

REGULAR MEETING  
LINDALE CITY COUNCIL  
TUESDAY, APRIL 19, 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, BOB TARDIFF AND BRYAN SUMMERVILLE.

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

**F-12 CITIZEN TALK TIME: (TIME LIMIT 5 MINUTES. NO DISCUSSION BUT MAY BE PLACED ON FUTURE AGENDA FOR DISCUSSION OR ACTION).** TONY PHILLIPS STATED HE USED THE CITY CEMETERY FOR THE FIRST TIME THIS WEEK AND THE FAMILY PICKED OUT THEIR SPACE. MR. PHILLIPS STATED HE HAD NOT HEARD ANYTHING ON HIS APPLICATION TO BE ON THE CEMETERY COMMITTEE AND DID NOT THINK HE WOULD EVER BE ON THE COMMITTEE. MAYOR NELSON ASKED CRAIG TO PLACE AN ITEM ON THE NEXT AGENDA TO ADDRESS THE ITEM.

**F-1 DISCUSSION AND POSSIBLE ACTION TO APPROVE REQUEST FROM THE LINDALE THEATER FOR HOT FUNDS.** CRAIG LINDHOLM, CITY MANAGER, STATED THE REQUEST IS BEING MADE UNDER PERFORMING ARTS, IT DOES QUALIFY AND HE WOULD RECOMMEND FUNDING. BOB TARDIFF MADE A MOTION TO APPROVE REQUEST FOR HOT FUNDS FOR THE LINDALE THEATER FOR \$12,900. SECOND BY GINGER SIMS. ALL VOTED IN FAVOR.

**F-2 DISCUSSION AND POSSIBLE ACTION TO APPROVE HENRY WAGGONER EAGLE SCOUT PROJECT OF CONSTRUCTING BATTING CAGE AT FAULKNER PARK.** HENRY WAGGONER PRESENTED TO THE COUNCIL HIS PLAN FOR A BATTING CAGE AT FAULKNER PARK. HENRY WAGGONER STATED HE WOULD RAISE THE FUNDS DURING THE SEASON AND THEN AT THE END OF THE SEASON HE WOULD START HIS PROJECT. GINGER SIMS MADE A MOTION TO APPROVE HENRY WAGGONER'S EAGLE SCOUT PROJECT OF CONSTRUCTING BATTING CAGE AT FAULKNER PARK. SECOND BY CLYDE HARPER. BRYAN SUMMERVILLE STATED THE SUMMER BASEBALL HAD MADE A DONATION TOWARD THE PROJECT OF \$250 AND THE COUNCIL SHOULD CONSIDER THE SAME. GINGER SIMS MADE A MOTION TO AMEND HER MOTION TO APPROVE HENRY WAGGONER'S EAGLE SCOUT PROJECT OF CONSTRUCTING BATTING CAGE AT FAULKNER PARK AND FOR THE CITY TO DONATE \$250 TO THE PROJECT. SECOND BY CLYDE HARPER. ALL VOTED IN FAVOR.

