

REGULAR MEETING- TELECONFERENCE  
LINDALE CITY COUNCIL  
TUESDAY JULY 21, 2020 6:00 P. M.  
CITY HALL, 105 BALLARD DR.

DUE TO THE CURRENT CORONAVIRUS COVID-19 PUBLIC HEALTH EMERGENCY A TEMPORARY SUSPENSION OF THE OPEN MEETING ACTS TO ALLOW TELEPHONE OR VIDEOCONFERENCING PUBLIC MEETINGS HAS BEEN GRANTED BY GOVERNOR GREG ABBOTT. A TELECONFERENCE MEETING OF THE LINDALE CITY COUNCIL WAS CONDUCTED INSTEAD OF MEETING PROVIDING A PHYSICAL ACCESS TO THE PUBLIC. MEMBERS OF THE PUBLIC WERE ALLOWED TO PARTICIPATE BY JOINING A MEETING LIVE OR BY CALLING TO LISTEN LIVE.

MAYOR JEFF DAUGHERTY CALLED THE MEETING TO ORDER AT 6:00 P.M. HAVING ESTABLISHED A QUORUM.

COUNCIL MEMBERS PRESENT VIA TELEPHONE CONFERENCE: RICK THELEN, GINGER SIMS, AND BOB TARDIFF.

COUNCIL MEMBER BRYAN SUMMERVILLE JOINED THE MEETING VIA TELEPHONE CONFERENCE AT 6:15 P.M.

COUNCIL MEMBERS ABSENT: CLYDE HARPER.

OTHERS PRESENT: CITY MANAGER, CAROLYN CALDWELL (IN PERSON), CITY SECRETARY, MICHELLE PHILLIPS (IN PERSON), FINANCIAL DIRECTOR, DAVID CRAFT (IN PERSON), AND PLANNING AND DEVELOPMENT DIRECTOR, STEVEN LLOYD (VIA TELECONFERENCE).

CAROLYN CALDWELL, OPENING STATEMENT TO MEMBERS OF THE PUBLIC AND ANY CITIZENS ONLINE THAT WOULD LIKE TO SPEAK ON AN AGENDA ITEM, PLEASE STATE YOUR NAME AND AGENDA ITEM YOU WOULD LIKE TO ADDRESS. IF THERE ARE ANY CITIZENS THAT WOULD LIKE TO SPEAK ON CITIZEN TALK TIME STATE YOUR NAME.

**C-1 DISCUSSION AND POSSIBLE ACTION TO APPROVE THE RECOMMENDATION OF THE SELECTION REVIEW COMMITTEE TO AWARD BY RESOLUTION AN ENGINEERING FIRM FOR ENGINEERING SERVICES FOR THE CITY'S 2020 TEXAS CAPITAL FUND DOWNTOWN REVITALIZATION PROGRAM GRANT APPLICATION PREPARATION AND PROJECT IMPLEMENTATION, IF AWARDED.** DAVID CRAFT, FINANCIAL DIRECTOR, STATED WE ONLY RECEIVED ONE SUBMITTAL APPLICATION WITH QUALIFICATIONS FROM BRANNON CORPORATION. THE CITY HAS USED BRANNON FOR OTHER PROJECTS IN THE CITY AND HAVE DONE A GREAT JOB. HE RECOMMENDS USING BRANNON ENGINEERING. GINGER SIMS MADE A MOTION TO APPROVE **RESOLUTION R09-2020** AWARDED BRANNON CORPORATION FOR ENGINEERING SERVICES FOR THE CITY'S 2020 TEXAS CAPITAL FUND DOWNTOWN REVITALIZATION PROGRAM GRANT AND PROJECT IMPLEMENTATION. SECOND BY RICK THELEN. RECORD OF VOTE RICK THELEN FOR, GINGER SIMS FOR, AND BOB TARDIFF FOR. MOTION CARRIED UNANIMOUSLY.

