

REGULAR MEETING
LINDALE CITY COUNCIL
TUESDAY, MARCH 15, 2016 7:00 P. M.
CITY HALL, 105 BALLARD DRIVE

THE MEETING WAS CALLED TO ORDER BY MAYOR ROBERT NELSON.

COUNCIL MEMBERS PRESENT: JEFF DAUGHERTY, CLYDE HARPER, GINGER SIMS, BRYAN SUMMERVILLE, AND BOB TARDIFF.

MAYOR ROBERT NELSON SAID THE INVOCATION AND LED THE PLEDGE OF ALLEGIANCE.

F-1 PRESENTATION BY BROOKE DROPTINI, P.E., DIRECTOR OF ADVANCED PROJECT DEVELOPMENT WITH TXDOT REGARDING WIDENING PROJECT ON SH 16, IH 20 EXIT RAMP, TOLL 49, UPDATES ON US 69 AND OTHER ONGOING PROJECTS. BROOKE DROPTINI, P.E., DIRECTOR OF ADVANCED PROJECTS DEVELOPMENT WITH TXDOT UPDATED THE CITY COUNCIL ON TXDOT WIDENING HWY 16 AND PROJECT-OVERALL PROCESS IN DETERMINING FINAL DESIGN, DISCUSSION OF DESIGNS, UPCOMING PUBLIC HEARINGS BEING HELD AT THE LINDALE INTERMEDIATE SCHOOL APRIL 28 @ 5:00 PM TO 7:00 PM. BROOKE STATED THE INFORMATION WAS AVAILABLE ON LINE. MRS. DROPTINI ALSO UPDATED ON THE I-20 PROJECT AND TOLL 49 PROJECT PROJECTIONS. NO ACTION.

F-2 DISCUSSION AND POSSIBLE ACTION TO APPROVE SEAN WOOLLEY EAGLE SCOUT PROJECT FOR THE RICE BUILDING. GINGER SIMS MADE A MOTION TO APPROVE SEAN WOOLLEY EAGLE SCOUT PROJECT FOR THE RICE BUILDING. SECOND BY JEFF DAUGHERTY. ALL VOTED IN FAVOR.

F-13 CITIZEN TALK TIME: (TIME LIMIT 5 MINUTES. NO DISCUSSION BUT MAY BE PLACED ON FUTURE AGENDA FOR DISCUSSION OR ACTION). TONY AND PAM PHILLIPS STATED THEY HAD OPENED A NEW FUNERAL HOME IN LINDALE. THE FUNERAL HOME IS A FULL SERVICE FUNERAL HOME AND THEY ARE LOOKING FORWARD TO BEING A PART OF THE LINDALE COMMUNITY.

