LOCAL GOVERNMENT CODE; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview uses NorthStar software for water utility billing services; and,

WHEREAS, NorthStar software is provided from Harris Computer Corporation; and,

WHEREAS, the City of Longview made a substantial investment in NorthStar water utility billing services through Harris Computer Corporation; and,

WHEREAS, Paymentus Corporation offers interactive voice response payments and payment processing services for NorthStar software; and,

WHEREAS, Paymentus payment processing is embedded within NorthStar software; and,

WHEREAS, Paymentus Corporation is the only certified partner allowed to provide said services for NorthStar software through Harris Computer Corporation and is therefore, a sole source provider for said services; and,

WHEREAS, as a result of the foregoing, the City Council finds and determines that the purchase of interactive voice response and payment processing from Paymentus Corporation is exempted from the competitive purchasing requirements of Chapter 252 of the Texas Local Government Code by Section 252.022 (a) (7) of said chapter; and,

WHEREAS, City of Longview currently has a contract with Paymentus Corporation for said services; and,

WHEREAS, Paymentus Corporation and City of Longview wish to amend said contract to lower certain fees for interactive voice response and payment processing services; and,

WHEREAS, funding will be provided from budgeted funds for the corresponding 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, contingent upon the conditions set forth in this resolution, the City Manager, the City Manager's designee, or other official of the City as shall be required, is hereby authorized and directed to purchase interactive voice response and payment processing services as necessary for the corresponding fiscal year and to negotiate, finalize and execute any and all agreements and other documents incident to any such purchase and amendment.

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

Section 4. That any agreements and other documents executed pursuant to the authority granted by this resolution must be in a form acceptable to the City Attorney or the City Attorney's designee.

Section 5. That the purchases authorized herein constitute a procurement from only one source and, as such, are exempt from the purchasing requirements of Chapter 252 of the Texas Local Government Code pursuant to Section 252.022 (a) (7) of said chapter.

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

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

PASSED AND APPROVED this 9TH day of January, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R FIN SOLE SOURCE WATER UTILITY BILLING SRVS 1-9-20

GUTHRIE CREEK SHARED USE PATH UTILITY RELOCATION

DESCRIPTION: Consider a resolution accepting the Guthrie Creek Shared Use Path Utility Relocation and authorizing final payment in the amount of \$48,629.40 to Wicker Construction, Inc. of Shreveport, LA. Approval of final payment will begin the contractor's one-year warranty period.

The City Council awarded a contract to Wicker Construction, Inc. on March 14, 2019 in the amount of \$530,209.00. The final construction cost is \$486,294.00.

The scope of work provided the construction of approximately 900 linear feet of water main, 300 linear feet of sewer main, 250 linear feet of stormwater system and related work found to be in conflict with the proposed Guthrie Creek Shared Use Path, and miscellaneous work as necessary to complete the installations.

The project has been completed in accordance with the contract. City staff recommend acceptance of the project and approval of the final payment.

RECOMMENDED ACTION: Passage of the resolution.

SOURCE OF FUNDS: Funding is available from Longview Economic Development Corporation.

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

COUNCIL DATE: January 9, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT ENTITLED "GUTHRIE CREEK SHARED USE PATH UTILITY RELOCATION"; AUTHORIZING AND APPROVING FINAL PAYMENT TO WICKER CONSTRUCTION, INC. OF SHREVEPORT, LOUISIANA FOR THE COMPLETION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on March 14, 2019, the City Council awarded a contract to Wicker Construction, Inc. of Shreveport, Louisiana in the amount of \$530,209.00 for the project known as "Guthrie Creek Shared Use Path Utility Relocation"; and,

WHEREAS, this project included the construction of approximately 900 linear feet of water main, 300 linear feet of sewer main, 250 linear feet of stormwater system and miscellaneous work as necessary to complete the installations; and,

WHEREAS, the final construction cost for said project was \$486,294.00; and,

WHEREAS, the project has been completed and the contractor, Wicker Construction, Inc. of Shreveport, Louisiana has requested final payment in the amount of \$48,629.40; and,

WHEREAS, the final amount of \$48,629.40 is due to the contractor as final payment; and,

WHEREAS, the acceptance of the work by Wicker Construction, Inc. of Shreveport, Louisiana on the aforementioned contract and the approval of final payment therefore will begin the one-year warranty period for said work; NOW, THEREFORE

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

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

Section 2. That the work performed by Wicker Construction, Inc. of Shreveport, Louisiana on the project known as “Guthrie Creek Shared Use Path Utility Relocation” is hereby accepted as complete and that final payment of \$48,629.40 for the completion of said project is hereby approved.

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

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

PASSED AND APPROVED this January 9, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW FINAL PAY GUTHRIE CREEK SHARED USE PATH 1-9-20

Updates to the Fire-EMS Non-Emergency Transport Ordinance

- DESCRIPTION:** Consider the formal adoption of updates to the Fire-EMS Non-Emergency Transport Ordinances in the city's Code of Ordinances. The ordinance was updated with current language and modifications regarding permitting, reporting and communications requirements of private EMS agencies currently, or seeking to operate for profit, within the City of Longview.
- RECOMMENDED ACTION:** Approval of a resolution formally adopting the changes to the Fire-EMS Non-Emergency Transport Ordinance. The proposed changes have been reviewed and approved by both the EMS Advisory Committee and the city's Medical Director.
- SOURCE OF FUNDS:** There is no funding required for this adoption.
- STAFF CONTACTS:** J.P. Steelman, Fire Chief
(903) 237-1227
jpsteelman@longviewtexas.gov
- COUNCIL DATE:** January 9th, 2020.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AMENDING SECTION 11-45 OF THE CODE OF ORDINANCES OF THE CITY OF LONGVIEW RELATING TO THE COLLECTION OF FEES FOR EMERGENCY AMBULANCE SERVICE; AMENDING SECTIONS 11-21, 11-43, 11-75, AND 11-77 OF THE CODE OF ORDINANCES OF THE CITY OF LONGVIEW RELATING TO THE REGULATION OF NON-EMERGENCY AMBULANCE SERVICE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Section 773.051 of the Texas Health and Safety Code provides that a city may establish standards for emergency medical services providers that are stricter than the minimum standards established by the State of Texas; and,

WHEREAS, the City Council finds and determines that reliable, coordinated ambulance service is necessary to save lives and protect the health, safety, and welfare of the citizens of the City of Longview; and,

WHEREAS, proper coordination of ambulance services requires the emergency ambulance provider to be directly linked with the City's emergency 9-1-1 dispatch system via mobile radio; and,

WHEREAS, the City Council finds and determines that the emergency ambulance system operated by the Longview Fire Department utilizes the most up-to-date available equipment and has the most highly trained, well-coordinated,

professional staff necessary to operate a proper emergency medical system within the city limits of the City of Longview; and,

WHEREAS, the City Council finds and determines that the only proper operator of emergency ambulance service for the citizens of the City of Longview is the City of Longview Fire Department; and,

WHEREAS, the City Council finds and determines that proper fees must be assessed and collected to maintain a properly operated emergency ambulance system; and,

WHEREAS, the City Council finds and determines that a comprehensive licensing scheme is necessary to regulate non-emergency ambulance service within the city limits of the City of Longview; and,

WHEREAS, the City Council has previously enacted Chapter 11 of the Longview City Code governing, among other things, the fees to be assessed and collected to maintain a properly operated emergency ambulance system and establishing a comprehensive licensing scheme regulating non-emergency ambulance service within the city limits of the City of Longview; and,

WHEREAS, the City Council of the City of Longview wishes to extend the time period for payment of fees for emergency ambulance services provided by the Longview Fire Department; and,

WHEREAS, in order to better secure the health and safety of the citizens of the City of Longview and of the public generally, the City Council wishes to provide for the clarification of certain requirements relating to the provision of non-emergency

ambulance service within the City of Longview and the addition of other requirements relating to same; 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 Section 11-21 of the Code of Ordinances, City of Longview, Texas, is hereby amended to read as follows:

“Sec. 11-21. Terms defined.

The following words, terms and phrases, when used in this chapter 11 shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advanced Life Support shall mean any measure that constitutes either “Advanced Life Support, Level 1 (ALS1)” or “Advanced Life Support, Level 2 (ALS2)” as those terms are defined in the Medicare rules relating to ground ambulance transports.

Ambulance shall mean any publicly or privately owned motor vehicle that is specially designed, constructed, equipped, maintained, and intended to be used for the transportation of wounded, injured, or sick patients.

Applicant shall mean any person, firm, partnership, corporation, or other legal entity seeking a license from the city to operate a non-emergency ambulance system.

City shall mean the City of Longview, Texas.

Emergency shall mean any circumstance that calls for immediate action and in which the element of time is essential to the health, safety, or life of a person. Such circumstances constituting an emergency shall include, but are not limited to, fires, accidents, traffic accidents, sudden illnesses, and acts of violence or other similar occurrences, which can or do result in personal injury. In general, any condition requiring examination or treatment in the emergency department of a hospital is considered an emergency (including, but not limited to any of the following: the need for Advanced Life Support, the patient is to be admitted to the operating room for treatment, application/maintenance of intravenous medication drips, active medication administration, acute respiratory management via the administration/use of breathing adjuncts, etc.). For the purposes of this chapter, any situation other than those requiring the use of a non-emergency ambulance service as defined herein shall be considered an emergency.

Emergency ambulance service shall mean ambulance service provided in the event of an emergency.

Fire Chief shall mean the Fire Chief of the City of Longview Fire Department, or his duly authorized designee.

Inside the city shall mean inside the corporate limits of the City of Longview, Texas, as the same shall exist at the time of adoption of this chapter, or shall be thereafter modified.

