



## MINUTES

Of A

### REGULAR COUNCIL MEETING

February 11, 2016

The City Council of the City of Longview, Texas, met in a Regular Session, February 11, 2016, at 5:30 p.m. in the Council Chambers of the Jo Ann Metcalf Municipal Building. Mayor Andy Mack presided.

Members present were:

Andy Mack  
Ed Moore  
Nona Snoddy

Kristen Ishihara  
David Wright  
Sidney Allen

Members absent were:

Kasha Williams

Staff members present were:

David Willard, City Manager  
Keith Bonds, Assistant City Manager  
Shawn Hara, Media and Tourism Manager  
Shelly Ballenger, City Secretary  
Jim Finley, City Attorney  
Michael Shirley, Director of Development Services  
Rolin McPhee, Director of Public Works  
Laura Hill, Director of Community Services  
Scott Caron, Director of Parks and Recreation  
Angela Coen, Director of Financial Services  
Mary Ann Miller, Director of Administration  
Johnny Zackary, Fire Marshall  
Curtis Shaw, Assistant Fire Chief  
Mike Bishop, Police Chief

**I. Call to Order** – Mayor Andy Mack called the meeting to order.

**II. Invocation** – Pastor Jim Johnson of the Fellowship Bible Church gave the invocation.

**III. Pledge of Allegiance** – Pastor Jim Johnson of the Fellowship Bible Church led the pledge of allegiance.

**IV. Employee Recognition**

Mayor Mack: The Development Services Customer Service Team provides front line customer service to area contractors, developers, builders and citizens. Over the past year, the team has received many compliments by customers for their friendly attitudes, willingness to help and responsiveness to customer needs. If you walk into Development Services, expect to be greeted with smiles and can-do attitudes.

The team also strives to assist with quick turnaround times on permits. Though they represent four divisions of Development Services: Building, Engineering, Planning and Zoning and Code Compliance; they work together to assist customers and resolve issues.

The following were recognized as part of the Development Services Customer Service Team: Devon Laastad, Deann Wade, Colton Pitner, Vance Wyly, Natasha Jaime, Shannon Davis, Quory Flowers, Andrew Fields, and Sharon McCord.

**V. Citizen Comment**

Jeremiah Hunter, 314 E. Twilight Drive: Spoke about personal responsibility about people in Longview versus the Council's desire to create a business environment conducive to business growth, unnecessary infringements on the businesses in Longview. He is against payday loans but disagrees with Council trying to over regulate local businesses. The animal care regulations he was glad to see it watered down from the initial proposal. He wants people to have greater personal responsibilities in their daily lives by learning financial management, being smart consumers of the businesses and services that they use.

Willie Willis, 1001 S. Eastman Road: Spoke about Longview standing up and being a community, together. We have to get the churches back involved. Police can't clean up Longview by themselves. Title loans help people with bad credit.

**VI. Public Safety Update**

**A. Police –**

Chief Bishop gave a police update. He began by sending out a thank you to Perry Reed and Company, he purchased a piece of equipment that will help the officers at the firing range.

Paul Hickey was promoted to the rank of Lieutenant. He will be the midnight watch commander. He will be over the midnight shift from 10:00 p.m. to 6:00 a.m.

Mark Faulkner was promoted to the rank of Sergeant. He will be in a five week training program for new supervisor working with another supervisor in the field before he is given a permanent assignment.

**Crime Analysis – January 1 – 31, 2016**

<u>Total Calls:</u>	9,994
Dispatched	5,640
Officer initiated:	4,354

<u>Persons Arrested:</u>	172
Felony Arrests:	14
Total Charges:	19

Misdemeanor Arrests:	158
Total Charges	260

Staffing, there are 172 sworn positions. Currently there are 7 vacancies. There are 11 officers in field training, riding with field training officers. Eight will be released in March to be able to work on their own. There are 7 in the academy at Kilgore. They will graduate next Friday. When they come back to the agency they will roll into the field training program. There are 5 applicants in the hiring process that are almost finalized. If everything goes well they will go into the March academy. That will leave us with 2 vacancies. There are a couple of certified officers from other agencies that have applied. Hopefully, we can fill the 2 vacancies with some of those applicants.