F-3 DISCUSSION AND POSSIBLE ACTION REGARDING ZONING CHANGE MADE NOVEMBER 2015 ON PROPERTY LOCATED AT 301 WALNUT SPRINGS RD (THERMO MANUFACTURING SYSTEM), AND 812 HUBBARD STREET (YFI INVESTMENTS LLC) GEORGE GARRETT, ED WATTS, KATHY PARKER, DARLENE GARRETT, BEN THOMAS HAYGOOD, NAR HAYGOOD, TONY RAI, PATRICIA BIDWELL, AMY RAI, BILL KIRBY, CRAIG STEINE, AND TERRY EDWARDS SPOKE IN OPPOSITION OF THE ZONING CHANGE. SOME OF THEIR CONCERNS FOR SAFETY OF CHILDREN, THE NOISE, AND NOW THE RISK THAT A DIFFERENT TYPE OF INDUSTRIAL INDUSTRY CAN NOW BE BUILT ON THE PROPERTY, THAT COULD ADD MORE TRAFFIC WITH LARGE TRUCKS. JAN BENTLEY SPOKE IN FAVOR OF THE ZONING CHANGE. STEVEN LLOYD, COMMUNITY DEVELOPMENT DIRECTOR, STATED THE ZONING ON THE PROPERTY WAS C-1 CONVENIENCE AND NEIGHBORHOOD AND MU-1 NEIGHBORHOOD MIXED USE DISTRICT. IT IS NOW CHANGED TO I-1 LIGHT INDUSTRIAL TRANSPORTATION, WHICH WOULD ALLOW FOR LOW TO MEDIUM NOISE AND ODOR. MAYOR NELSON STATED HE HAD A LACK OF KNOWLEDGE WHEN IT CAME TO COUNCIL. COUNCILMEN JEFF DAUGHERTY STATED IT IS NOT SPOT ZONING AND STATED HE DID NOT SPEAK AT THE P&Z MEETING BUT WAS PRESENT DURING THE MEETING. MAYOR NELSON READ THE DEFINITION OF SPOT ZONING. JEFF DAUGHERTY STATED HIS CONCERN THAT THE BUSINESSES WOULD NOT BE ABLE TO CONTINUE IN THE CURRENT BUSINESS IF OVER 50% OF THE BUILDING WAS DAMAGED OR DESTROYED. THE CITY AND LEDC HELPED BRING THEM TO LINDALE 16 YEARS AGO. MAYOR NELSON STATED HIS CONCERN WAS NOT WHAT IS CURRENTLY LOCATED ON THE PROPERTY, BUT WHAT COULD BE BUILT WITH THE ZONING CHANGE. BOB TARDIFF ASKED IF HE COULD PLEASE HEAR EACH ONE OF THE CITIZENS AND THEN HEAR WHAT THE CITY ATTORNEY HAS TO SAY REGARDING THE MATTER. TERRY EDWARDS, STATED HE IS ON THE P&Z BOARD AND HAD SPENT A LOT OF TIME LOOKING AT THE ISSUE THE P&Z BOARD DID NOT FEEL THE PROPERTY OWNERS HAD BEEN DISADVANTAGED BY THE ZONING THEY WERE UNDER. GLEN PATRICK, CITY ATTORNEY SPOKE REGARDING THE ZONING AND THE PROCESS FOR REZONING AND ADDRESSED SPOT ZONING. GLEN PATRICK, CITY ATTORNEY, STATED ONCE THE P&Z VOTED IT THEN GOES TO THE CITY COUNCIL AS A RECOMMENDATION, IT IS NOT THE CITY COUNCILS JOB TO RUBBER STAMP THE P&Z DECISION. IT IS A RECOMMENDATION ONLY TO THE CITY COUNCIL. GLEN PATRICK, STATED THE CITY COUNCIL CAN NOT REVERSE THEIR VOTE AND THE PROPERTY IS ZONED AS APPROVED. IF THE DECISION IS MADE TO CHANGE THE ZONING BACK, IT WOULD REQUIRE THE SAME STEPS IT TOOK TO CHANGE IT. THE CITY WOULD HAVE TO HAVE PUBLIC HEARINGS AND P&Z WOULD HAVE TO MAKE THEIR RECOMMENDATION TO THE CITY COUNCIL, THEN THE CITY COUNCIL WOULD HAVE TO VOTE TO CHANGE IT BACK. GLEN PATRICK STATED THE COUNCIL WAS APPROPRIATE AND WITHIN THEIR POWER TO CHANGE THE ZONING. THE STATE LAW REQUIRES THE COUNCIL TO VOTE, THEY ARE NOT REQUIRED TO STATE THE REASON THEY VOTED. GLEN PATRICK STATED COMMUNITY DEVELOPMENT DIRECTOR, P&Z,, CITY COUNCIL, OR THE PROPERTY OWNER CAN MAKE A REQUEST TO CHANGE ZONING. MAYOR NELSON STATED HE WOULD REQUEST THAT THE P&Z START THE PROCESS TO CHANGE THE ZONING BACK. MAYOR NELSON STATED "THIS IS A DIRECT REQUEST BY THE MAYOR". NO ACTION.

BREAK: COUNCIL ENTERED INTO A BREAK 9:50 PM-10:00 PM.