**C-2 DISCUSSION AND ACTION TO APPROVE REPLAT OF OAK RIDGE SUBDIVISION, LOT 11, J.H. SANDERS SURVEY, ABSTRACT NO. 859, SUBDIVIDING CREATING LOT 11-A BEING 1.0 ACRE AND LOT 11-B BEING 0.625 ACRES WITH 0.388 ACRES DEDICATED RIGHT-OF-WAY. LOCATED AT 16672 CR 4183, LINDALE, SMITH COUNTY, TX. (COMM. DEV.).** STEVEN LLOYD, DIRECTOR OF PLANNING AND DEVELOPMENT STATED PLANNING AND ZONING RECOMMENDS APPROVAL ON LOT 11. THE PROPERTY OWNER WANTS TO SPLIT UP AND CONVEY PROPERTY TO A FAMILY MEMBER. ON THE RIGHT SIDE OF SURVEY PROPERTY LINES USE TO GO ACROSS CR 4199. THEY CONVEYED THE RIGHT-OF-WAY LIKE THEY ARE SUPPOSE TO AND ARE IN COMPLIANCE. RICK THELEN MADE A MOTION TO APPROVE THE REPLAT OF OAK RIDGE SUBDIVISION, LOT 11, J.H. SANDERS SURVEY, ABSTRACT NO. 859, SUBDIVIDING CREATING LOT 11-A BEING 1.0 ACRE AND LOT 11-B BEING 0.625 ACRES WITH 0.388 ACRES DEDICATED RIGHT-OF-WAY, LOCATED AT 16672 CR 4183, LINDALE, SMITH COUNTY, TX. SECOND BY GINGER SIMS. RECORD OF VOTE RICK THELEN FOR, GINGER SIMS FOR, AND BOB TARDIFF FOR. MOTION CARRIED UNANIMOUSLY.

**C-3 DISCUSSION AND ACTION TO APPROVE FINAL SUBDIVISION PLAT OF KINGDOM ESTATES PHASE 2, LINDSEY MANN SURVEY A-630, CREATING 19 LOTS. LOCATED AT FM 849 AND STATE HIGHWAY 110, LINDALE, SMITH COUNTY, TX.** STEVEN LLOYD, PLANNING AND DEVELOPMENT DIRECTOR, STATED IN MARCH 2014, PLANNING AND ZONING APPROVED THE PRELIMINARY MASTER PLAT OF KINGDOM ESTATES. IN JULY, 2015 PLANNING AND ZONING APPROVED THE FINAL OF PHASE I. THIS IS PHASE II ASKING FOR APPROVAL FOR PHASE II OF 19 LOTS. IT MEETS ALL RECOMMENDATIONS. PLANNING AND ZONING RECOMMENDS APPROVAL. GINGER SIMS MADE A MOTION TO APPROVE THE FINAL SUBDIVISION PLAT OF

KINGDOM ESTATES PHASE 2, LINDSEY MANN SURVEY A-630, CREATING 19 LOTS. LOCATED AT FM 849 AND STATE HIGHWAY 110, LINDALE, SMITH COUNTY, TX. SECOND BY RICK THELEN. RECORD OF VOTE RICK THELEN FOR, GINGER SIMS FOR, AND BOB TARDIFF FOR. MOTION CARRIED UNANIMOUSLY.

**C-4 DISCUSSION AND ACTION TO APPROVE FINAL SUBDIVISION PLAT OF LINDALE NURSING & REHAB SUBDIVISION, ABSTRACT-862, J.H. SANDERS SURVEY, BEING 9.358 ACRES CREATING LOT 1. LOCATED AT 13906 FM 2710, LINDALE, SMITH COUNTY, TX.** STEVEN LLOYD, PLANNING AND DEVELOPMENT DIRECTOR, STATED THIS IS AT THE PROPERTY OWNERS REQUEST TO PUT A BETTER LEGAL DESCRIPTION ON PROPERTY, NO CHANGES IN THE LOT LINES, ADDING A LOT NUMBER AND LEGAL DESCRIPTION SO IT CAN BE RECORDED IN THE COUNTY. BOB TARDIFF MADE A MOTION TO APPROVE FINAL SUBDIVISION PLAT OF LINDALE NURSING & REHAB SUBDIVISION, ABSTRACT-862, J.H. SANDERS SURVEY, BEING 9.358 ACRES CREATING LOT 1. LOCATED AT 13906 FM 2710, LINDALE, SMITH COUNTY, TX. SECOND BY GINGER SIMS. RECORD OF VOTE RICK THELEN FOR, GINGER SIMS FOR, AND BOB TARDIFF FOR. MOTION CARRIED UNANIMOUSLY.