**F-3 PUBLIC HEARING ON PROPOSED REZONING OF PROPERTY LOCATED AT 301 WALNUT SPRINGS RD, APPROXIMATE 7.273 ACRES, ABST A1118 J SANDERS, TRACT 00031, ALSO KNOWN AS THERMO MANUFACTURING SYSTEMS LLC, 301 WALNUT SPRINGS RD, CONSIDERATION OF A CHANGE OF ZONING CLASSIFICATION FROM "I-1 LIGHT INDUSTRIAL, TRANSPORTATION, AND DISTRIBUTION" TO "MU-1 NEIGHBORHOOD MIXED USE DISTRICT".** COUNCIL ENTERED INTO PUBLIC HEARING AT 7:11 P.M. STEVEN LLOYD, COMMUNITY DEVELOPMENT DIRECTOR, STATED THE P&Z VOTED TO CHANGE THE ZONING BACK AND THEIR FINAL REPORT RECOMMENDED APPROVAL TO CITY COUNCIL WITH A RECOMMENDATION TO EXPLORE CREATING A COMMITTEE TO REVIEW THE COMPREHENSIVE PLAN, WITH MEMBERS OF THE COMMITTEE TO INCLUDE CITY COUNCIL, PLANNING AND ZONING, CITIZENS, AND BUSINESS OWNERS. GREG FRASER ESQ. SPOKE IN FAVOR OF LEAVING THE ZONING AS INDUSTRIAL, AND GAVE HIS OPINION ON SPOT ZONING. MAYOR NELSON SPOKE IN REGARDS TO AN OUT CRY FROM CITIZENS TO NOT LEAVE IT ZONED INDUSTRIAL. MAYOR NELSON STATED HIS CONCERNS THAT NO DISCUSSION TOOK PLACE THE NIGHT IT WAS PASSED. JEFF DAUGHERTY STATED DISCUSSION DID TAKE PLACE AND THERE WAS NO ONE AT THE MEETING THAT SPOKE AGAINST THE CHANGE. GERALD SANDERS SPOKE FOR LEAVING THE ZONING INDUSTRIAL. GEORGE GARRETT STATED EVEN THOUGH HE WAS NOT A RESIDENT OF LINDALE HE LIVES IN THE TRAILER PARK ACROSS THE STREET. HE STATED THERMO IS A GOOD NEIGHBOR BUT HE IS CONCERNED ABOUT WHAT MIGHT HAPPEN IF THERMO EVER SELLS. TONY RAI SPOKE AGAINST LEAVING THERMO ZONED INDUSTRIAL STATING IT ONLY SERVES ONE AND IT CREATES AN INDUSTRIAL PARK IN THE MIDDLE OF THE COMMUNITY. RAYMOND BREWER READ THE DEFINITION OF SPOT ZONING AND ASKED WHY WE WERE EVEN HERE. KATHY COOLEY QUESTIONED WHY THE COUNCIL VOTED AGAINST THE PLANNING AND ZONING BOARD AND STATED SHE WAS AGAINST THERMO REMAINING ZONED INDUSTRIAL. ED WATTS STATED THE ZONING CHANGE WAS THE MOST TALKED ABOUT THING IN THE COMMUNITY IN 2006-2007-2008 AND HOW COULD THERMO NOT KNOW THEIR ZONING HAD CHANGED. TERRY EDWARDS STATED THE PLANNING AND ZONING BOARD VOTED AGAINST CHANGING THE ZONING BECAUSE THEY FELT IT WAS SPOT ZONING AND HE THOUGHT THE COUNCIL WAS WRONG TO VOTE AGAINST THE BOARD. MR. BREWER STATED HE FELT IT COULD AFFECT THE VALUE OF HIS HOME. CARROLL ANDERSON STATED HE WAS ON THE BOARD WHEN THERMO CAME TO LINDALE AND THE PROPERTY WAS ZONED INDUSTRIAL AND THERMO SHOULD NOT BE TREATED UNFAIRLY. JIM MALLORY STATED WHEN HE PURCHASED THE PROPERTY IT WAS RUN DOWN, THERMO CLEANED UP THE AREA AND IT WAS ZONED

INDUSTRIAL. THOMAS HAYGOOD STATED THE TWO PARTIES NEED TO COME TOGETHER TO FIND AN ANSWER. THERE BEING NO FURTHER COMMENTS PUBLIC HEARING ENDED AT 8:46 P.M.