Lastly, there is a Women's Safety Course to be held April 18 – 23, 2016, from 6:00 p.m. to 9:00 p.m. at Maude Cobb. It is designed specifically for women. It talks about women's safety, workplace violence, and handgun safety, familiarize the women with handguns and how they operate and make them more comfortable with handling weapons. They will go to the firing range and let them fire the weapons and they will go through the firearms simulator and a day at the range. Registration deadline is April 18, 2016. There is a seating capacity of 60 applicants.

## **B. Fire –**

Fire Marshall Johnny Zachary mentioned high winds and dry conditions. Longview is not under a burn ban but with high winds fire can spread rapidly as the foliage is brown and dead. He spoke about the arson fires and car fires recently in Longview. One suspect is in custody and the fire department is working closely with the DA's Office. He encouraged the citizens if they had any information regarding the arson fires to call their office at 903-237-1119 or Gregg County Crime Stoppers.

Mayor Mack presented Chief Bishop with a \$2,000 in cash donation for the K-9 patrol unit from an anonymous donor.

## VII. Consent Agenda

- A. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents to enter into a cooperative purchasing agreement with the Region VIII Education Service Center –**

Jaye Latch, Purchasing Manager: This item would allow the City of Longview to enter into a cooperative purchasing agreement with the Region VIII Education Service Center, who provides cooperation purchasing services through a program called The Interlocal Purchasing System (TIPS). This cooperative purchasing program offers Information Technology hardware, software and services that are not available locally. The items purchased through this program have been properly bid and satisfy State of Texas competitive purchasing laws.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND CITY SECRETARY TO ATTEST TO A COOPERATIVE PURCHASING AGREEMENT BY AND BETWEEN THE CITY OF LONGVIEW AND REGION VIII EDUCATION SERVICE CENTER THROUGH A PROGRAM KNOW AS THE INTERLOCAL PURCHASING SYSTEM (TIPS) PROGRAM; CONDITIONING SAID AUTHORIZATION ON THE RECEIPT OF ALL RELEVANT DOCUMENTS IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIRMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

Such Resolution No. 5025 appears in the Resolution and Ordinance records of the City of Longview.

- B. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for the purchase of one (1) truck chassis and refurbish/remount one (1) existing ambulance module via the city's purchasing agreement with the local government purchasing cooperative administered by the Houston - Galveston Area Council for an amount not to exceed \$170,000.00 –**

Curtis Shaw, Assistant Fire Chief: The City of Longview wishes to purchase a new Dodge Ram 4500 chassis and refurbish and remount an existing mid-2000 model ambulance through HGAC from Mac Haik Dodge Houston, Texas. The cost of vehicle will not exceed \$170,000.00 and will be paid for with funds made available through the City's Vehicle Replacement Account. When in service, this unit will replace the front line ambulance at Fire Station #2.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER, THE CITY MANAGER'S DESIGNEE AND/OR OTHER OFFICIAL (S) OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ANY DOCUMENTS NECESSARY FOR THE PURCHASE OF ONE TRUCK CHASSIS AND AMBULANCE REFURBISH AND REMOUNT THROUGH THE CITY'S PURCHASING AGREEMENT WITH THE HOUSTON-GALVESTON AREA COUNCIL IN AN AMOUNT NOT TO EXCEED \$170,000.00; SETTING FORTH THE CONDITIONS OF SUCH AUTHORIZATION; DETERMINING THAT SAID PURCHASE IS EXEMPT FROM STATE BIDDING REQUIREMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

Such Resolution No. 5026 appears in the Resolution and Ordinance records of the City of Longview.