**C-5 DISCUSSION AND POSSIBLE ACTION TO AMEND EMPLOYEE POLICY MANUAL.** CAROLYN CALDWELL, CITY MANAGER, STATED WE DID MOST OF THE AMENDMENTS TO THE POLICY AT THE LAST COUNCIL MEETING, BUT IN THE FINAL REVIEW WITH THE CITY ATTORNEY, HE SAW A COUPLE AREAS OF LANGUAGE THAT HE WANTED TO CHANGE CLEARING UP SOME LANGUAGE UNDER SEXUAL HARASSMENT AND UNDER WORKER COMPENSATION THAT WAS REPEATING ITSELF. BOB TARDIFF MADE A MOTION TO APPROVE **ORDINANCE 10-2020** AMENDING THE EMPLOYEE POLICY MANUAL TO AMEND SEXUAL HARASSMENT, REMOVE WORKER COMPENSATION SECTION, AMEND WORKER COMPENSATION INSURANCE, AND TO CORRECT SPELLING AND GRAMMAR ERRORS. SECOND BY RICK THELEN. RECORD OF VOTE RICK THELEN FOR, GINGER SIMS FOR, AND BOB TARDIFF FOR. MOTION CARRIED UNANIMOUSLY.

**C-6 DISCUSSION AND POSSIBLE ACTION ON MATTERS RELATED TO COVID-19.** CAROLYN CALDWELL, CITY MANGAGER, STATED WE ARE CLIMBING UP IN COVID CASES. WE HAVE MADE SOME CHANGES THIS WEEK AT CITY HALL WHEN EMPLOYEES ARE GOING INTO EACH OTHERS OFFICE, THEY ARE REQUIRED TO WEAR MASKS. IF THEY ARE OUT OF THEIR OFFICES, THEY NEED TO WEAR THEIR MASKS. WE ARE TRYING TO KEEP EMPLOYEES SAFE AS POSSIBLE AND CONTINUE TO HAVE THEM AT WORK. MAYOR DAUGHERTY STATED THEY HAVE UP THEIR MEETINGS TO 2 MEETINGS A WEEK WITH MAYORS OF SMITH COUNTY AND THE COUNTY JUDGE. HE ALSO WATCHED THE COMMISIONERS COURT THIS MORNING AND ENCOURAGES EVERYONE TO WATCH THE COMMISSIONER COURT MEETINGS. LINDALE'S NUMBERS ARE INCREASING HE DISCOVERED AND CONSIDERED LINDALE TO BE THE SAME AS WHITEHOUSE AND BULLARD. LINDALE IS SECOND IN HIGH CASES. TYLER IS HAVING SAME ISSUES WITH VOLUNTARY COMPLIANCE WITH WEARING MASKS AS ORDERED BY THE GOVERNOR.IT IT'S A HIT OR MISS WHETHER SOME ADHERE TO THE ORDER. WE DO HAVE SEVERAL BUSINESSES THAT WORK WITH MASK ISSUES DAILY. COUNCILMAN BOB TARDIFF FEELS LIKE MOST BUSINESSES ARE DOING A GOOD JOB. THERE ARE SOME RETAILERS AND RESTAURANTS THAT ARE NOT REQUIRING EMPLOYEES TO WEAR MASK AND HE FEELS LIKE THE EMPLOYEES SHOULD BE WEARING MASKS IN ESTABLISHMENTS THAT ARE IN CLOSE CONTACT WITH THE CUSTOMERS. COUNCILMAN RICK THELEN, AGREES ALSO. BUT HE DOES UNDERSTAND WHY SOME RESTAURANTS AND RETAILERS DO NOT FEEL THEY CAN TELL PEOPLE THEY CAN'T ENTER WITHOUT A MASK. IT'S A DIFFICULT SITUATION, BUT HE DOES NOT SEE ANY REASON PARTICULARLY IN A RESTAURANT, THAT THE STAFF IS NOT REQUIRED TO WEAR A MASK. MAYOR, STATED UNDER THE DECLARATION THE CITY WILL STILL HAVE TWO FACILITIES REMAIN CLOSED. HE DOES NOT SEE ANYWAY TO REVERSE THAT UNTIL THE NUMBERS START COMING DOWN. THE DECLARATION WILL CONTINUE TO GO THROUGH UNTIL THE END OF THE MONTH UNTIL WE SEE SOME KIND OF DECLINE AND THAT THINGS ARE GETTING BETTER. COUNCILMAN BRYAN SUMMERVILLE ENTERED INTO THE MEETING AT 6:15 P.M.