License shall mean a certificate issued by the City of Longview to operate a non-emergency ambulance system within the city limits of the city.

Licensee shall mean any person, firm, partnership, corporation, or other legal entity to whom or which a license is issued under this chapter.

Non-emergency or transfer ambulance shall mean any ambulance engaged in providing non-emergency or transfer ambulance service within the city.

Non-emergency or transfer ambulance service shall mean ambulance service provided for the purpose of transporting persons to or from prearranged, scheduled tests, treatments, or examinations by one or more physicians or other health care providers, or the transportation of patients discharged from a hospital back to their nursing home or residence.

Outside the city shall mean outside the corporate limits of the City of Longview, Texas, as the same shall exist at the time of adoption of this chapter, or shall thereafter be modified.

Street shall mean and include any street, alley, avenue, highway, or other thoroughfare, whether dedicated to public or private use, within the corporate limits of the city.”

Section 3. That Section 11-43 of the Code of Ordinances, City of Longview, Texas, is hereby amended to read as follows:

“Sec. 11-43. Exemptions.

Emergency ambulance services exempt from the prohibition against transporting patients on the streets of the city shall include the following:

- (1) any emergency ambulance service engaged in transporting any patient from a point of origin located outside the city to a destination inside the city;
- (2) any emergency ambulance service engaged in transporting any patient from a point of origin located inside the city to a destination outside the city;
- (3) any emergency ambulance service engaged in transporting any patient from a point of origin located outside the city to a destination located outside the city;
- (4) any emergency ambulance service operated by any federal or state agency; and

- (5) any specific request to provide assistance to the Longview Fire Department made by the Fire Chief or his/her designee.”

Section 4. That Section 11-45 of the Code of Ordinances, City of Longview, Texas, is hereby amended to read as follows:

“Sec. 11-45. Collection of fees.

- (a) *Fees due upon service.* Fees for services provided by the Longview Fire Department for emergency ambulance service shall be due and payable immediately upon rendering such services. Such fees shall be considered to be delinquent if the same, or any part thereof, remain unpaid for a period of 120 days after the provision of such services.
- (b) *Payment plans.* Subsection (a) of this section notwithstanding, the City Manager or the Manager's designee may authorize such payment plans as the Manager or the Manager's designee deems appropriate, including without limitation, payment plans that allow for payment of fees for emergency ambulance service over a period of more than 120 days.
- (c) *Special payers.* The city shall accept payment of ambulance service fees from Medicare, Medicaid, Railroad Medicare, Champus/Military Insurance, Workers' Compensation and other governmental or quasi-governmental entities. The city shall comply with any conditions imposed by state or federal law on the city's acceptance of such payments.”

Section 5. That Section 11-75 of the Code of Ordinances, City of Longview, Texas, is hereby amended to read as follows:

“Sec. 11-75. Licensing criteria.

In rendering a determination as to the issuance of a license, the Fire Chief shall determine whether the applicant meets the following minimum requirements:

- (1) the applicant has provided sufficient evidence of ability to meet and comply with the applicable operating requirements of this chapter;
- (2) the applicant has demonstrated experience and ability in providing non-emergency ambulance service or similar services elsewhere, and has demonstrated an ability to provide service of sufficient quality as to best serve the public interest;
- (3) the applicant has no unsatisfied final judgments, if any, to claimants as the result of damage to property or personal injuries received by reason of operation of ambulances or care given in association therewith;

- (4) the applicant has signed an affidavit or other document, in a form approved by the City Attorney, indemnifying and holding harmless the City of Longview, Texas, its officers and employees, from any liability arising out of the operations of the applicant or the applicant's performance of its services under any such license;
- (5) the applicant has filed with the Fire Chief, a certificate showing a policy of public liability insurance issued by an insurance carrier qualified to do business in the State of Texas, and naming the city as an additional insured, which contains the following minimum conditions and stipulations regarding such coverage:
 - a. the term of the insurance shall extend for at least as long as the permit is valid;
 - b. the insurance policy shall provide limits of liability for each accident involving bodily injury including death at any time resulting therefrom, in the amount of \$500,000.00 for each person, \$2,000,000.00 for each accident, and \$250,000.00 for property damage sustained in any such accident;
 - c. such policy shall expressly provide that it may not be canceled, except after 30 days written notice to the Fire Chief;
 - d. proof of additional general professional liability (malpractice) insurance in the amount of \$5,000,000.00;
- (6) the vehicles proposed to be used are each certified by the Texas Department of State Health Services as a basic life support ambulance or higher;
- (7) the personnel proposed to work in the city shall each be certified by the Texas Department of State Health Services as basic emergency medical technician level or higher;
- (8) the intent of the service is to operate non-emergency transfers only.”

Section 6. That Section 11-77 of the Code of Ordinances, City of Longview, Texas, is hereby amended to read as follows:

“Sec. 11-77. Operating conditions.

During the term of the license, the licensee shall comply in all respects with the provisions of this article and shall satisfy all terms and conditions of any license issued hereunder. In order to stay in compliance with the requirements of this article, and to comply with the terms and provisions of any license issued hereunder, any licensee shall during the term of the license continue to adhere to the provisions and requirements of sections 11-75 and 11-76 herein, as well as fulfill the following requirements:

- (1) the licensee shall establish and maintain an office within the city limits of the city;

- (2) all motor vehicles and personnel used in the performance of the non-emergency ambulance services shall during the term of any license meet minimum requirements established by the Texas Department of State Health Services for basic life support ambulances;
- (3) all equipment shall be maintained in good working condition;
- (4) the color of all non-emergency ambulances shall be different and distinctive from the color of emergency ambulances operated by the city fire department. Each non-emergency ambulance shall bear markings which identify both the licensee's name and vehicle number. The name designation shall be placed on both sides and the rear of the ambulance. The issued Texas Department of State Health Services license number shall also be affixed to the ambulance exterior;
- (5) each licensee shall maintain at its place of business located within the city a properly listed telephone, and business records and daily manifests as set forth herein, available for inspection or audit as deemed advisable by the Fire Chief. It shall also be the responsibility of the licensee to maintain with the Fire Chief the business address and telephone number whereby the licensee may be reached at all times;
- (6) each licensee shall maintain a daily log on which shall be recorded the date, time of service requested, time of dispatch, "dispatched-as" description, time of arrival on the scene, patient's chief complaint, pre-hospital provider's general impression of the patient's condition, time of arrival at the ultimate destination, patient's name, address, and fees and charges assessed for each trip. Said records and books shall, at all reasonable times, be made available for purposes of audit by the city. Additionally, this information shall be reported to the Longview Fire Department's EMS Section Chief on a monthly basis by the 10th day of the subsequent month via facsimile and/or such other means of transmission as the Fire Chief may designate;
- (7) annually each licensee shall, by or before March 31st, submit any additional information reflecting changes in the information currently on file with the city as required under the terms and provisions of this article for issuance of the license. By or before March 31st, the licensee shall post with the city, along with the required information necessary to update the license information in the city's file, an annual renewal fee in the amount set by resolution of the City Council;
- (8) all ambulances shall be subject to the same statutes, ordinances and rules and regulations relating to safety and operating equipment applicable to other motor vehicles in the city;
- (9) the licensee shall, upon request of the Fire Chief, present any and all vehicles and equipment for inspection by the Fire Chief or his designee at a location specified by the Fire Chief; and
- (10) the licensee shall, upon the occurrence of a recognized emergency within the city, and upon request of the Fire Chief, make available the vehicles and crews normally assigned to business in the city for the sake of mutual aid needs. In this

circumstance, the vehicles may respond to, or transport from, the scene of an emergency within the city limits, under the direct control of the Fire Chief or his designee.

- (11) all ambulances shall maintain the ability to communicate via two-way radio with the Longview Fire Department's emergency response fleet and the City's public safety communications center via any of the following: (1) direct communications via the City's Trunked 800MHz radio system subsequent to the City Council's approval of a radio-use MOU or (2) patched communications via the Texas Statewide Interoperability Channel Plan subsequent to the Texas Department of Public Safety's approval of a MOU for installation and use of those designated radio channels. The patched communications must be within the VHF (very high frequency) radio spectrum. Each licensee shall comply with this subsection (11) no later than March 31, 2021. On and after March 31, 2021, each licensee must comply with this subsection (11) at all times and any person seeking to obtain or renew a license under this article must comply with this subsection in order to receive or renew said license."

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

Section 8. That, except as expressly amended by this ordinance, the provisions of Chapter 11 of the Longview City Code shall remain unchanged and in full force and effect.

Section 9. That if any paragraph, clause, sentence, or other provision of this ordinance shall be or is hereafter declared unlawful by a court of competent jurisdiction, the remainder of the provisions adopted hereto shall continue in full force and effect.

Section 10. That all ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed to the extent of such inconsistency only, such that this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered herein.

Section 11. That this ordinance shall become effective immediately from

and after its date of passage.