**C. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for an interlocal agreement with the City of Cedar Hill, Texas –**

Jaye Latch, Purchasing Manager: This item would allow the City of Longview to enter into a cooperative purchasing agreement with the City of Cedar Hill, Texas. The City of Cedar Hill competitively bid a contract for EMS medical supplies for their Fire Department. The bid was awarded to BoundTree Medical. The Longview Fire Department wishes to utilize this contract. By entering into a cooperative purchasing agreement with the City of Cedar Hill, the City of Longview will be able to use the EMS medical supplies contract obtained by the City of Cedar Hill. Longview Fire Department estimates spending approximately \$300,873.00 for EMS medical supplies in fiscal year 2015 - 2016. There is no local vendor that can provide said supplies. Use of this cooperative purchasing contract will satisfy the competitive bidding laws for the purchase of said EMS medical supplies for the Fire Department.

Contracts that the City of Longview may utilize in the future with the City of Cedar Hill are pre-bid and therefore meet all of the competitive purchasing laws.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY SECRETARY TO ATTEST TO AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF LONGVIEW AND THE CITY OF CEDAR HILL PROVIDING FOR COOPERATIVE PURCHASING; AUTHORIZING THE CITY MANAGER TO DESIGNATE AN OFFICIAL REPRESENTATIVE TO ACT FOR THE CITY OF LONGVIEW IN ALL MATTERS RELATING TO SAID COOPERATIVE PURCHASING AGREEMENT; 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.**

Such Resolution No. 5027 appears in the Resolution and Ordinance records of the City of Longview.

**D. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for the purchase of EMS medical supplies via the city's purchasing agreement with City of Cedar Hill, Texas –**

Curtis Shaw, Assistant Fire Chief: This item would allow the City of Longview to enter into a cooperative purchasing agreement with the City of Cedar Hill, Texas. The City of Cedar Hill competitively bid a contract for EMS medical supplies for their Fire Department. The bid was awarded to BoundTree Medical. The Longview Fire Department wishes to utilize this contract. By entering into a cooperative purchasing agreement with the City of Cedar Hill, the City of Longview will be able to use the EMS medical supplies contract obtained by the City of Cedar Hill. Longview Fire Department estimates spending approximately \$300,873.00 for EMS medical supplies in fiscal year 2015 - 2016. There is no local vendor that can provide said supplies. Use of this cooperative purchasing contract will satisfy the competitive bidding laws for the purchase of said EMS medical supplies for the Fire Department.

Contracts that the City of Longview may utilize in the future with the City of Cedar Hill are pre-bid and therefore meet all of the competitive purchasing laws.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER, THE CITY MANAGER'S DESIGNEE AND/OR OTHER OFFICIAL(S) OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ANY DOCUMENTS NECESSARY FOR THE PURCHASE OF EMS MEDICAL SUPPLIES VIA THE CITY'S PURCHASING AGREEMENT WITH THE CITY OF CEDAR HILL; SETTING FORTH THE CONDITIONS OF SUCH AUTHORIZATION; DETERMINING THAT SAID PURCHASE IS EXEMPT FROM STATE BIDDING REQUIREMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

Such Resolution No. 5028 appears in the Resolution and Ordinance records of the City of Longview.

**E. Consider a Resolution accepting the 2014 CDBG Water Improvements at Rockwood Lane and Noel Drive Project and authorizing final payment in the amount of \$20,752.00 to RBIS, LLC, of Texarkana, Texas –**

Rolin McPhee, P.E., Director of Public Works: Consider a resolution accepting the 2014 CDBG Water Improvements at Rockwood Lane and Noel Drive and authorizing final payment in the amount of \$20,752.00 to RBIS, LLC of Texarkana, Texas. Approval of final payment will begin the contractor's one-year warranty period.

The City Council awarded a contract to RBIS, LLC. on March 12, 2015 in the amount of \$459,421.25. The final construction cost is \$415,040.00.

The scope of work includes the construction of 2,700 linear feet of 8" water main and 1,200 linear feet of 8 inch sewer main and Rockwood Lane and Noel Drive Street Improvements and miscellaneous work as necessary to complete the installations.