G DISCUSSION ITEM ONLY:

- 1. UPDATE ON DOWNTOWN DEVELOPMENT:** SEONG MACLAREN UPDATED THE COUNCIL ON THE MARCH 3, 2016 EVENT 300-400 PEOPLE ATTENDED THE EVENT AND IT WAS A GREAT SUCCESS. MRS. MACLAREN UPDATED ON THE EVENT SCHEDULED FOR SATURDAY MARCH 26, 2016 AND WHAT HAS BEEN SCHEDULED AND TIME AND LOCATION OF EVENTS.
- 2. UPDATE FROM TOURISM DEPARTMENT AND PRESENTATION REGARDING SMART CITY CRIT:** CARI MOORE PRESENTED THE COUNCIL WITH INFORMATION ON THE CRIT BIKE EVENTS AND THEY WOULD LIKE TO BRING ONE OF THE EVENTS NEXT YEAR TO LINDALE.

F-4 DISCUSSION AND POSSIBLE ACTION TO APPROVE THE EXCHANGE OF PROPERTY AND A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ALL CLOSING DOCUMENTS AS RELATED TO THE EXCHANGE OF PROPERTY, EXCHANGING PROPERTY 102 E. NORTH STREET, FOR 101 W NORTH STREET, LINDALE TEXAS. CRAIG LINDHOLM, CITY MANAGER STATED THIS WAS PER THE DEVELOPMENT AGREEMENT. BOB TARDIFF MADE A MOTION TO APPROVE RESOLUTION R04-2016 FOR EXCHANGE OF 102 W. NORTH STREET FOR 101 W NORTH STREET AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NEEDED TO CLOSE THE PROPERTY EXCHANGE. SECOND BY GINGER SIMS. ALL VOTED IN FAVOR.

F-5 DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ALL CLOSING DOCUMENT AS RELATED TO ALL THOSE CERTAIN LOTS, TRACTS OR PARCELS OF LAND SITUATED IN SMITH COUNTY, TEXAS, BEING LOT 1, LOT 2, AND LOT 3, BLOCK 19, CITY OF LINDALE, M. J. FALVEL SURVEY, A-348, SMITH COUNTY, TEXAS, ACCORDING TO MAP OF SAID TOWN ON RECORD IN VOLUME 88, PAGE 6, OF THE DEED RECORDS OF SMITH COUNTY, TEXAS COMMONLY KNOWN AS THE DARDEN PROPERTY. CRAIG LINDHOLM, CITY MANAGER, STATED THIS WAS ONLY A PORTION OF THE DARDEN PROPERTY. GINGER SIMS MADE A MOTION TO APPROVE RESOLUTION RO5-2016 AUTHORIZING CITY MANAGER TO SIGN ALL DOCUMENTS NEEDED TO CLOSE ON PROPERTY, ALL THOSE CERTAIN LOTS, TRACTS OF PARCELS OF LAND SITUATED IN SMITH COUNTY, TEXAS, BEING LOT 1, LOT 2, LOT 3, BLOCK 19, CITY OF LINDALE, M. J. FALVEL SURVEY, A-348, SMITH COUNTY, TEXAS, ACCORDING TO MAP OF SAID TOWN ON RECORD IN VOLUME 88, PAGE 6, OF THE DEED RECORDS OF SMITH COUNTY, TEXAS COMMONLY KNOWN AS THE DARDEN PROPERTY. SECOND BY CLYDE HARPER. ALL VOTED IN FAVOR.

F-6 DISCUSSION AND POSSIBLE ACTION CONCERNING THE PRELIMINARY AND FINAL RE-PLAT OF COMBINING 3 LOTS, A 1 ACRE TRACT, LOT 2 (.813 ACRES), AND LOT 3 (.689 ACRES) AND CREATING LOT 3A (2.321 ACRES) WITH A DEDICATED RIGHT OF WAY (0.182 ACRES), THE WOODLANDS, UNIT 2, CABINET B, SLIDE 323-D, J.H. SANDERS SURVEY, A-948, LOCATED ON CR 4191, SMITH COUNTY, LINDALE, TX. SUBMITTED BY JACK & DIXIE BAGWELL. STEVEN LLOYD, COMMUNITY DEVELOPMENT DIRECTOR, STATED THE P&Z APPROVED THE PRELIMINARY AND FINAL PLAT. BOB TARDIFF MADE A MOTION TO APPROVE FINAL RE-PLAT OF COMBINING 3 LOTS, A 1 ACRE TRACT, LOT 2 (.813 ACRES), AND LOT 3 (.689 ACRES) AND CREATING LOT 3A (2.321 ACRES) WITH A DEDICATED RIGHT OF WAY (0.182 ACRES, THE WOODLANDS, UNIT 2, CABINET B, SLIDE 323-D, J.H. SANDERS SURVEY, A-948, LOCATED ON CR 4191, SMITH COUNTY, LINDALE, TX.. SECOND BY BRYAN SUMMERVILLE. ALL VOTED IN FAVOR.