PASSED AND APPROVED this 9th day of January, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

O FIRE EMS NON-EMERGENCY TRANSPORT AMEND 1-9-20

2019 STREET OVERLAY

DESCRIPTION:	<p>Consider a resolution accepting the "2019 Street Overlay" and authorizing final payment of \$182,066.50 to Reynolds and Kay, Ltd., of Tyler, Texas. Approval of the final payment will begin the contractor's one-year warranty period.</p> <p>The City Council awarded a contract to Reynolds and Kay, Ltd., on August 8, 2019 in the amount of \$195,031.25. The final construction cost is \$182,066.50.</p> <p>The project provided for the construction of 10,550 square yards of asphalt overlay on South High St from West South Street to Eckman Street, and miscellaneous work as necessary to complete the installations.</p> <p>The project has been completed in accordance with the contract. Public Works Engineering staff recommends acceptance of the project and approval of the final payment.</p>
RECOMMENDED ACTION:	Passage of resolution.
SOURCE OF FUNDS:	Funding is available from the Street Operation Fund.
STAFF CONTACT:	Rolin McPhee, P.E., Director of Public Works 903-237-1336 rmcphee@longviewtexas.gov .
COUNCIL DATE:	January 9, 2020

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT ENTITLED “2019 STREET OVERLAY”; AUTHORIZING AND APPROVING FINAL PAYMENT TO REYNOLDS AND KAY, LTD., OF TYLER, TEXAS FOR THE COMPLETION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on August 8, 2019, the City Council awarded a contract to Reynolds and Kay, Ltd., of Tyler, Texas in the amount of \$195,031.25 for the project known as “2019 Street Overlay”; and,

WHEREAS, the project “2019 Street Overlay”, included the asphalt overlay of approximately 10550 square yards of streets citywide; and,

WHEREAS, the final construction cost for said project was \$182,066.50; and,

WHEREAS, the project has been completed and the contractor, Reynolds and Kay, Ltd., has requested final payment in the amount of \$182,066.50; and,

WHEREAS, the final amount of \$182,066.50 is due to the contractor as final payment; and,

WHEREAS, the acceptance of the work by Reynolds and Kay, Ltd., of Tyler, Texas on the aforementioned contract and the approval of final payment therefore will begin the one-year warranty period for said work; NOW, THEREFORE,

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

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

Section 2. That the work performed by Reynolds and Kay, Ltd., of Tyler, Texas on the project known as “2019 Street Overlay” is hereby accepted as complete and that final payment of \$182,066.50 for the completion of said project is hereby approved.

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

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

PASSED AND APPROVED this 9th day of January, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R 2019 FINAL PAY OVERLAY SOUTH ST TO ECKMAN 1-9-20

AGREEMENT FOR HIGHWAY 80 MEDIAN IMPROVEMENTS PROJECT

DESCRIPTION: Consider a resolution committing the City to perform or cause to be performed the design of median improvements to Highway 80 from US 259 east to approximately the county line, and authorizing the City Manager or his designee to enter into an Advance Funding Agreement for Voluntary Local Government Contribution Participation with Texas Department of Transportation (TXDOT).

This agreement requires the city to perform, or cause to be performed, design of improvements to Highway 80 consisting of a raised median. Staff and TXDOT has identified this section of US 80 upgrades. This agreement allows the city to provide for the design of the upgrades and TXDOT will fund and construct these improvements.

Staff has estimated the city's local cost at \$103,500.

RECOMMENDED ACTION: Passage of resolution.

SOURCE OF FUNDS: 2011 Street Bond Funds and TXDOT

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

COUNCIL DATE: January 9th, 2020

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, COMMITTING THE CITY OF LONGVIEW TO PERFORM OR CAUSE TO BE PERFORMED CERTAIN NO REQUIRED MATCH PROJECT(S); AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO NEGOTIATE, FINALIZE, AND EXECUTE AN ADVANCE FUNDING AGREEMENT (AND ANY AND ALL OTHER DOCUMENTS INCIDENT TO SAME) FOR SAID PURPOSES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Transportation Code, Chapters 201 and 221, authorize the State of Texas (hereinafter referred to as the State) to lay out, construct, maintain, and operate a system of streets, roads, and highways that comprise the State Highway System; and,

WHEREAS, Government Code, Chapter 791, and Transportation Code, §201.209 and Chapter 221, authorize the State to contract with municipalities and political subdivisions; and,

WHEREAS, the Texas Transportation Commission passed Minute Order Number 1115550 authorizing the State to undertake and complete a highway improvement generally described as US Highway 80 Median Improvements Project; and,

WHEREAS, the City of Longview has requested that the State allow the City of Longview to participate in said improvement by funding that portion of the

improvement described as the design of upgrades to Highway 80 medians from US Highway 259 to approximately the Harrison County line in Longview, (hereinafter referred to as the Project); and,

WHEREAS, the estimated project cost is \$103,500.00, and the City of Longview commits to performing or causing to be performed the Project; NOW, THEREFORE,

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

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

Section 2. That the City of Longview shall perform or cause to be performed the Project.

Section 3. That the City Manager or the City Manager's designee and any other official of the City as shall be required are hereby authorized and directed to negotiate, finalize, and execute, as approved by the City Attorney's Office, an Advance Funding Agreement (and any and all other documents incident to same) by and between the City of Longview and the State for the purposes of carrying out the project mentioned in this resolution with No-Required Match from TXDOT.

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

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

PASSED AND APPROVED this 9th day of January, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW TXDOT ADVANCED FUNDING PARTICIPATION

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE RECOMMENDATIONS OF THE LONGVIEW WALK OF STARS TASK FORCE; 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 Longview City Council created the Longview Walk of Stars Task Force and charged said committee with developing and implementing a commemorative walk of stars in downtown; and,

WHEREAS, the chair of said committee has presented the recommendations of the committee to the City Council; NOW, THEREFORE,

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

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

Section 2. That the City Council hereby accepts the recommendations of the Longview Walk of Stars Task Force presented to the City Council on November 14, 2019, a copy of which is attached hereto as Exhibit "A" and for all purposes incorporated herein.

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 be effective immediately from and after its date of passage.

PASSED AND APPROVED this 9th day of January, 2020.

Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R COUNCIL ACCEPT WALK OF STARS TASK FORCE RECOMMENDATIONS 1-9-20

EXHIBIT A:
Walk of Stars Task Force Recommendations – November 14, 2019

- **Name of Project Recommendations:**
 - Establish the project with the name “Longview Walk of Honor” rather than “Longview Walk of Stars” since “Walk of Honor” implies more than just celebrity.
- **Design Theme Recommendations:**
 - Utilize a design that includes a star element in keeping with the existing downtown aesthetics.
- **Timeline Recommendations:**
 - Begins nomination process in early 2020, concluding with the celebration in Fall 2020.
- **Selection Criteria Recommendations**
 - Suggest multiple categories for nominations which could include, but would not be limited to: history, education, industry, business, judicial, law enforcement, medical, science, sports, entertainment, arts, culture, community, civic service, public service, civil rights, humanitarian.
 - Nominees can be individuals, families, or groups.
 - Nominees can be from throughout Longview’s history.
 - Nominees can be living or deceased.
 - Nominees do not have to be celebrities or well-known.
 - Nominees should have spent their formative, creative, or impactful years in the Longview area.
 - Nominees’ accomplishments had a positive impact on Longview or beyond.
 - Nominees had a lasting or continuous record of service, with a preference of at least five years.
 - Nominees have a clear connection to the greater Longview-centric geographic area, but not limited to Longview city-limits.
 - Nominees cannot be current elected officials.
- **Nomination Process Recommendations**
 - Nominations open to the public; anyone can nominate.
 - Nominate online or by mail.
 - Provide narrative to justify nomination.
 - Suggest an initial nomination period for January 1 – March 1.
- **Selection Process Recommendations**
 - Selection committee conducts initial review of nominations according to minimal qualifications.
 - In 2020, task force votes to select approximately 3 to 5 honorees.
 - In future years, recommend creation of large diverse voting committee to function on 3-year staggered terms.
- **Physical Location and Design Style Recommendations**
 - Utilize existing brick pavers as locations downtown.
 - Use sturdy material such as bronze or granite.
 - Create starting marker at edge of Heritage Plaza.
 - From southwest corner of Heritage Plaza, continue along sidewalk through downtown area.
 - Consider reserving area around courthouse for veterans and civic servants.
- **Celebration Recommendations**
 - Single day for two events: public and private.
 - Free-to-the-public event downtown during the day.

- Private, ticketed evening event for the recipients, families, and sponsors.
- **Organizational Recommendations**
 - Initial: Utilize City of Longview for organization structure and administration.
 - Future: Create an independent nonprofit.
- **Fundraising**
 - Create sponsorship packages.
 - Create base-level fundraising for future years.

CONSIDER APPROVAL OF THE FOLLOWING MINUTES

November 14, 2019 and December 12, 2019.

GENERAL ELECTION DISTRICTS 3 AND 4

DESCRIPTION: Consider an Ordinance calling a General Election on May 2, 2020 to fill the expired term for Council Districts 3 and 4 for the City of Longview. Filing dates are January 15, 2020 through February 14, 2020. Early voting begins April 20, 2020 and ends April 28, 2020.

The Ordinance designates the election judges and alternate judges, sets the rate of pay, designates the method of voting, authorizes an agreement with Gregg County Elections Administrator for election services and appoints an Early Voting Ballot Board.

RECOMMENDED ACTION: Approval of Ordinance

SOURCE OF FUNDS: 001-003-000-5160

STAFF CONTACT: Angie Shepard, City Secretary
903-237-1081
ashepard@longviewtexas.gov

COUNCIL DATE: January 9, 2020

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, CALLING AN ELECTION FOR THE PURPOSE OF ELECTING CITY COUNCIL MEMBERS FOR CITY COUNCIL VOTING DISTRICTS NOS. 3 AND 4 IN THE CITY OF LONGVIEW, TEXAS; ESTABLISHING THE DATE OF THE ELECTION; PROVIDING FOR EARLY VOTING; DESIGNATING POLLING PLACES; APPOINTING ELECTION JUDGES; PROVIDING FOR NOTICE OF THE ELECTION; DESIGNATING THE METHOD OF VOTING; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE GREGG COUNTY ELECTIONS ADMINISTRATOR FOR ELECTION SERVICES FOR THE MAY 2, 2020, ELECTION; APPOINTING AN EARLY VOTING BALLOT BOARD; PROVIDING COMPENSATION OF ELECTION WORKERS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, each City Council seat is for a term of 3 years; and,

WHEREAS, the current three-year terms for Council Members for Districts 3 and 4 will expire in May, 2020; and,

WHEREAS, due to the expiration of said terms, the City Council must call an election to fill said city council seats for Districts 3 and 4; 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 an election be called for and held on the first Saturday in May, 2020, the same being May 2, 2020, with filing to begin January 15, 2020, and ending February 14, 2020, for the purpose of electing members of the City Council for City Council Voting Districts Nos. 3 and 4 to three-year (3-year) terms.

