

REGULAR MEETING
LINDALE CITY COUNCIL
TUESDAY, FEBRUARY 5, 2019 6:00 P. M.
CITY HALL, 105 BALLARD DRIVE

THE MEETING WAS CALLED TO ORDER BY MAYOR JEFF DAUGHERTY

COUNCIL MEMBERS PRESENT: CLYDE HARPER, RICK THELEN, GINGER SIMS, BOB TARDIFF AND BRYAN SUMMERVILLE

CLYDE HARPER SAID THE INVOCATION AND MAYOR JEFF DAUGHERTY LED THE PLEDGE OF ALLEGIANCE

F-1 PUBLIC HEARING ON PETITION FOR A ZONING DISTRICT CLASSIFICATION AMENDMENT FOR THE PROPERTIES LISTED IN THIS PETITION AMENDING ZONING CLASSIFICATION FROM "R-1C SINGLE FAMILY RESIDENTIAL STANDARD DISTRICT TO MU-2 COMMUNITY AND REGIONAL MIXED USE DISTRICT". COUNCIL ENTERED INTO PUBLIC HEARING AT 6:03 P.M. GARY MARTIN SPOKE IN SUPPORT OF ZONING CHANGE BUT WANTS ZONED AS "MU-1" NOT "MU-2" ZONING. THERE BEING NO FURTHER COMMENTS PUBLIC HEARING ENDED AT 6:03 P.M.

F-2 DISCUSSION AND POSSIBLE ACTION TO APPROVE ZONING DISTRICT CLASSIFICATION AMENDMENT FOR PROPERTIES LISTED, CHANGE THE ZONING OF LISTED PROPERTIES, IN ZONING CLASSIFICATION FROM "R-1C SINGLE FAMILY RESIDENTIAL STANDARD DISTRICT " TO "MU-2 COMMUNITY AND REGIONAL MIXED USE DISTRICT". STEVEN LLOYD, DIRECTOR OF PLANNING DEVELOPMENT, STATED THIS ZONING CHANGE HAS GONE THROUGH PLANNING AND ZONING AND UNANIMOUSLY RECOMMENDED APPROVAL TO COUNCIL FOR "MU-2" COMMUNITY AND REGIONAL MIXED USE DISTRICT". THEY DISCUSSED THE "MU-1" NEIGHBORHOOD MIXED USE DISTRICT USE. THERE BEING POTENTIAL FUTURE BUSINESS GROWTH IN THE AREA AND THE WIDENING OF FM 16 INTO 4 LANES THEY DID NOT SEE "MU-1" AS A GOOD FIT FOR ZONING DUE TO SAFETY HAZARDS OF RESIDENTS BACKING OUT ONTO FM 16. "MU-1" DOES ALLOW SINGLE FAMILY AND TWO FAMILY DWELLING'S, ONLY WITH A SPECIAL USE PERMIT. TXDOT WOULD CONTROL THE NUMBER OF DRIVEWAYS AND ENTRANCES OFF FM 16. CHANGING THE ZONING TO "MU-2" WOULD NOT ALLOW SINGLE OR TWO FAMILY DWELLINGS, BUT WOULDN'T EFFECT THE CURRENT USE NOW. RESIDENTS COULD ADD ON/REMODEL THEIR HOMES. THE USE WOULD CHANGE ONLY WHEN HOMES WERE SOLD AND TURNED INTO BUSINESSES. BOB TARDIFF MADE A MOTION TO TABLE ITEM. SECOND BY RICK THELEN. ALL VOTED IN FAVOR.

F-3 PUBLIC HEARING ON PROPOSED REZONING OF PROPERTY LOCATED AT 15307 FM 16 W, APPROXIMATE 3.876 ACRES, ABSTRACT A0071 T BURBRIDGE, TRACT 34, 38 S01, CONSIDERATION OF A CHANGE IN ZONING CLASSIFICATION FROM "R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT " TO "MU-2 COMMUNITY AND REGIONAL MIXED USE DISTRICT". COUNCIL ENTERED INTO PUBLIC HEARING AT 6:23 P.M. BEING NO COMMENTS PUBLIC HEARING ENDED 6:24 P.M.