The project has been completed in accordance with the contract. The consultant, Hayes Engineering recommends acceptance of the project and approval of the final payment. Staff concurs with the recommendation.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT KNOWN AS "2014 CDBG WATER IMPROVEMENTS AT ROCKWOOD LANE AND NOEL DRIVE"; AUTHORIZING AND APPROVING FINAL PAYMENT TO RBIS, LLC., OF TEXARKANA, TEXAS, FOR CONSTRUCTION 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.**

Such Resolution No. 5029 appears in the Resolution and Ordinance records of the City of Longview.

**F. Consider an Ordinance authorizing the payment of the annual stipend of the Mayor or a member of City Council to a third party as directed by said Mayor or City Council Member –**

Angela Coen, Finance Director: On September 28, 1995, the Longview City Council enacted an ordinance providing for an annual stipend for the Mayor and City Council. This ordinance will authorized the Mayor or any member of the City Council to direct in writing that the stipend due to that individual be paid to a third party of that individual's choosing. This authorization can be ordered at any time of the member's tenure on council.

The following Ordinance was approved:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE PAYMENT OF THE ANNUAL STIPEND OF THE MAYOR OR A MEMBER OF CITY COUNCIL TO A THIRD PARTY AS DIRECTED BY THE MAYOR OR CITY COUNCIL MEMBER; PROVIDING FOR CERTAIN PROCEDURES RELATED TO SAME; 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 DECLARING AN EFFECTIVE DATE.**

Such Ordinance No. 4033 appears in the Resolution and Ordinance records of the City of Longview.

**MOTION:** Council Member Ishihara made a motion to approve the consent agenda.

**SECOND:** Council Member Snoddy seconded the motion.

**VOTE:** The motion carried unanimously (6, 0).

**VIII. Action Items**

- A. Consider an Ordinance amending the City of Longview 2015-2016 budget by allocating fund balance in the amount of \$1,085,000 to account 001-024-000-7170 for the early termination of a fire equipment lease purchase agreement and by allocating fund balance in the amount of \$395,000 to account 001-018-000-7620 for the early termination of an E-911 emergency equipment consoles lease purchase agreement –**

David Willard, City Manager: The City of Longview entered into a lease/purchase agreement for a Fire Engine on December 23, 2015, and a lease/purchase agreement for E-911 consoles on April 16, 2015. Both agreements include an additional purchase option provision which allows the City to prepay in whole a termination amount as set forth in the payment schedule. Exercising these options will allow the City to save approximately \$41,000.00 in interest expenses for the Fire Engine and approximately \$19,000.00 in interest expense for the E-911 consoles.

MOTION: Council Member Ishihara made a motion the following Ordinance be approved:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AMENDING THE BUDGET FOR THE CITY OF LONGVIEW, TEXAS, FOR FISCAL YEAR 2015-2016 BY ALLOCATING FUND BALANCE IN THE AMOUNT OF \$1,085,000 TO ACCOUNT 001-024-000-7170 FOR THE EARLY TERMINATION OF A FIRE EQUIPEMENT LEASE PURCHASE AGREEMENT AND BY ALLOCATING FUND BALANCE IN THE AMOUNT OF \$395,000 TO ACCOUNT 001-018-000-7620 FOR THE EARLY TERMINATION OF A E911 EMERGENCY EQUIPEMENT CONSOLES LEASE PURCHASE AGREEMENT; PROVIDING FOR FILING WITH THE COUNTY CLERKS OF GREGG AND HARRISON COUNTIES; 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.**

SECOND: Council Member Moore seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Ordinance is No. 4034 and appears in the Resolution and Ordinance records of the City of Longview.

**B. Consider an Ordinance amending the City of Longview 2015-2016 budget by allocating restricted revenues received in the amount of \$150,000 to account 052-131-000-5111 for the activities of the animal shelter –**

Laura Hill, Director of Community Services: The City is scheduled to complete the animal shelter in Fiscal Year 2015-2016. In order to receive, account for and expend restricted donations contributed by donors, it is necessary to establish an Animal Services Special Revenue Fund. This fund will only be utilized for restricted donations, as identified by the donors, for the activities of the Longview Animal Care and Adoption Center.