Section 3. That all persons legally qualified to vote according to the laws of the State of Texas and the Charter of the City of Longview, Texas, shall be entitled to vote in said election.

Section 4. That said election shall be held and conducted and the returns thereof made in accordance with the Texas Election Code, the Charter of the City of Longview, Texas, and all other applicable statutes of the State of Texas and ordinances of the City of Longview, Texas.

Section 5. That the polling places for the respective districts shall be as follows:

<u>District Number</u>	<u>Location</u>
Dist. 3	Broughton Park and Recreation Center 801 Martin Luther King Jr. Blvd.
Dist. 4	Forest Park Middle School Library 1644 N. Eastman Road

Section 6. That the following persons are hereby appointed and named as Election Judges:

<u>District Number</u>	<u>Judge</u>
Dist. 3	Neal Frey Election Judge Judith Frey Alternate Election Judge

Dist. 4 (Central)

Nathaniel Burgess
Election Judge

Linda Witt
Alternate Election Judge

Section 7. That early voting shall be conducted by personal appearance and by mail at the City Hall, JoAnn Metcalf Municipal Building, 300 W. Cotton Street, Longview, Texas 75601, and during the period early voting is required or permitted by law, said period being April 20, 2020, through April 28, 2020. From April 20, 2020, through April 24, 2020, the hours designated for early voting by personal appearance shall be from 8 a.m. to 5 p.m., Monday through Friday. For April 25, 2020, the hours designated for early voting by personal appearance shall be from 10 a.m. to 2 p.m. On April 27, 2020, and April 28, 2020, the hours designated for early voting by personal appearance shall be from 8 a.m. to 8 p.m. The Early Voting Clerk shall keep said early voting place open during such hours for early voting by personal appearance. The Early Voting Clerk for said election shall be Angie Shepard.

Section 8. That notice of said election be given for the time and in the manner provided and prescribed by the Texas Election Code and in accordance with the Charter and ordinances of the City of Longview, Texas.

Section 9. That the method of voting in said election shall be by use of the Hart InterCivic Verity Duo 2.3.1/2.3.2 voting system.

Section 10. That the following named person is hereby appointed to serve on the date of the election as the presiding judge of a three (3) member Early Voting Ballot Board, the other two members of which are to be appointed by said judge in accordance with the provisions of Chapter 87 of the Texas Election Code, as amended:

Gail Gilbert

Section 11. That the hourly rate of pay for election workers is set at \$9.00 per hour. That the hourly rate for election judges is set at \$10.00 per hour.

Section 12. That the City Manager or the City Manager's designee is hereby authorized and directed to execute an agreement with the Gregg County Elections Administrator, as approved by the City Attorney, to allow the Gregg County Elections Administrator to provide services in regards to the May 2, 2020, election.

Section 13. 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 14. That this ordinance shall be effective immediately from and after its passage.

PASSED AND APPROVED this 9th day of January, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley

City Attorney

O ELECTION DISTRICT 3&4 1-9-20

APPLICATION #Z19-12

STAFF REPORT
January 9, 2020

APPLICANT: Mahan Shabani
LOCATION: South 40 feet of Lots 16,17, and 18, Block 28, Northcutt Heights located on the south side of Northcutt Avenue east of High Street.
REQUEST: Rezone from Single Family (SF-5) to Heavy Commercial (C-2) Zoning District.

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCEL	SF-5	Vacant
NORTH	SF-5	Vacant
SOUTH	C-2	Auto Repair Shop
WEST	GR & SF-5	Retail and City Property
EAST	SF-5	Residential

COUNCIL DISTRICT:
District 3 – Council Member Wray Wade

FUTURE LAND USE:
The Comprehensive Plan designates this area for Retail (RET).

STAFF COMMENTS:
The applicant is requesting to rezone the south 40 feet of Lots 16, 17, and 18 Northcutt Heights located on the south side of Northcutt Avenue east of High street for the purpose of expanding the use of the adjacent property.

The applicant owns a business that is situated on two lots facing W. Marshall Avenue and located at 109 W. Marshall Ave. He does not have enough space to park all of the vehicles that he is working on and would like to utilize the lots he purchased to the north of his existing property. After they received opposition from the neighbors about converting the entire lot into parking area, it was decided that they would only request rezoning of the south 40 feet of these lots.

In order for the parking area to be constructed, the applicant must rezone this area to a Zoning District that allows for a parking lot.

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

STAFF RECOMMENDATION:
Planning and Zoning Commission (8-0) **recommends approval with a stipulation** that a minimum 8 foot fence be built instead of the required 6 foot fence per the buffer yard screening requirements along the property lines between the adjacent residential properties and the subject properties. Staff also recommends approval of this request.



Z2019-10061

APPLICATION FOR AMENDMENT TO THE DISTRICT ZONING MAP (REZONING)

Application is hereby made to amend the Zoning Ordinance and to change the Zoning District Map of the City of Longview, Texas, as hereinafter set forth, and in support of such request the following facts are shown:

APPLICANT Mahan Shabani (Name) 109 W. Marshall (01) - Mailing address (Mailing Address, City, and Zip) 110 Northcutt Ave Longview, TX 75601 903-215-8707 (Phone) gplongview@gmail.com (E-mail address)

LEGAL DESCRIPTION OF PROPERTY Lots 16, 17, and 18 Block 1 (NCB 28) Northcuts (Lot, Block, and Subdivision or Abstract, Survey, Tract and Section)

just South 40' feet HTS NUD INT

STREET ADDRESS 110 Northcutt Ave

WIDTH IN FEET 160 DEPTH IN FEET 140

APPLICANT'S INTEREST IN PROPERTY OWNER (Owner, Agent, Lease, Option, etc.)

CHANGE REQUESTED FROM Residential DISTRICT TO Commercial DISTRICT

REASON FOR REQUEST/ PROPOSED USE OF PROPERTY Expand use of Adj. commercial property Located at 109 W Marshall Ave By Utilizing of Property Leaving 100' Deep and still Developable For Residential use

ARE THERE DEED RESTRICTIONS THAT WOULD PREVENT THIS PROPERTY BEING USED IN THE MANNER HEREIN PROPOSED? [X] NO IF YES, PLEASE PROVIDE DEED RESTRICTIONS.

HAVE ALL PERSONS HAVING ANY FINANCIAL INTEREST IN THE REQUEST BEEN LISTED OR ARE SIGNATORIES TO THIS APPLICATION? [X] YES [] NO