F-4 DISCUSSION AND POSSIBLE ACTION TO APPROVE ZONING DISTRICT CLASSIFICATION AMENDMENT FOR PROPERTY LOCATED AT 15307 FM 16 W, APPROXIMATE 3.876 ACRES, ABSTRACT A00071 T BURBRIDGE, TRACT 34, 38.S01 A CHANGE IN ZONING CLASSIFICATION FROM "R-1C SINGLE FAMILY RESIDENTIAL DISTRICT" TO "MU-2 COMMUNITY REGIONAL MIXED USED DISTRICT". BRYAN SUMMERVILLE MADE A MOTION TO TABLE ITEM. SECOND BY CLYDE HARPER. ALL VOTED IN FAVOR.

F-5 PUBLIC HEARING ON PROPOSED REZONING OF PROPERTY LOCATED AT FM 16 W, APPROXIMATE 3.296 ACRES, ABSTRACT A0071 T BURBRIDGE, TRACT 34B, 38 S01, CONSIDERATION OF A CHANGE IN ZONING CLASSIFICATION FROM "R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT "TO "MU-2 COMMUNITY AND REGIONAL MIXED USE DISTRICT". COUNCIL ENTERED INTO PUBLIC HEARING AT 6:25 P.M. BEING NO COMMENTS PUBLIC HEARING ENDED 6:27 P.M.

F-6 DISCUSSION AND POSSIBLE ACTION TO APPROVE ZONING DISTRICT CLASSIFICATION AMENDMENT FOR PROPERTY LOCATED AT FM 16 W, APPROXIMATE 3.296 ACRES, ABSTRACT A0071 T BURBRIDGE, TRACT 34B, 38 S01, CONSIDERATION OF A CHANGE IN ZONING CLASSIFICATION FROM "R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT" TO "MU-2 COMMUNITY AND REGIONAL MIXED USED DISTRICT". RICK THELEN MADE A MOTION TO TABLE ITEM. SECOND BY BRYAN SUMMERVILLE. ALL VOTED IN FAVOR.

F-7 1ST PUBLIC HEARING ON PROPOSED ANNEXATION OF APPROXIMATELY 27.409 ACRES LOCATED ON CR 472 ON THE SOUTH SIDE OF THE ROAD BETWEEN HWY 69 AND JIM HOGG ROAD, SMITH COUNTY TAX PIN NUMBER R028432, ANNEXATION REQUESTED BY TYLER ROSE NURSERY, INC. CAROLYN CALDWELL, CITY MANAGER, STATED THE PROPERTY OWNER, JOE TEW MADE THE REQUEST TO BE ANNEXED. CITY COUNCIL APPROVED AT THE LAST COUNCIL MEETING TO SET AND HOLD TWO PUBLIC HEARINGS. COUNCIL ENTERED INTO PUBLIC HEARING 6:28 P.M. BEING NO COMMENTS PUBLIC HEARING ENDED 6:28 P.M.

F-8 DISCUSSION AND POSSIBLE ACTION TO APPROVE BILLBOARD #1296272114 CONTRACT WITH LAMAR FOR BILLBOARD LOCATED ON I-20. SEONG MACLAREN, TOURISM DIRECTOR, STATED THE CONTRACT WILL BE UP AT THE END OF APRIL. THE NEW CONTRACT RATE \$9,750.00 THE COST OF THE BILLBOARD INCREASED FROM LAST YEAR. THE BILLBOARD IS CURRENTLY SKINNED WITH HOMETOWN OF MIRANDA LAMBERT, VISIT LINDALE, AND PARROTT PARK MUSEUM. SHE IS CURRENTLY WORKING ON NEW SKIN DESIGNS AND WILL BRING BACK TO COUNCIL FOR APPROVAL. BOB TARDIFF MADE A MOTION TO APPROVE BILLBOARD CONTRACT WITH LAMAR FOR BILLBOARD LOCATED ON I-20. SECOND BY BRYAN SUMMERVILLE. ALL VOTED IN FAVOR.

F-9 PRESENTATION OF THE CITY OF LINDALE POLICE DEPARTMENT ANNUAL TRAFFIC CONTACT REPORT 2018. DAN SOMES, CHIEF OF POLICE, PRESENTED THE COUNCIL WITH ANNUAL TRAFFIC CONTACT REPORT. THE POLICE DEPARTMENT CONDUCTED 2,756 TRAFFIC STOPS IN 2018. THIS IS A STATE REQUIREMENT AND MUST BE PRESENTED TO THE CITY COUNCIL BUT NO ACTION IS REQUIRED.