**C-7 DISCUSSION AND POSSIBLE ACTION TO APPROVE MINUTES FOR JUNE 2, 2020 AND JUNE 16, 2020 REGULAR COUNCIL MEETINGS.** RICK THELEN MADE A MOTION TO APPROVE COUNCIL MINUTES FOR JUNE 2, 2020 AND JUNE 16, 2020 REGULAR COUNCIL MEETINGS. SECOND BY BRYAN SUMMERVILLE. RECORD OF VOTE RICK THELEN FOR, GINGER SIMS FOR, BOB TARDIFF FOR, AND BRYAN SUMMERVILLE FOR. MOTION CARRIED UNANIMOUSLY.

**C-8 DISCUSSION AND POSSIBLE ACTION TO APPROVE JUNE 2020 EXPENDITURES AND FINANCIAL REPORT.** DAVID CRAFT, FINANCIAL DIRECTOR, STATED OUR SALES TAX NUMBERS WERE UP AGAIN, WHICH BRINGS US UP APPROXIMATELY 4% FOR THE FISCAL YEAR, WE HAVE COLLECTED 90% OF THE BUDGETED AMOUNT FOR SALES TAX. THE WATER SALES ARE STILL ON TRACK TO MAKE BUDGET FOR THE YEAR, AS WELL AS, FINE AND FORFEITURES. PERMITS ARE AHEAD OF BUDGET FOR THE YEAR AND ARE STILL GOING STRONG. HE WANTED TO MAKE A CORRECTION ON THE FINANCIAL STATEMENTS UNDER CD'S. HE OMITTED THE INTESEST OFF A CD OF \$851.33 AND IF COUNCIL WANTS TO MAKE A NOTE ON CD # 43047. RICK THELEN MADE A MOTION TO APPROVE JUNE 2020 EXPENDITURES AND FINANCIAL REPORT. SECOND BY BOB TARDIFF. RECORD OF VOTE RICK THELEN FOR, GINGER SIMS FOR, BOB TARDIFF FOR, AND BRYAN SUMMERVILLE FOR. MOTION PASSED UNANIMOUSLY.

C-9 CITIZEN TALK TIME. NONE.

C-10 REPORTS: CITY COUNCIL, CITY MGR., CITY STAFF (NO DISCUSSION, INFORMATION UPDATE ONLY). CAROLYN CALDWELL, CITY MANAGER, STATED ON THURSDAY THEY WILL BE SHUTTING THE LIGHTS DOWN AT HWY 69 AND I-20. THEY WILL HAVE OFFICERS OUT DIRECTING TRAFFIC. COUNCILMAN RICK THELEN ASKED TXDOT TO FIX THE LINDALE SIGN BECAUSE IT'S UPSIDE DOWN.