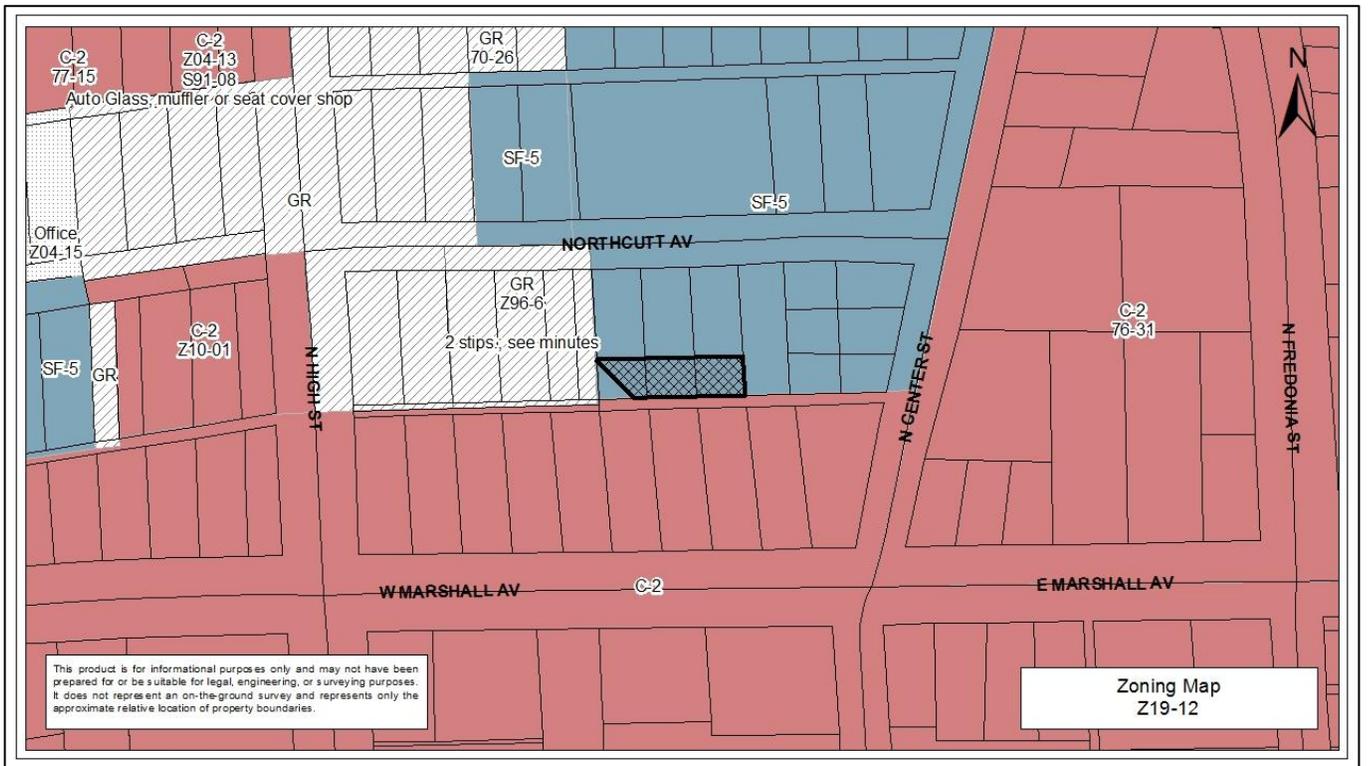
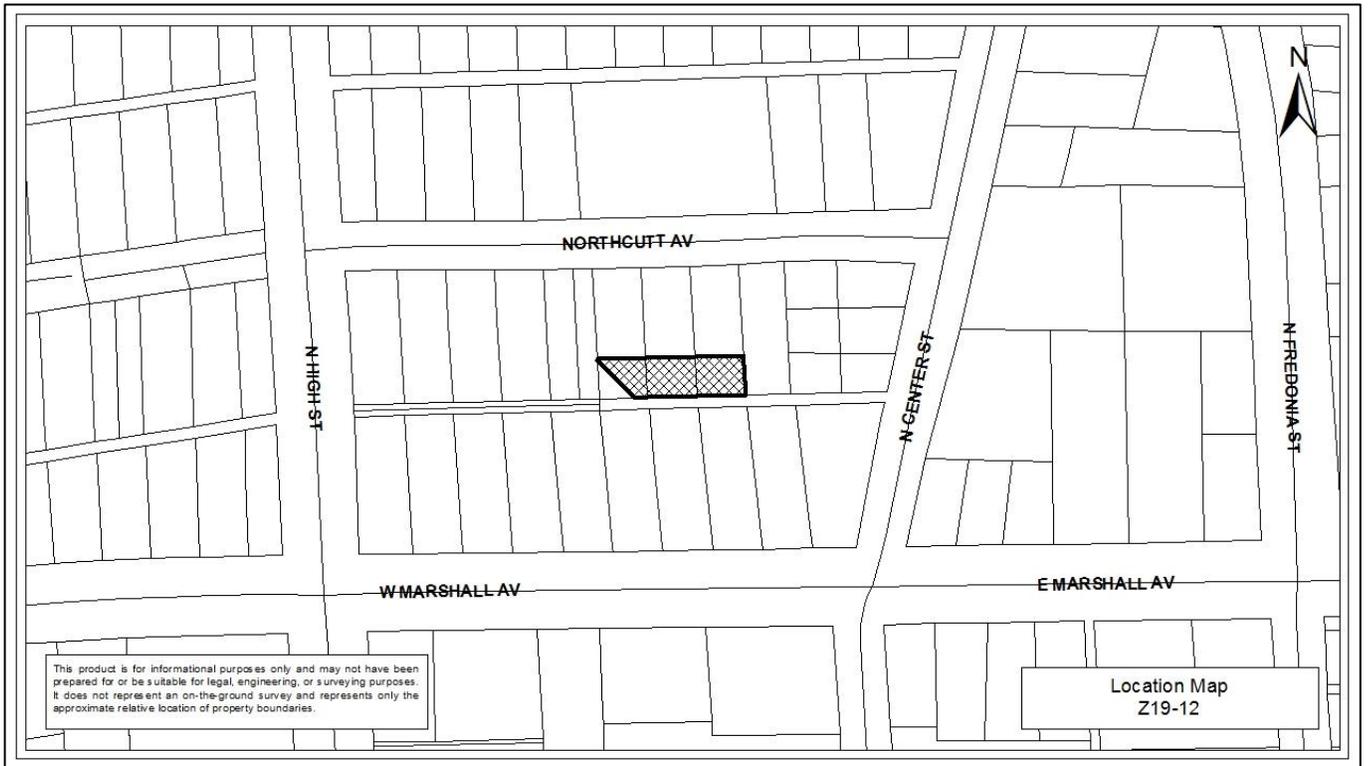
Date 11/05/19 Signature of Property Owner Mahan-Shabani

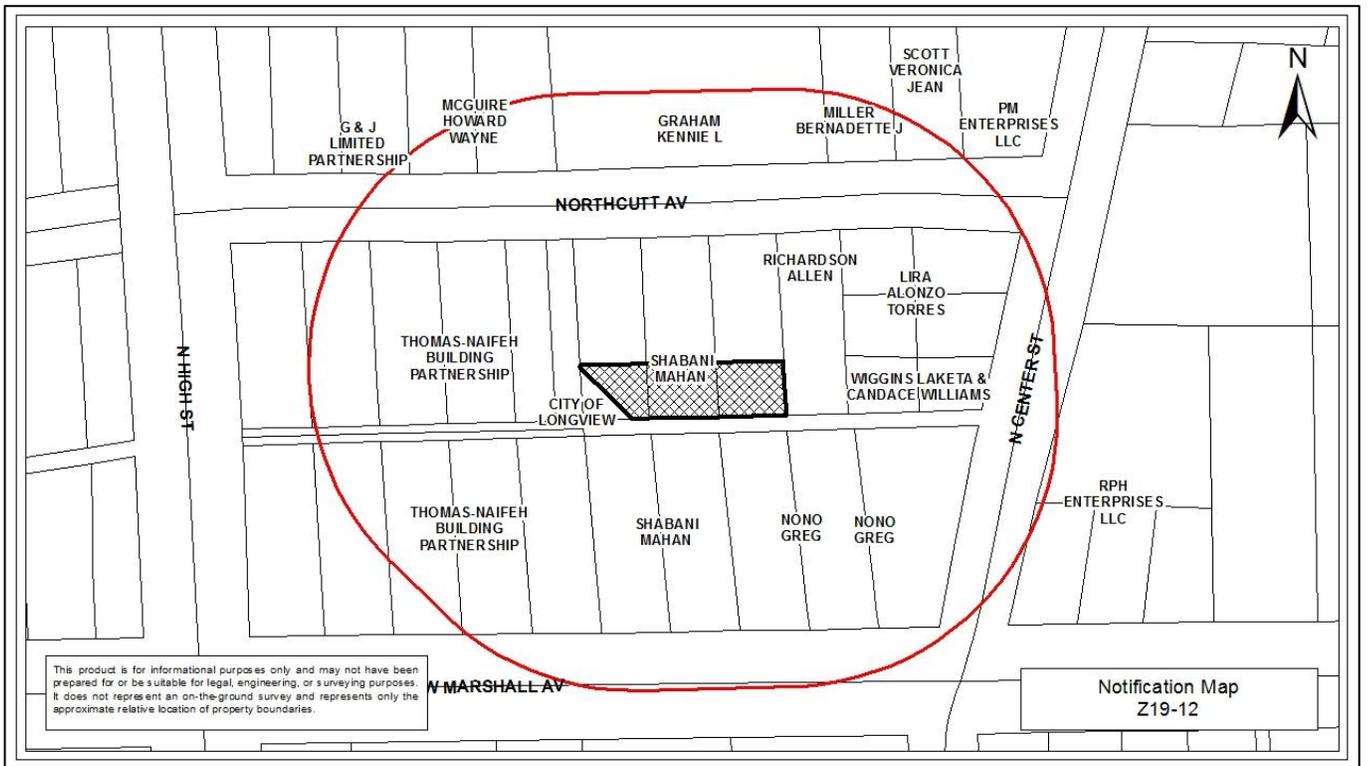
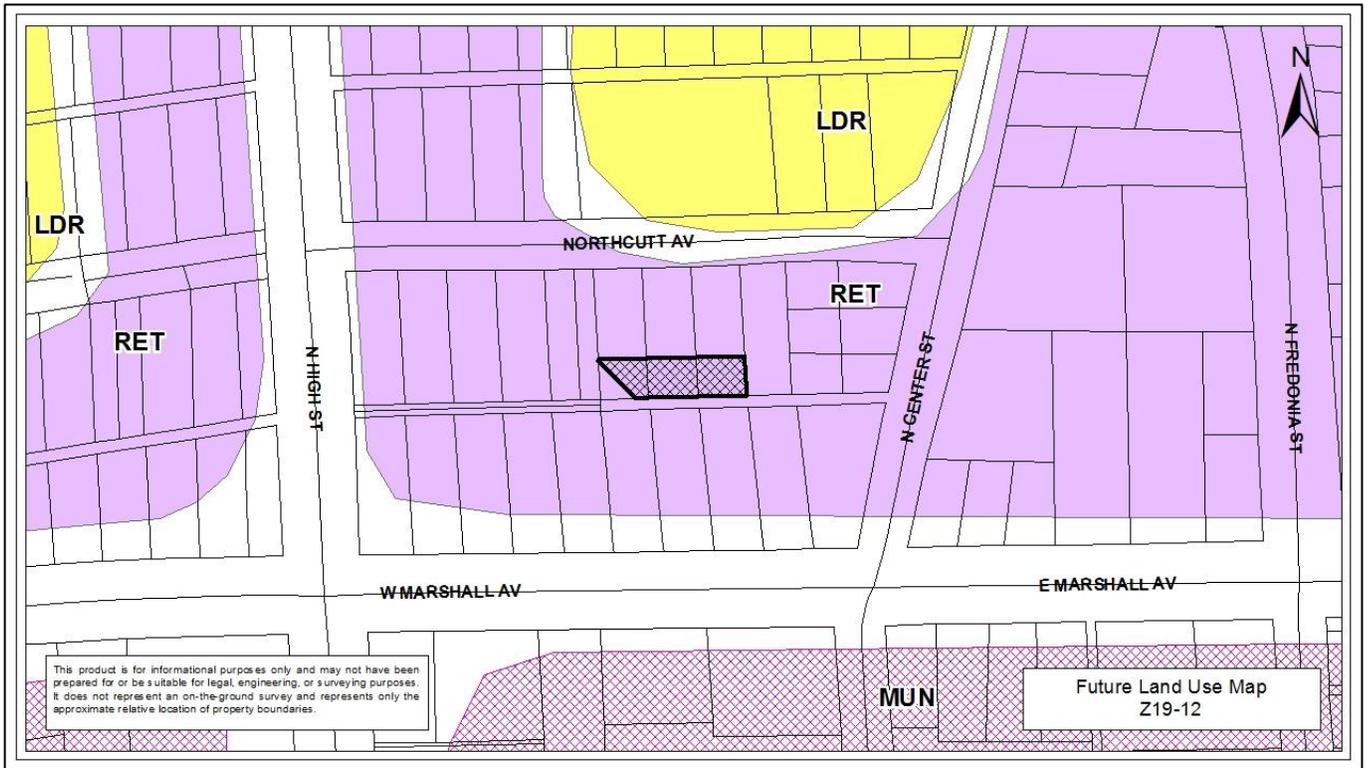
THE FOLLOWING IS TO BE COMPLETED ONLY IF A PERSON (S) OTHER THAN THE OWNER IS MAKING THIS APPLICATION.