F-10 DISCUSSION AND POSSIBLE ACTION TO APPROVE PROVERBS 19.17 5K RUN ON APRIL 27TH LOCATED IN THE DOWNTOWN AREA. CAROLYN CALDWELL, CITY MANAGER, STATED THIS IS THE SAME ANNUAL RUN THEY HAVE DONE THE LAST THREE YEARS. THEY ARE AWARE THEY WILL NEED TO PAY FOR OFFICERS. GINGER SIMS MADE A MOTION TO APPROVE THE PROVERBS 19.17 RUN ON APRIL 27, 2019. SECOND BY BRYAN SUMMERVILLE.

F-11 DISCUSSION AND ACTION TO CALL AND ORDER MUNICIPAL ELECTION FOR MAY 4, 2019 TO ELECT POSITIONS OF THE FOLLOWING POSITIONS: COUNCIL PLACE 1, COUNCIL PLACE 4, AND COUNCIL PLACE 5. MICHELLE PHILLIPS, CITY SECRETARY, STATED THIS IS REQUIRED BY LAW TO CALL AND ORDER THE MUNICIPAL ELECTION FOR MAY 4TH, 2019 ELECTION. GINGER SIMS MADE A MOTION TO CALL AND ORDER THE MUNICIPAL ELECTION FOR MAY 4, 2019 FOR POSITION OF COUNCIL PLACE 1, COUNCIL PLACE 4, AND COUNCIL PLACE 5. SECOND BY RICK THELEN. ALL VOTED IN FAVOR.

F-12 DISCUSSION AND ACTION TO APPROVE CONTRACT WITH HEARTLAND FOR PHASE II OF DARDEN HARVEST PARK. CAROLYN CALDWELL, CITY MANAGER, STATED GLEN PATRICK, CITY ATTORNEY, HAS REVIEWED CONTRACT AND MADE SOME CHANGES. RICK THELEN MADE A MOTION TO APPROVE CONTRACT WITH HEARTLAND FOR PHASE II OF DARDEN HARVEST PARK. SECOND BY CLYDE HARPER. ALL VOTED IN FAVOR.

F-13 DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION AND AGREEMENT WITH TXDOT FOR A FIXED PRICE FOR RIGHT-OF-WAY AND UTILITIES REALIGNMENT FOR HWY 16 WIDENING PROJECT. CAROLYN CALDWELL, CITY MANAGER, STATED, THE CONTRACT WITH TXDOT IS FOR THE WIDENING OF HWY 16. THE COST IS FOR UTILITIES OUTSIDE OF THEIR RIGHT-OF-WAY THE CITY IS REQUIRED TO PAY 10% OF THE COST. THE PORTION OF THE UTILITIES INSIDE THE TXDOT RIGHT-OF-WAY IS THE PORTION THE CITY WILL BE 100% LIABLE FOR THE AMOUNT ESTIMATED AT 1.3 MILLION. THERE IS A SCHEDULED MEETING WITH TXDOT TO DISCUSS POSSIBLE FINANCING OPTIONS FOR THE PROJECT. THE CITY ATTORNEY HAS REVIEWED THE CONTRACT. THIS WILL BE A CAPITAL EXPENDITURE AND WILL COME OUT OF THE WATER FUND. GINGER SIMS MADE A MOTION TO APPROVE RESOLUTION R03-2019 AND AGREEMENT WITH TXDOT FOR A FIXED PRICE FOR RIGHT-OF-WAY AND UTILITIES REALIGNMENT FOR HWY 16 WIDENING PROJECT FOR \$109,274.70. SECOND BY CLYDE HARPER. ALL VOTED IN FAVOR.

F-14 DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION AUTHORIZING THE SUBMISSION OF A 2019-2020 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR A SEWER IMPROVEMENT PROJECT. CAROLYN CALDWELL, CITY MANAGER, STATED CITY COUNCIL HAS ALREADY APPROVE THE GRANT. THIS IS A RESOLUTION AUTHORIZING SUBMISSION OF THE GRANT APPLICATION. GINGER SIMS MADE A MOTION TO APPROVE RESOLUTION R04-2019 AUTHORIZING THE SUBMISSION OF 2019-2020 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR A SEWER IMPROVEMENT PROJECT. SECOND BY CLYDE HARPER. ALL VOTED IN FAVOR.