MOTION: Council Member Ishihara made a motion the following Ordinance be approved:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AMENDING THE BUDGET FOR THE CITY OF LONGVIEW, TEXAS, FOR FISCAL YEAR 2015-2016 BY ALLOCATING RESTRICTED REVENUES RECEIVED IN THE AMOUNT OF \$150,000 TO ACCOUNT 052-131-000-5111 FOR THE ACTIVITIES OF THE ANIMAL SHELTER; 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; PROVIDING FOR FILING WITH THE COUNTY CLERKS OF GREGG AND HARRISON COUNTIES; AND PROVIDING AN EFFECTIVE DATE.**

SECOND: Council Member Moore seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Ordinance is No. 4035 and appears in the Resolution and Ordinance records of the City of Longview.

**C. Consider an Ordinance amending Chapters 46: Food and Food Establishments, 67: Outdoor Vendors and Solicitors and 79: Public Amusements in order to allow Mobile Food Units to operate within the City of Longview –**

Hank Guichelaar, 615 East Melton: Mr. Guichelaar served on the Mobile Food Vending Task Force. Council listened and took steps necessary to make this a reality. The vote tonight will not only put in place what your constituents asked for but also enhance our community and quality of life in our city. It has been a pleasure working with the task force and would like to especially thank Laura Hill, Leisha Kidd-Brooks, Mitzi Bowie, Angela Choy, Ingrid Self, Scott Caron, Buck Farrar, Johnny Zachary, Michael Shirley, Councilman Sidney Allen and my fellow Task Force Members. Lastly my respect and gratitude go out to Councilman Ed Moore, who was not only our liaison but whose experience and wisdom caused this significant task to be completed within a significant time frame.

Council Member Moore: Texas is the fastest growing nation for mobile food units. This item is an excellent opportunity to allow entrepreneurs to start their own small business at a relatively inexpensive cost. It is going to give us some additional culinary choices; I think it will be a fun thing for this community to have. It will generate some sales tax revenue, ad valorem tax revenue and some permit fees.

I want to thank the ten member task force: Cathy Cace, David Choy, Eric Dean, Chuck King, Hank Guchelaar, Doug Shook, Brian Hatchet, Kevin Hawkins, Gerald Rodriguez, and Mike Kittner for all you have done.

Laura Hill, Director of Community Services: On October 8, 2015, The Longview City Council discussed the creation of a Mobile Food Vending Task Force. The Task Force's charge was to study and evaluate the processes necessary to allow mobile food vending (Food Trucks) within the city limits. The Task Force was created on October 29, 2015, and the first meeting was held on November 11, 2015.

The 10 member Task Force divided into 3 sub-committees to address: Zoning, Design and Access to Park Property. The Task Force was supported by representatives from Development Services, Planning and Zoning, the Longview Fire Department, Parks and Recreation, Community Services and the Environmental Health Department.

Meetings were held throughout the months of November, December and January with the final recommendations being finalized and approved in January.

Final recommendations were based on extensive feedback from the Task Force, examples and guidelines from other Texas cities that already allow mobile food units within their jurisdictions, and the need to treat the mobile food units in a comparable method to existing "bricks and mortar" restaurants so there is no preferential treatment.

MOTION: Council Member Moore made a motion the following Ordinance be approved:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, CREATING A NEW ARTICLE II OF CHAPTER 46 ENTITLED "MOBILE FOOD UNITS" AND AMENDING OTHER PROVISIONS OF THE LONGVIEW CITY CODE IN ORDER TO ESTABLISH A PROGRAM TO REGISTER AND REGULATE MOBILE FOOD UNIT BUSINESSES WITHIN THE CITY OF LONGVIEW; NEGATING AND DISPENSING WITH A CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR PENALTIES OF UP TO \$500.00 FOR VIOLATION HEREOF; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; AND ESTABLISHING AN EFFECTIVE DATE.**

SECOND: Council Member Ishihara seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Ordinance is No. 4036 and appears in the Resolution and Ordinance records of the City of Longview.