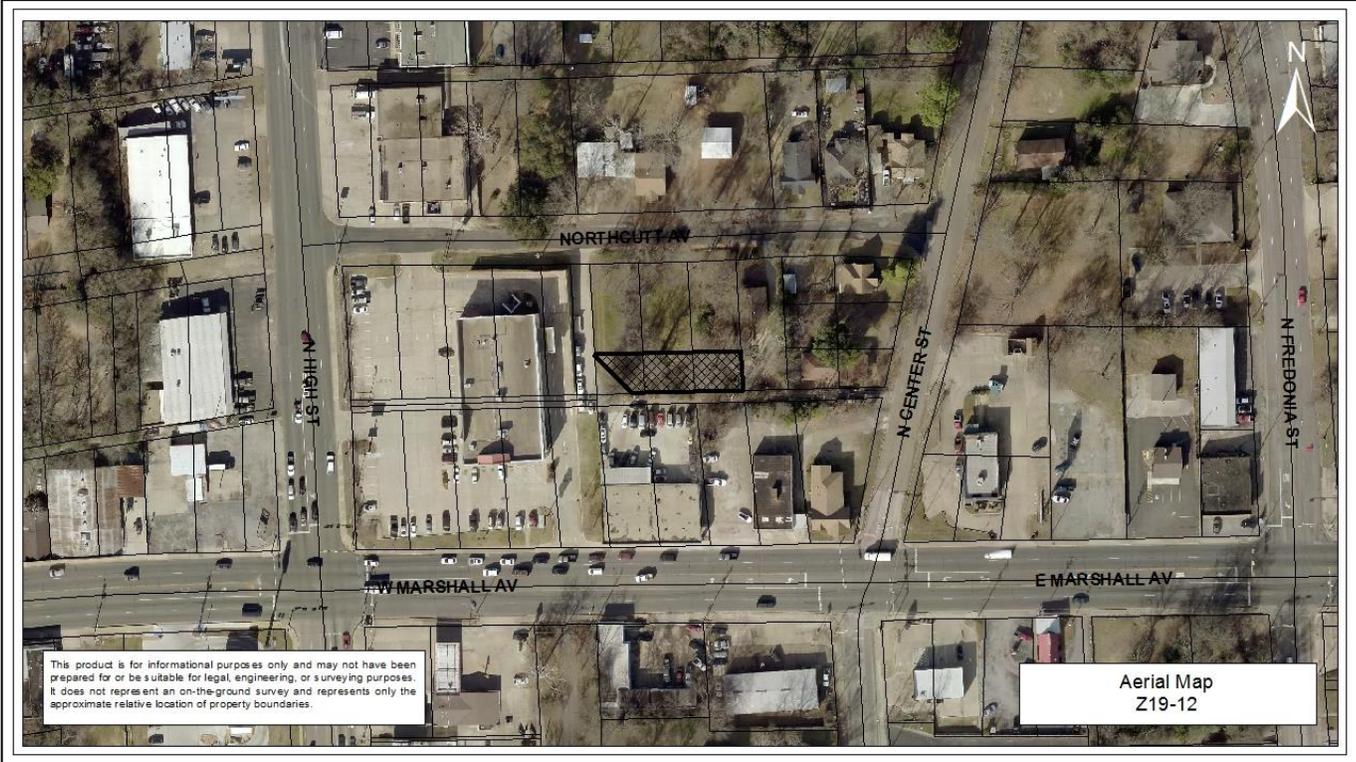
I, _____, do certify that I am authorized to act for _____ owner of the above property in making this zoning application.

Signature _____ Date _____

FOR OFFICE USE ONLY APPLICATION FEE: \$307.00 CASE NO: Z2019-10061 PERMIT NO: Z19-12



















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 THE SOUTH 40 FEET OF LOTS 16, 17, AND 18, BLOCK 28, NORTHCUTT HEIGHTS BE REZONED FROM SINGLE FAMILY (SF-5) TO HEAVY COMMERCIAL (C-2) ZONING DISTRICT LOCATED ON THE SOUTH SIDE OF NORTHCUTT AVENUE EAST OF HIGH STREET WITH THE STIPULATION THAT A MINIMUM 8 FOOT FENCE BE BUILT INSTEAD OF THE REQUIRED 6 FOOT FENCE PER THE BUFFER YARD SCREENING REQUIREMENTS ALONG THE PROPERTY LINES BETWEEN THE ADJACENT RESIDENTIAL PROPERTIES AND THE SUBJECT PROPERTIES; 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 the south 40 feet of Lots 16, 17, and 18, Block 28, Northcutt Heights be rezone from Single Family (SF-5) to Heavy Commercial (C-2) Zoning District located on the south side of Northcutt Avenue east of High Street with a stipulation that a minimum 8 foot fence be built instead of the required 6 foot fence per the buffer yard screening requirements along the property lines between the adjacent residential properties and the subject properties.

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 9th day of January, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

O P&Z Z19-12 1-9-20

GUTHRIE CREEK SHARED USE PATH

DESCRIPTION: Consider a resolution awarding a contract in the amount of \$4,606,736.00 to Leland Bradlee Construction, Inc. of Longview, Texas, for the construction of the referenced project. The following bids were opened on November 22, 2019:

Bidder	Amount
Leland Bradlee Construction, Inc. Longview, TX	\$4,606,736.00
East Texas Bridge, Inc. Longview, TX	\$5,074,120.90
Stateline Construction, LLC Quitman, TX	\$5,315,437.90
Longview Bridge & Road, Ltd. Longview, TX	\$5,895,649.55
Pierce R&B, LLC Beckville, TX	\$6,245,598.26
WM Miller Construciton Company, Inc. Judson, TX	\$7,392,907.80

The scope of work includes the construction of 12,694 square yards of concrete sidewalk, three prefabricated steel truss bridges, grade separated crossings at Judson Road and McCann Road, a rectangular rapid flashing beacon at Hoyt Drive, pedestrian hybrid beacons at Eden Drive and Johnston Street, and miscellaneous work as necessary to complete the installations.

KSA has examined the bids and the qualifications of the low bidder, and recommends that the City award the contract to Leland Bradlee, Inc., in the amount of \$4,606,736.00. Staff concurs with their recommendation.

RECOMMENDED ACTION: Passage of the resolution.

SOURCE OF FUNDS: Funding is available from Longview Economic Development Corporation and Texas Department of Transportation.

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

COUNCIL DATE:

January 9, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF LELAND BRADLEE CONSTRUCTION, INC. OF LONGVIEW, TEXAS, FOR CONSTRUCTION OF THE PROJECT ENTITLED "GUTHRIE CREEK SHARED USE PATH"; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND LELAND BRADLEE CONSTRUCTION, INC., 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 "Guthrie Creek Shared Use Path"; and,

WHEREAS, this project provides for the construction of approximately 12,694 square yards of concrete sidewalk, three prefabricated steel truss bridges, grade separated crossings at Judson Road and McCann Road, a rectangular rapid flashing beacon at Hoyt Drive, pedestrian hybrid beacons at Eden Drive and Johnston Street, and miscellaneous work as necessary to complete the installations; and,

WHEREAS, the award of this contract is contingent upon approval by Texas Department of Transportation; and,

WHEREAS, funding for this project is provided from Longview Economic Development Corporation, Texas Department of Transportation, and City of Longview;

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 Leland Bradlee Construction, Inc., of Longview, Texas for construction of the project known as “Guthrie Creek Shared Use Path” in the amount of \$4,606,736 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 Leland Bradlee Construction, Inc., of Longview, Texas in the amount of \$4,606,736.

Section 4. That the award of this contract to Leland Bradlee Construction, Inc., of Longview, Texas is contingent upon approval from Texas Department of Transportation for partial project reimbursement.

Section 5. 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 Leland Bradlee Construction, Inc., of Longview, Texas for the project known as “Guthrie Creek Shared Use Path”.

Section 6. 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 7. 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 8. That this resolution shall become effective from and after its passage.

PASSED AND APPROVED this 9th day of January, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW AWARD BID GUTHRIE CREEK SHARED USE PATH 1-9-20

RECYCLING OPTIONS

DESCRIPTION:

Consider a Resolution establishing rates in support of recycling option selected by City Council.