F-15 DISCUSSION AND POSSIBLE ACTION TO APPROVE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINDALE AND LINDALE RURAL WATER REGARDING REPAIRS TO PUBLIC IMPROVEMENTS IN THE RESERVE SUBDIVISION. CAROLYN CALDWELL, CITY MANAGER, STATED COUNCIL HAS ALREADY APPROVED THE TERMS OF THE AGREEMENT BUT NEED TO APPROVE ACTUAL AGREEMENT. THE CITY ATTORNEY ADVISED TO SEND THE AGREEMENT TO LINDALE RURAL WATER. BOB TARDIFF MADE A MOTION TO APPROVE THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINDALE AND LINDALE RURAL WATER REGARDING REPAIRS TO PUBLIC IMPROVEMENTS IN THE RESERVE SUBDIVISION. SECOND BY GINGER SIMS. ALL VOTED IN FAVOR.

F-16 DISCUSSION AND POSSIBLE ACTION TO MODIFY THE DEVELOPMENT AGREEMENT WITH C.S. FRANKE DEVELOPMENT LLC AND CITY OF LINDALE. CAROLYN CALDWELL, CITY MANAGER, STATED THE DEVELOPMENT AGREEMENT HAS ALREADY BEEN APPROVED BY COUNCIL BUT WAS NEVER SIGNED BY CHAD FRANKE AND THE AGREEMENT HAS EXCEEDED 180 DAYS AND EXPIRED. GLEN PATRICK, CITY ATTORNEY, ADVISED THE CONTRACT WOULD HAVE TO COME BACK TO COUNCIL. HE HAS MADE A FEW CHANGES TO THE DEVELOPMENT AGREEMENT. BRYAN SUMMERVILLE MADE A MOTION TO APPROVE DEVELOPMENT AGREEMENT BETWEEN CITY OF LINDALE AND C.S. FRANKE DEVELOPMENT, LLC. SECOND BY BOB TARDIFF. ALL VOTED IN FAVOR.

F-17 DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CONSTRUCTION OF A ROAD TO ACCESS THE DARDEN HARVEST PARK STAGE AREA. CAROLYN CALDWELL, CITY MANAGER, STATED THE PROJECT WAS PART OF OUR DEVELOPMENT AGREEMENT THAT WAS TO BE COMPLETED IN PHASE I. THE ROAD NEEDS TO BE COMPLETED PRIOR TO THE CONCERT IN THE PARK. THE WATER DEPARTMENT HAS STATED THEY CAN BUILD THE ROAD FOR APPROXIMATELY \$15,000.00 IN MATERIAL COST. BOB TARDIFF MADE A MOTION TO APPROVE THE CONSTRUCTION OF A ROAD TO ACCESS THE DARDEN HARVEST PARK STAGE AREA.

F-18 DISCUSSION AND POSSIBLE ACTION TO APPOINT TWO COUNCIL MEMBER TO STREET PLANNING FOR FUTURE TRAFFIC PATTERNS. CAROLYN CALDWELL, CITY MANAGER, STATED SHE WOULD LIKE A COUPLE OF THE COUNCIL MEMBERS TO BE APPOINTED TO HELP LOOK AT STREET PLANNING FOR THE ENTIRE CITY AND LOOKING AT THE AREAS OF GROWTH AND POSSIBLE TRAFFIC RELIEF. THIS WOULD INCLUDE LOOKING AT AVENUE "A AND B". THE GROUP WOULD INCLUDE LEDC, CITY STAFF, AND COUNCIL MEMBERS. GINGER SIMS MADE A MOTION TO APPOINT RICK THELEN AND BOB TARDIFF TO WORK ON THE MASTER PLAN FOR STREETS. SECOND BY CLYDE HARPER. ALL VOTED IN FAVOR.

F-19 CITIZEN TALK TIME: (TIME LIMIT 5 MINUTES. NO DISCUSSION BUT MAY BE PLACED ON FUTURE AGENDA FOR DISCUSSION OR ACTION). NONE.

G. REPORTS: CITY COUNCIL, CITY MGR., CITY STAFF (NO DISCUSSION, INFORMATION UPDATE ONLY. NONE.

H. ADJOURNMENT. MEETING ADJOURNED 6:55 P.M.


MICHELLE PHILLIPS, CITY SECRETARY


JEFF D. DALGHERTY, MAYOR