**IX. Zoning – Public Hearing Items**

**A. A PUBLIC HEARING will be held to consider #M16-01 amending Article 8-107, Article 8-600, and Article 10-104 of the Zoning Ordinance to add uses, definitions, and create parking requirements for Mobile Food Units and Mobile Food Unit Parks –**

Angela Choy, AICP, City Planner: This request is to amend Article 8-107, Article 8-600, Article 10-104 of the Zoning Ordinance to add the uses, definitions, and create parking requirements for Mobile Food Units and Mobile Food Unit Parks.

Staff Comments: The Mobile Food Vending Task Force was created to address amending ordinances to allow Mobile Food Units in Longview. Several ordinances must be amended to allow for Mobile Food Units and one of them is the Zoning Ordinance.

The Planning and Zoning Staff along with the Mobile Food Vending Task Force is proposing amendments to the Zoning Ordinance to add the uses, definitions, and create parking requirements for Mobile Food Units and Mobile Food Unit Parks. Currently, the Zoning Ordinance does not have these uses listed nor are they defined.

Staff and the Task Force are proposing two new use categories, within the zoning ordinance. The first one use is Mobile Food Unit which would be allowed by right in Parking (P), Office (O), Neighborhood Services (NS), General Retail (GR), Light and Heavy Commercial (C-1 & C-2) and Light and Heavy Industrial (I-1 & I-2), and Planned Development Zoning Districts. The second use is Mobile Food Unit Park which would be allowed by right in General Retail (GR), Light and Heavy Commercial (C-1 & C-2) and Light and Heavy Industrial (I-1 & I-2), and Planned Development Zoning Districts.

Definitions have been created to define both Mobile Food Units and Mobile Food Unit Parks. Parking requirements have been created for Mobile Food Unit Parks to require 2 parking spaces for each unit pad site.

One of the goals of the Comprehensive Plan is to support the development of unique restaurants that cater to young adults. This amendment along with the other code amendments will allow for mobile food units in Longview that will cater to our citizens and help create a more livable community.

The Mobile Food Vending Task Force, Planning and Zoning Commission, and Staff recommend approval of this request.



PAWN SHOP (74)																	S	X	X	X	X	X	
<b>TYPE USE</b>	<b>A</b>	<b>SF1</b>	<b>SF2</b>	<b>SF3</b>	<b>SF4</b>	<b>SF5</b>	<b>TF1</b>	<b>TF2</b>	<b>TF3</b>	<b>MF1</b>	<b>MF2</b>	<b>MF3</b>	<b>P</b>	<b>O</b>	<b>NS</b>	<b>GR</b>	<b>C1</b>	<b>C2</b>	<b>CB</b>	<b>I1</b>	<b>I2</b>	<b>PD</b>	
PHARMACY, PROFESSIONAL (72)															S	X	X	X	X	X	X	X	
RESTAURANT WITH DRIVE-IN SERVICE (52)																S	X	X	X	X	X		
RESTAURANT WITH PRIVATE CLUB (70)																S	X	X	X	X	X	S	
RESTAURANT WITHOUT DRIVE-IN SERVICE (51)														S	S	X	X	X	X	X	X	X	
RETAIL STORES AND SHOPS OTHER THAN LISTED (Ordinance No. 3306)															S	X	X	X	X	X	X	X	
SECONDHAND STORE OR RUMMAGE SALE																	X	X	X	X	X		
SELF STORAGE/MINI WAREHOUSE (93)																S	X	X	X	X	X	X	
STUDIO FOR PHOTOGRAPHER, MUSICIAN, ARTIST OR HEALTH															X	X	X	X	X	X	X	X	

Article 8-600 DEFINITIONS AND EXPLANATIONS NOTED IN USE REGULATIONS

- (94) **Mobile Food Unit (MFU)** – a unit, as defined in Chapter 46 of the City of Longview Code of Ordinances, that is designed to be readily movable and from which food and/or beverages are prepared and/or sold.
- (95) **Mobile Food Unit Park** – An area designed to accommodate mobile food units that congregate to offer food and/or beverages for sale to the public as the primary use of the property.