Option 1 - Across the board rate increase of \$2.50 for all residential and commercial customers per month.

Commercial Collection will go to \$32.31 per month.

Additional Garbage and Recycling carts will be \$7.50 per month.

Residential Collection will go to \$18.45 per month.

Additional Garbage and Recycling carts will \$5.00 per month.

Option 1a - Across the board rate increase of \$1.25 for all residential and commercial customers per month. Option 1 was based on a full year budget in FY 20/21. In reviewing options we felt it important to provide an option that would meet FY 19/20 expenditure due to the increase in recycling tipping fees and landfill mattress charges only. This option would not meet a full budget year but would be a stop gap measure for FY 19/20 and leave other budgetary discussions for the normal budget process.

Commercial Collection will go to \$30.06 per month.

Additional Garbage and Recycling carts will be \$7.50 per month.

Residential Collection will go to \$17.20 per month.

Additional Garbage and Recycling carts will \$5.00 per month.

Option 2 - Revise Recycling Program to Subscription Service at \$7.00 per month.

Commercial Recycling program will be \$7.50 per month with additional carts at \$7.50 per month

Residential Recycling program will be \$7.00 per month with additional carts at \$5.00 per month

Option 3 - Discontinue Recycling Program

RECOMMENDED ACTION: Passage of the resolution.

SOURCE OF FUNDS: No additional funding required

STAFF CONTACT: Dwayne Archer, Assistant Director of Public Works
903-237-1287
darcher@longviewtexas.gov

COUNCIL DATE: January 9, 2020

OPTION 1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, SETTING CERTAIN FEES RELATED TO COMMERCIAL AND RESIDENTIAL GARBAGE AND RECYCLING COLLECTION; 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 ordinances of the City of Longview (the "City") allow fees and charges to be set by resolution; and,

WHEREAS, the City Council wishes to recover a portion of certain costs associated with commercial and residential recycling and garbage; and,

WHEREAS, as a result of the foregoing, the City Council finds it necessary to update and revise City fees and charges; 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. **Commercial Garbage Collection Rates Inside City.** That, for commercial customers of the City that are located inside the corporate limits of the City, the fair and reasonable rates for the collection and removal of commercial garbage and trash as specified in Section 49-9 of the Code of Ordinances of the City of Longview, Texas, shall be as follows:

Commercial Garbage Service - Weekly garbage and recycling service, including the use of a 95 gallon garbage cart and 95 gallon recycling cart is available to commercial units for a monthly fee of \$32.31. Additional carts are available for a monthly fee of \$7.50 for each garbage cart and \$7.50 for each recycling cart.

Bulky item collections are available to commercial customers for a fee of \$100 to dispose of up to four (4) cubic yards. For amounts over four (4) cubic yards an additional fee of \$50 will be charged for each 0-4 cubic yards. In addition to the above fees there will be an additional fee of twenty dollar (\$20) charged for each mattress and/or appliance collected.

In addition to any charges imposed in this resolution, each commercial unit shall pay any fuel charge established by ordinance for the collection of garbage.

Section 3. **Commercial Garbage Collection Rates Outside City.** That, for commercial customers of the City that are located outside the corporate limits of the City, the fair and reasonable rates for the collection and removal of commercial garbage and trash as specified in Section 49-9 of the Code of Ordinances of the City of Longview, Texas, shall be double the rates specified in this resolution for commercial customers of the City that are located inside the corporate limits of the City. In addition to any charges imposed in this resolution, each commercial customer shall pay any fuel charge established by ordinance for the collection of garbage. The fuel charge shall not be doubled for commercial customers of the City that are located outside the corporate limits.

Section 4. **Garbage Service Late Charge.** That if any bill for Sanitation service is not paid on or before the date the same is due and payable, a late charge of

ten percent of the total amount of charges on such bill for said services, or \$1.50, whichever is greater, shall be added thereto.

Section 5. Residential Garbage Collection Rates Inside City. That, for residential customers of the City that are located inside the corporate limits of the City, the fair and reasonable rates for the collection and removal of garbage, recycling, yard waste, and bulky items as defined in the Sanitation Administrative Regulations shall be as follows: For each residential unit as defined in Section 49-2 of the Code of Ordinances, Sanitation service is required and shall be charged at \$18.45 per month. Residential units are provided use of a 95 gallon garbage cart and a 95 gallon recycling cart. Additional carts are available for a monthly fee of \$5.00 for each garbage cart and \$5.00 for each recycling cart. Garbage and recycling collection is provided once a week. Residential units are also provided four (4) bulky item collections of eight (8) cubic yards per twelve months as a part of their basic service. Additional bulky item collections are available for a fee of \$50 to dispose of up to four (4) cubic yards. For amounts over four (4) cubic yards an additional fee of \$25 will be charged for each 0-4 cubic yards. In addition to any charges imposed in this resolution, each residential unit shall pay any fuel charge established by ordinance for the collection of garbage. An additional fee of twenty dollars (\$20) shall be charged for each mattress and/or appliance collected. Collection of mattresses and/or appliances will not be eligible for a free bulky item pickup.

Section 6. Residential Garbage Collection Rates Outside City. That, for residential customers of the City that are located outside the corporate limits of the City, the fair and reasonable rates for the collection and removal of garbage, for each

residential unit using or occupying any building, house or structure or part thereof for residential purposes shall be double the rates specified in this resolution for residential units of the City that are located inside the corporate limits of the City. In addition to any charges imposed in this resolution, each residential customer shall pay any fuel charge established by ordinance for the collection of garbage. The fuel charge shall not be doubled for residential customers of the City that are located outside the corporate limits.

Section 7. That it is found and determined 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 be effective immediately from and after its passage.

PASSED and APPROVED this 9th day of January, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R FEES SANITATION CHANGES OPTION 1 1-9-20

OPTION 1a

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, SETTING CERTAIN FEES RELATED TO COMMERCIAL AND RESIDENTIAL GARBAGE AND RECYCLING COLLECTION; 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 ordinances of the City of Longview (the "City") allow fees and charges to be set by resolution; and,

WHEREAS, the City Council wishes to recover a portion of certain costs associated with commercial and residential recycling and garbage; and,

WHEREAS, as a result of the foregoing, the City Council finds it necessary to update and revise City fees and charges; 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. **Commercial Garbage Collection Rates Inside City.** That, for commercial customers of the City that are located inside the corporate limits of the City, the fair and reasonable rates for the collection and removal of commercial garbage and trash as specified in Section 49-9 of the Code of Ordinances of the City of Longview, Texas, shall be as follows:

Commercial Garbage Service - Weekly garbage and recycling service, including the use of a 95 gallon garbage cart and 95 gallon recycling cart is available to commercial units for a monthly fee of \$30.06. Additional carts are available for a monthly fee of \$7.50 for each garbage cart and \$7.50 for each recycling cart.

Bulky item collections are available to commercial customers for a fee of \$100 to dispose of up to four (4) cubic yards. For amounts over four (4) cubic yards an additional fee of \$50 will be charged for each 0-4 cubic yards. In addition to the above fees there will be an additional fee of twenty dollars (\$20) charged for each mattress and/or appliance collected.

In addition to any charges imposed in this resolution, each commercial unit shall pay any fuel charge established by ordinance for the collection of garbage.

Section 3. **Commercial Garbage Collection Rates Outside City.** That, for commercial customers of the City that are located outside the corporate limits of the City, the fair and reasonable rates for the collection and removal of commercial garbage and trash as specified in Section 49-9 of the Code of Ordinances of the City of Longview, Texas, shall be double the rates specified in this resolution for commercial customers of the City that are located inside the corporate limits of the City. In addition to any charges imposed in this resolution, each commercial customer shall pay any fuel charge established by ordinance for the collection of garbage. The fuel charge shall not be doubled for commercial customers of the City that are located outside the corporate limits.

Section 4. **Garbage Service Late Charge.** That if any bill for Sanitation service is not paid on or before the date the same is due and payable, a late charge of

ten percent of the total amount of charges on such bill for said services, or \$1.50, whichever is greater, shall be added thereto.

Section 5. Residential Garbage Collection Rates Inside City. That, for residential customers of the City that are located inside the corporate limits of the City, the fair and reasonable rates for the collection and removal of garbage, recycling, yard waste, and bulky items as defined in the Sanitation Administrative Regulations shall be as follows: For each residential unit as defined in Section 49-2 of the Code of Ordinances, Sanitation service is required and shall be charged at \$17.20 per month. Residential units are provided use of a 95 gallon garbage cart and a 95 gallon recycling cart. Additional carts are available for a monthly fee of \$5.00 for each garbage cart and \$5.00 for each recycling cart. Garbage and recycling collection is provided once a week. Residential units are also provided four (4) bulky item collections of eight (8) cubic yards per twelve months as a part of their basic service. Additional bulky item collections are available for a fee of \$50 to dispose of up to four (4) cubic yards. For amounts over four (4) cubic yards an additional fee of \$25 will be charged for each 0-4 cubic yards. In addition to any charges imposed in this resolution, each residential unit shall pay any fuel charge established by ordinance for the collection of garbage. An additional fee of twenty dollars (\$20) shall be charged for each mattress and/or appliance collected. Collection of mattresses and/or appliances will not be eligible for a free bulky item pickup.

Section 6. Residential Garbage Collection Rates Outside City. That, for residential customers of the City that are located outside the corporate limits of the City, the fair and reasonable rates for the collection and removal of garbage, for each

residential unit using or occupying any building, house or structure or part thereof for residential purposes shall be double the rates specified in this resolution for residential units of the City that are located inside the corporate limits of the City. In addition to any charges imposed in this resolution, each residential customer shall pay any fuel charge established by ordinance for the collection of garbage. The fuel charge shall not be doubled for residential customers of the City that are located outside the corporate limits.