F-7 DISCUSSION AND POSSIBLE ACTION CONCERNING THE PRELIMINARY AND FINAL RE-PLAT OF COMBINING 2 LOTS, A 1 ACRE LOT AND LOT 5 (1.404 ACRES) AND CREATING LOT 5A (2.178 ACRES), WITH A DEDICATED RIGHT OF WAY (.226 ACRES), THE WOODLANDS, UNIT 2, CABINET B, SLIDE 323-D, J.H. SANDERS SURVEY, A-948, LOCATED ON CR 4191, SMITH COUNTY, LINDALE, TX. SUBMITTED BY STEVEN & LISA STEVENSON. STEVEN LLOYD, COMMUNITY DEVELOPMENT DIRECTOR, STATED P&Z APPROVED THE PRELIMINARY AND FINAL RE-PLAT. GINGER SIMS MADE A MOTION TO APPROVE FINAL PLAT COMBINING 2 LOTS, A 1 ACRE LOT AND LOT 5 (1.404 ACRES) AND CREATING LOT 5A (2.178 ACRES), WITH A DEDICATED RIGHT OF WAY (.226 ACRES), THE WOODLANDS, UNIT 2, CABINET B, SLIDE 323-D, J.H. SANDERS SURVEY, A-948, LOCATED ON CR 4191, SMITH COUNTY, LINDALE, TX.. SECOND BY CLYDE HARPER. ALL VOTED IN FAVOR.

F-8 DISCUSSION AND POSSIBLE CONCERNING THE PRELIMINARY AND FINAL SUBDIVISION OF 2 ACRES CREATING 4 LOTS, LOT 1 (0.500 ACRES, LOT 2 (0.500 ACRES, LOT 3 (0.500 ACRES) AND LOT 4 (0.500 ACRES, S & S COUNTRY VILLAS, PART OF WILLIS ATWAY SURVEY, A-41, LOCATED ON CR 463, SMITH COUNTY, LINDALE, TX. SUBMITTED BY ELTA JUNE SMOOT (JEFF BELIER). STEVEN LLOYD, COMMUNITY DEVELOPMENT DIRECTOR, STATED P&Z APPROVED THE PRELIMINARY AND FINAL PLAT. BOB TARDIFF MADE A MOTION TO APPROVE THE FINAL SUBDIVISION OF 2 ACRES CREATING 4 LOTS, LOT 1 (0.500 ACRES, LOT 2 (0.500 ACRES, LOT 3 (0.500 ACRES) AND LOT 4 (0.500 ACRES, S & S COUNTRY VILLAS, PART OF WILLIS ATWAY SURVEY, A-41, LOCATED ON CR 463, SMITH COUNTY, LINDALE, TX.. SECOND BY JEFF DAUGHERTY. ALL VOTED IN FAVOR.

F-9 DISCUSSION AND POSSIBLE ACTION TO GIVE BACK EXECUTIVE LEAVE TO CITY MANAGER DUE TO DELAY IN RENEWING CURRENT CONTRACT. CAROLYN CALDWELL, CITY SECRETARY, STATED THE CITY MANAGER CONTRACT HAD A USE IT OR LOOSE IT CLAUSE ON EXECUTIVE LEAVE. CLYDE HARPER MADE A

MOTION TO APPROVE GIVING BACK 24 HOURS OF EXECUTIVE LEAVE TO CITY MANAGER. SECOND BY BRYAN SUMMERVILLE. ALL VOTED IN FAVOR.