D. WORKSHOP FOR 2020-2021 BUDGET YEAR. COUNCIL ENTERED INTO WORKSHOP AT 6:23 P.M. ITEMS DISCUSSED: CAROLYN CALDWELL, CITY MANAGER, STATED SHE HAS SENT TO COUNCIL THE CAPITAL EXPENDITURES SET FOR THIS YEAR. SHE WILL NOT BE GOING OVER THE NUMBERS WE WENT OVER LAST WORKSHOP, UNLESS ANYONE HAS QUESTIONS ABOUT ANY ITEMS. SHE SPOKE WITH THE TAX APPRAISAL OFFICE AND IS STILL WAITING ON HER CERTIFIED TAX ROLL, EFFECTIVE, AND ROLLBACK RATES. BY AUGUST 8<sup>TH</sup>, WE SHOULD HAVE OUR EFFECTIVE AND ROLL BACK RATES. SHE NEEDS THOSE NUMBERS IN ORDER TO DETERMINE OUR PUBLIC HEARING DATES. RICK THELEN INQUIRED ABOUT CHRISTMAS LIGHTS AND DECORATIONS FOR THIS YEAR. CAROLYN CALDWELL, STATED WE DID NOT PUT ANY ADDITIONAL FUNDS BUT WE MAY COME BACK DEPENDING ON HOW THE TAX ROLL COMES IN, WE MAY GO BACK IN AND PUT IN ADDITIONAL FUNDS. WE ARE NOT SURE ABOUT HAVING AN EVENT AT PICKER'S PAVILION THIS YEAR, BUT WILL BE DECORATING AND SETTING IT UP SO FAMILIES CAN ENJOY IT. AS WE CLOSER TO THE BUDGET, WE MAY LOOK AT ADDITIONAL EXPENSES FOR CHRISTMAS. GINGER SIMS STILL WANTS TO LOOK AT DOING SOMETHING DOWNTOWN WITH LIGHTS. CAROLYN CALDWELL, ASKED COUNCIL IF THEY HAD ANY QUESTIONS ABOUT THE CAPITAL EXPENDITURES 5 YEAR PLAN FOR THE POLICE DEPART AND THE WATER DEPARTMENT FUNDS. SHE WILL BE ADDING SOME CAPITAL EXPENDITURES PROJECTS WITH BRANNON ENGINEERING THIS YEAR. HWY 16 PROJECT IS A 2.5 MILLION DOLLAR UNFUNDED MANDATED PROJECT THAT THE CITY WILL HAVE TO DO. A PORTION OF THAT WILL BE REFUNDED. WE HAVE STARTED ACQUISITION OF PROPERTY ON THAT PROJECT. ANOTHER PROJECT THE SEWER PROJECT BASIN OUT AT THE SOUTHSIDE SEWER PLANT, WE HAVE 3 LIFT STATIONS: THE RODEO GROUNDS LIFT STATION, HELEN STREET LIFT STATION AND COUNTRY ACRES LIFT STATION ALL THREE PROJECTS WILL BE ADDED TO THE WATER DEPARTMENTS CAPITAL, WE WILL HAVE TO SELL A BOND SOON AS WE KNOW THE PROJECT COSTS AND THE DATES THE PROJECTS ARE GOING TO MOVE FORWARD. WE WILL PAY FOR AS MANY AS WE CAN OUT OF OUR CAPITAL BEFORE WE GO OUT FOR A BOND. THERE ARE A LOT OF CAPITAL PROJECTS ON THE BOOKS AND SOME OF THEM ARE MANDATED AND WE ARE UNABLE TO POSTPONE THEM. SOME OF THESE PROJECTS ARE AT TXDOT'S PACE. THE CITY WILL BE GOING AT TXDOT'S PACE. WORKSHOP ENDED 6:30 P.M.

E. ADJOURNMENT. 6:30 P.M.

  
MICHELLE PHILLIPS, CITY SECRETARY

  
JEFF E. DAUGHERTY, MAYOR