Section 7. That it is found and determined 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 be effective immediately from and after its passage.

PASSED and APPROVED this 9th day of January, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

FEE SANITATION CHANGES OPTION 1a 1-9-20

OPTION 2

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, SETTING CERTAIN FEES RELATED TO COMMERCIAL AND RESIDENTIAL GARBAGE AND RECYCLING COLLECTION; 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 ordinances of the City of Longview (the "City") allow fees and charges to be set by resolution; and,

WHEREAS, the City Council wishes to recover a portion of certain costs associated with commercial and residential recycling and garbage; and,

WHEREAS, as a result of the foregoing, the City Council finds it necessary to update and revise City fees and charges; 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. **Commercial Garbage Collection Rates Inside City.** That, for commercial customers of the City that are located inside the corporate limits of the City, the fair and reasonable rates for the collection and removal of commercial garbage and trash as specified in Section 49-9 of the Code of Ordinances of the City of Longview, Texas, shall be as follows:

Commercial Garbage Service - Weekly garbage service, including the use of a 95 gallon garbage cart, is available to commercial units for a monthly fee of \$29.81. Additional carts are available for a monthly fee of \$7.50 for each garbage cart.

Bulky item collections are available to commercial customers for a fee of \$100 to dispose of up to four (4) cubic yards. For amounts over four (4) cubic yards an additional fee of \$50 will be charged for each 0-4 cubic yards. In addition to the above fees there will be an additional fee of twenty dollars (\$20) charged for each mattress and/or appliance collected.

In addition to any charges imposed in this resolution, each commercial unit shall pay any fuel charge established by ordinance for the collection of garbage.

Section 3. **Commercial Recycling Collection Rates Inside City.** That, for commercial customers of the City that are located inside the corporate limits of the City, the fair and reasonable rates for the collection and removal of recyclable materials, shall be as follows:

Commercial Recycling Service - Weekly recyclable service is available to Commercial Garbage Service customers only. The service includes the use of a 95 gallon recycling cart for a monthly fee of \$7.50. Additional carts are available for the same \$7.50 fee.

Section 4. **Commercial Garbage Collection Rates Outside City.** That, for commercial customers of the City that are located outside the corporate limits of the City, the fair and reasonable rates for the collection and removal of commercial garbage and recyclables as specified in Section 49-9 of the Code of Ordinances of the City of Longview, Texas, shall be double the rates specified in this resolution for commercial

customers of the City that are located inside the corporate limits of the City. In addition to any charges imposed in this resolution, each commercial customer shall pay any fuel charge established by ordinance for the collection of garbage., The fuel charge shall not be doubled for commercial customers of the City that are located outside the corporate limits.

Section 5. **Garbage Service Late Charge.** That if any bill for Sanitation service is not paid on or before the date the same is due and payable, a late charge of ten percent of the total amount of charges on such bill for said services, or \$1.50, whichever is greater, shall be added thereto.

Section 6. **Residential Garbage Collection Rates Inside City.** That, for residential customers of the City that are located inside the corporate limits of the City, the fair and reasonable rates for the collection and removal of garbage, yard waste, and bulky items as defined in the Sanitation Administrative Regulations shall be as follows: For each residential unit as defined in Section 49-2 of the Code of Ordinances, Sanitation service is required and shall be charged at \$15.95 per month. Residential units are provided use of a 95 gallon garbage cart. Additional carts are available for a monthly fee of \$5.00 for each garbage cart. Garbage collection is provided once a week. Residential units are also provided four (4) bulky item collections of eight (8) cubic yards per twelve months as a part of their basic service. Additional bulky item collections are available for a fee of \$50 to dispose of up to four (4) cubic yards. For amounts over four (4) cubic yards an additional fee of \$25 will be charged for each 0-4 cubic yards. In addition to any charges imposed in this resolution, each residential unit shall pay any fuel charge established by ordinance for the collection of garbage. An

additional fee of twenty dollars (\$20) shall be charged for each mattress and/or appliance collected. Collection of mattresses and/or appliances will not be eligible for a free bulky item pickup.

Section 7. **Residential Recycling Collection Rates Inside City.** That, for residential customers of the City that are located inside the corporate limits of the City, the fair and reasonable rates for the collection and removal of recyclable material as defined in the Sanitation Administrative Regulations shall be as follows: Each residential unit participating in this service shall be charged \$7.00 per month. Residential units are provided use of a 95 gallon recycling cart. Additional carts are available for a monthly fee of \$5.00 for each recycling cart.

Section 8. **Residential Garbage and Recycling Collection Rates Outside City.**

That, for residential customers of the City that are located outside the corporate limits of the City, the fair and reasonable rates for the collection and removal of garbage and recyclables, for each residential unit using or occupying any building, house or structure or part thereof for residential purposes shall be double the rates specified in this resolution for residential units of the City that are located inside the corporate limits of the City. In addition to any charges imposed in this resolution, each residential customer shall pay any fuel charge established by ordinance for the collection of garbage. The fuel charge shall not be doubled for residential customers of the City that are located outside the corporate limits.

Section 9. That it is found and determined 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 10. That this resolution shall be effective immediately from and after its passage.

PASSED and APPROVED this 9th day of January, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R FEES SANITATION CHANGES OPTION 2 1-9-20

OPTION 3

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, SETTING CERTAIN FEES RELATED TO COMMERCIAL AND RESIDENTIAL GARBAGE COLLECTION; DISCONTINUING COMMERCIAL AND RESIDENTIAL RECYCLING SERVICE; 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 ordinances of the City of Longview (the "City") allow fees and charges to be set by resolution; and,

WHEREAS, the City Council wishes to recover a portion of certain costs associated with commercial and residential garbage; and,

WHEREAS, the City Council wishes to discontinue the curbside recycling program; and,

WHEREAS, as a result of the foregoing, the City Council finds it necessary to update and revise City fees and charges; 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. **Commercial Garbage Collection Rates Inside City.** That, for commercial customers of the City that are located inside the corporate limits of the

City, the fair and reasonable rates for the collection and removal of commercial garbage and trash as specified in Section 49-9 of the Code of Ordinances of the City of Longview, Texas, shall be as follows:

Commercial Garbage Service - Weekly garbage service, including the use of a 95 gallon garbage cart, is available to commercial units for a monthly fee of \$29.81. Additional carts are available for a monthly fee of \$7.50 for each garbage cart.

Bulky item collections are available to commercial customers for a fee of \$100 to dispose of up to four (4) cubic yards. For amounts over four (4) cubic yards an additional fee of \$50 will be charged for each 0-4 cubic yards. In addition to the above fees there will be an additional fee of twenty dollars (\$20) charged for each mattress and/or appliance collected.

In addition to any charges imposed in this resolution, each commercial unit shall pay any fuel charge established by ordinance for the collection of garbage.

Section 3. **Commercial Garbage Collection Rates Outside City.** That, for commercial customers of the City that are located outside the corporate limits of the City, the fair and reasonable rates for the collection and removal of commercial garbage and trash as specified in Section 49-9 of the Code of Ordinances of the City of Longview, Texas, shall be double the rates specified in this resolution for commercial customers of the City that are located inside the corporate limits of the City. In addition to any charges imposed in this resolution, each commercial customer shall pay any fuel charge established by ordinance for the collection of garbage. The fuel charge shall not be doubled for commercial customers of the City that are located outside the corporate limits.

Section 4. **Garbage Service Late Charge.** That if any bill for Sanitation service is not paid on or before the date the same is due and payable, a late charge of ten percent of the total amount of charges on such bill for said services, or \$1.50, whichever is greater, shall be added thereto.

Section 5. **Residential Garbage Collection Rates Inside City.** That, for residential customers of the City that are located inside the corporate limits of the City, the fair and reasonable rates for the collection and removal of garbage, yard waste, and bulky items as defined in the Sanitation Administrative Regulations shall be as follows: For each residential unit as defined in Section 49-2 of the Code of Ordinances, Sanitation service is required and shall be charged at \$15.95 per month. Residential units are provided use of a 95 gallon garbage cart. Additional carts are available for a monthly fee of \$5.00 for each garbage cart. Garbage collection is provided once a week. Residential units are also provided four (4) bulky item collections of eight (8) cubic yards per twelve months as a part of their basic service. Additional bulky item collections are available for a fee of \$50 to dispose of up to four (4) cubic yards. For amounts over four (4) cubic yards an additional fee of \$25 will be charged for each 0-4 cubic yards. In addition to any charges imposed in this resolution, each residential unit shall pay any fuel charge established by ordinance for the collection of garbage. An additional fee of twenty dollars (\$20) shall be charged for each mattress and/or appliance collected. Collection of mattresses and/or appliances will not be eligible for a free bulky item pickup.

Section 6. **Residential Garbage Collection Rates Outside City.** That, for residential customers of the City that are located outside the corporate limits of the

City, the fair and reasonable rates for the collection and removal of garbage, for each residential unit using or occupying any building, house or structure or part thereof for residential purposes shall be double the rates specified in this resolution for residential units of the City that are located inside the corporate limits of the City. In addition to any charges imposed in this resolution, each residential customer shall pay any fuel charge established by ordinance for the collection of garbage. The fuel charge shall not be doubled for residential customers of the City that are located outside the corporate limits.

Section 7. That it is found and determined 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 be effective immediately from and after its passage.

PASSED and APPROVED this 9th day of January, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R FEES SANITATION CHANGES OPTION 3 1-9-20