F-10 DISCUSSION AND ACTION TO APPROVE COUNCIL MINUTES OF FEBRUARY 2, 2016 REGULAR MEETING, FEBRUARY 8, 2016 CALLED MEETING, FEBRUARY 16, 2016 CALLED MEETING, AND FEBRUARY 16, 2016 REGULAR MEETING. GINGER SIMS MADE A MOTION TO APPROVE COUNCIL MINUTES OF FEBRUARY 2, 2016 REGULAR MEETING, FEBRUARY 8, 2016 CALLED MEETING, FEBRUARY 16, 2016 CALLED MEETING, AND FEBRUARY 16, 2016 REGULAR MEETING. SECOND BY BOB TARDIFF. ALL VOTED IN FAVOR.

F-11 DISCUSSION AND POSSIBLE ACTION TO APPROVE BUDGET AMENDMENTS FOR BUDGET YEAR 2015-2016. GINGER SIMS MADE A MOTION TO APPROVE ORDINANCE 04-2016 AMENDING BUDGET YEAR 2015-2016. SECOND BY CLYDE HARPER. ALL VOTED IN FAVOR.

F-12 DISCUSSION AND ACTION TO APPROVE FEBRUARY 2016 EXPENDITURES AND FINANCIAL REPORT. BOB TARDIFF MADE A MOTION TO APPROVE FEBRUARY 2016 EXPENDITURES AND FINANCIAL REPORTS. SECOND BY BRYAN SUMMERVILLE. ALL VOTED IN FAVOR.

H EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS OPEN MEETING CONSULTATION WITH ATTORNEY UNDER SECTION §551.071 OF THE TEXAS GOVERNMENT CODE TO RECEIVE ADVICE ON LEGAL MATTERS NOT RELATED TO LITIGATION OR THE SETTLEMENT OF LITIGATION. COUNCIL DID NOT GO INTO EXECUTIVE SESSION ITEM TABLED.

I EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS OPEN MEETING LAW TO DISCUSS DELIBERATION OR PURCHASE, EXCHANGE, LEASE OF VALUE OF REAL PROPERTY AS AUTHORIZED BY SECTION §551.072 TEXAS GOVERNMENT CODE. CITY COUNCIL ENTERED INTO EXECUTIVE SESSION AT 10:46 P.M. COUNCIL ENTERED BACK INTO OPEN SESSION AT 11:10 P.M.

J DISCUSSION AND POSSIBLE ACTION REGARDING EXECUTIVE SESSION: JEFF DAUGHERTY MADE A MOTION TO PURCHASE 0.212 ACRES ALL THAT CERTAIN LOT, TRACT OF PARCEL OF LAND WITHIN THE THOMAS BURBRIDGE SURVEY, ABSTRACT NO. 71, CITY OF LINDALE, SMITH COUNTY, TEXAS, AND BEING PART OF THE CALLED 0.496 ACRE TRACT DESCRIBED IN DEED FROM WOLCO PARTNERS, LTD. TO CHAMPAGNE INC. AND RECORDED ON FILE NO. 2008-R00055875 OF THE OFFICIAL PUBLIC RECORDS OF SMITH COUNTY FOR \$67,100. AND AUTHORIZE CITY MANAGER TO SIGN DOCUMENTS. SECOND BY GINGER SIMS. ALL VOTED IN FAVOR.

K REPORTS: CITY COUNCIL, CITY MGR., CITY STAFF (NO DISCUSSION, INFORMATION UPDATE ONLY). CAROLYN CALDWELL, CITY SECRETARY, STATED THE POLICE DEPARTMENT SERVER WOULD BE ON THE NEXT AGENDA TO BE UPDATED, AND THE AIR CONDITIONING UNIT AT CITY HALL WAS HAVING SOME ISSUES.

L ADJOURNMENT: MEETING ADJOURNED AT 11:13 P.M.


CAROLYN CALDWELL, CITY SECRETARY


ROBERT NELSON, MAYOR