**F-4 PUBLIC HEARING ON PROPOSED REZONING OF PROPERTY LOCATED AT 812 HUBBARD STREET E, APPROXIMATE 2.861 ACRES, ABST A0948 J SANDERS, TRACT 11, ALSO KNOWN AS YFI INVESTMENTS LLC, 812 HUBBARD STREET E, CONSIDERATION OF A CHANGE OF ZONING CLASSIFICATION FROM "I-1 LIGHT INDUSTRIAL, TRANSPORTATION, AND DISTRIBUTION" TO "C-1" CONVENIENCE AND NEIGHBORHOOD COMMERCIAL".** COUNCIL ENTERED PUBLIC HEARING AT 8:47 P.M. GREG FRASER STATED THE PROPERTY IS JUST LIKE THE THERMO PROPERTY AND WAS MISTAKENLY REZONED IN 2008. RAYMOND BREWER STATED HE WAS AGAINST YFI INVESTMENTS BEING ZONED INDUSTRIAL. JEFF CREWS STATED HE OWNS A BUSINESS AND HE WASN'T SURE WHAT HIS PROPERTY IS ZONED AND HE WAS AROUND IN 2008. MR. CREWS STATED IF THE PROPERTY WAS INDUSTRIAL AND WAS ALWAYS INDUSTRIAL IT SHOULD HAVE BEEN LEFT INDUSTRIAL WHEN THEY CHANGED THE ZONING MAP IN 2008. THE HOMES CAME IN AFTER YFI AND THERMO CAME IN. MAYOR NELSON STATED HE WOULD LIKE TO HEAR FROM THE CITY ATTORNEY AND JUST BECAUSE THE HOMES WERE NOT THERE PRIOR TO THE BUSINESS DOESN'T MEAN THEY DON'T HAVE RIGHTS. THERE BEING NO FURTHER COMMENTS PUBLIC HEARING ENDED AT 8:58 P.M.

**COUNCIL TOOK A BREAK FROM 8:58 P.M.-9:05 P.M.**

**F-5 PUBLIC HEARING CONCERNING AMENDMENT TO ZONING ORDINANCE REGARDING NONCONFORMING USES (SECTION 1-43), NONCONFORMING BUILDINGS AND STRUCTURES (SECTION 1-44), PROCEDURES FOR CHANGING A ZONING CLASSIFICATION FOR A LOT (SECTION 1-101) AND PROCEDURES FOR AMENDING THE TEXT OF THE ZONING ORDINANCE (SECTION 1-102).** COUNCIL ENTERED INTO PUBLIC HEARING AT 9:05 P.M. GLEN PATRICK, CITY ATTORNEY, STATED THE CHANGES BEING PROPOSED WERE TO CLARIFY THE PUBLIC HEARING REQUIREMENTS, ALLOW FOR MORE TIME FOR THE P&Z TO PROCESS REQUEST, TO CHANGE THE 50% LOSS, AND ALLOW 2 YEARS TO REBUILD. STEVEN LLOYD, COMMUNITY DEVELOPMENT DIRECTOR, STATED THE STAFF NEEDED THE EXTRA TIME FROM 60 TO 90 DAYS DUE TO THE ADDITIONAL PUBLIC HEARING AND SENDING OUT NOTICES. THERE BEING NO FURTHER COMMENTS PUBLIC HEARING ENDED AT 9:12 P.M.

**F-6 DISCUSSION ONLY NO ACTION REGARDING ZONING CHANGES AND CHANGING THE ZONING ORDINANCE. NO ACTION.**

**F-7 DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION CONSTITUTING NOTICE OF INTENT TO PROCEED WITH AN INQUIRY INTO THE TRANSMISSION AND DISTRIBUTION RATES CHARGED BY ONCOR TO INITIATE A RATE CASE WITH THE INTENT OF LOWERING ONCOR RATES.** JEFF DAUGHERTY MADE A MOTION TO APPROVE **RESOLUTION R07-2016** NOTICE OF INTENT TO PROCEED WITH AN INQUIRY INTO TRANSMISSION AND DISTRIBUTION RATES CHARGED BY ONCOR. SECOND BY GINGER SIMS. ALL VOTED IN FAVOR.

**F-8 DISCUSSION AND POSSIBLE ACTION TO APPROVE HAVING ALL CITY/PUBLIC MEETINGS AUDIO AND OR VIDEO RECORDED.** MAYOR NELSON STATED THE CITY NEEDS TO BE TRANSPARENT AND STATED THE CITY COUNCIL MEETINGS USE TO BE RECORDED. CLYDE HARPER STATED THE MEETINGS ARE OPEN TO THE PUBLIC AND DIDN'T FEEL THEY NEEDED TO BE RECORDED. MAYOR NELSON STATED THE MINUTES ARE INCONSISTENT CLYDE HARPER STATED HE DIDN'T FEEL THE CITY NEED THE EXPENSE. GINGER SIMS STATED SHE DIDN'T FEEL THEY NEEDED TO BE RECORDED. MAYOR NELSON STATED HE WOULD LIKE TO HEAR FROM EVERY COUNCIL MEMBER AND ASKED WHY THEY DON'T WANT TO BE TRANSPARENT. NO ACTION.

**F-9 DISCUSSION AND POSSIBLE ACTION TO APPROVE BILLBOARD LOCATED IN FRONT OF TARGET DISTRIBUTION CENTER ON I-20 OR BILLBOARD LOCATED AT LINDALE SEWER PLANT AND I-20.** CRAIG LINDHOLM, CITY MANAGER STATED SEONG MACLAREN WAS NOT ABLE TO ATTEND THE MEETING BUT SHE WOULD RECOMMEND STAYING WITH THE BILLBOARD LOCATED ON CITY PROPERTY. BOB TARDIFF MADE A MOTION TO APPROVE BILLBOARD LOCATED ON CITY PROPERTY AT SOUTHSIDE SEWER PLANT AND I-20. SECOND BY JEFF DAUGHERTY. JEFF DAUGHERTY STATED THE FUNDS WOULD BE PAID FROM THE HOTEL MOTEL FUND. ALL VOTED IN FAVOR.

**F-10 DISCUSSION AND POSSIBLE ACTION TO APPROVE CITY COUNCIL MINUTES OF MARCH 1, 2016 REGULAR MEETING, MARCH 15, 2016 REGULAR MEETING, AND MARCH 28, 2016 CALLED MEETING.** GINGER SIMS MADE A MOTION TO APPROVE MINUTES OF MARCH 1, 2016 REGULAR MEETING, MARCH 15, 2016 REGULAR MEETING AND MARCH 28, 2016 CALLED MEETING. SECOND BY BOB TARDIFF. ALL VOTED IN FAVOR.

**F-11 DISCUSSION AND ACTION TO APPROVE MARCH 2016 EXPENDITURES AND FINANCIAL REPORT.**

CRAIG LINDHOLM, CITY MANAGER, STATED SALES TAX WAS UP AGAIN THIS MONTH AND OVERALL IT WAS UP ALMOST \$100,000 OVER LAST YEAR. MR. LINDHOLM ALSO UPDATED THE COUNCIL ON WELL 5 AND THAT IT WOULD BE DOWN ANOTHER 6 MONTHS. THE COST IS UNKNOWN AT THIS TIME AND WOULD BE DEPENDENT ON IF THE WELL COULD BE CLEANED OR A NEW WELL WOULD HAVE TO BE DRILLED. BRYAN SUMMERVILLE MADE A MOTION TO APPROVE MARCH 2016 EXPENDITURES AND FINANCIAL REPORT. SECOND BY GINGER SIMS. ALL VOTED IN FAVOR

**G 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 ENTERED INTO EXECUTIVE SESSION AT 8:32 P.M. COUNCIL ENTERED BACK INTO OPEN SESSION AT 10:07 P.M. NO ACTION.**

**H REPORTS: CITY COUNCIL, CITY MGR., CITY STAFF (NO DISCUSSION, INFORMATION UPDATE ONLY). BOB TARDIFF STATED IT WAS JEFF DAUGHERTY BIRTHDAY.**

**I ADJOURNMENT: MEETING ADJOURNED AT 10:09 P.M.**

  
CAROLYN CALDWELL, CITY SECRETARY

  
JEFF DAUGHERTY, MAYOR