Article 10-104 PARKING SPACE SCHEDULE

**H. Bar and Restaurant Uses**

- 3. **Mobile Food Unit Park:** A minimum of two (2) spaces for each unit pad site.

The public hearing was opened.

No one was present to speak on this item.

The public hearing was closed.

MOTION: Council Member Moore made a motion the following Ordinance be approved:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AMENDING ARTICLE 8, SECTIONS 8-107 AND 8-600, ARTICLE 10, SECTION 10-104 OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW (ORDINANCE NO. 96, AS AMENDED); CREATING TWO USE CATEGORIES KNOWN AS "MOBILE FOOD UNIT" AND "MOBILE FOOD UNIT PARK"; AUTHORIZING THE TWO USES WITHIN CERTAIN ZONING DISTRICTS; CREATING PARKING REQUIREMENTS FOR "MOBILE FOOD UNIT PARKS"; 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 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.**

SECOND: Council Member Williams seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Ordinance is No. 4037 and appears in the Resolution and Ordinance records of the City of Longview.

- B. A PUBLIC HEARING will be held to consider application #S16-01 filed by RHE Investments, LLC requesting a Specific Use Permit (SUP) to allow for a drive-thru window in General Retail (GR) Zoning District for Lots 1-8, Block 2, Ware Place located on the east side of High Street south of Marion Drive and north of Jewel Drive –**

Angela Choy, AICP, City Planner: Application #S16-01, the applicant is RHE Investments, LLC. The location is Lots 1-8, Block 2, Ware Place located on the east side of High Street south of Marion Drive and north of Jewel Drive. The request is for a Specific Use Permit (SUP) to allow for a drive-thru window in General Retail (GR).

**ZONING**

SUBJECT PARCEL	GR
NORTH	SF-3
SOUTH	GR
WEST	GR
EAST	SF-3

**LAND USE**

Vacant Land
Vacant Land
Vacant building
Apartment Complex
Residential

This property is in Council District No. 2 – Councilwoman Nona Snoddy's district. The Comprehensive Plan designates this area for General Retail. The applicant is requesting a Specific Use Permit for a drive-thru service in General Retail (GR) zoning district. A Specific Use Permit is required for drive-thru service within GR zoning district to ensure no negative impact on surrounding properties.

High Street is a principal arterial which is appropriate for this type of use. Principal arterial roads are high capacity urban roads and the primary function is to deliver traffic between lower classification roadways and freeways at the highest level of service possible.

Planning and Zoning Commission (6-0) and Staff recommend approval of this request.

The public hearing was opened.

No one was present to speak on this item.

The public hearing was closed.

MOTION: Council Member Snoddy made a motion the following Ordinance be approved:

**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 A SPECIFIC USE PERMIT (SUP) IS HEREBY GRANTED FOR A DRIVE-THRU WINDOW IN GENERAL RETAIL (GR) ZONING DISTRICT FOR LOTS 1-8, BLOCK 2, WARE PLACE LOCATED ON THE EAST SIDE OF HIGH STREET SOUTH OF MARION DRIVE AND NORTH OF JEWEL DRIVE; 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.**

SECOND: Council Member Ishihara seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Ordinance is No. 4038 and appears in the Resolution and Ordinance records of the City of Longview.

- C. A PUBLIC HEARING will be held to consider application #PD16-01 filed by Nicholas Northcutt requesting a rezone from Planned Development-Single Family Detached (PD13-11) to Planned Development-Single Family Detached to reduce the minimum home size from 2400 square feet to 2100 square feet for Lots 1-30, Block 1, Savannah Hills Subdivision –

Angela Choy, AICP, City Planner: Application #PD-16-01. The applicant is Nicholas Northcutt. The property is located on the north side of Spring Hill Road; Between Eric lane and McCann Road. The request is to reduce the minimum home size from 2400 square feet to 2100 square feet for 30 lots of Savannah Hills Subdivision.

<b><u>ZONING</u></b>	<b><u>LAND USE</u></b>	
SUBJECT PARCEL	PD16-01	Vacant & Single Family Homes
NORTH	Agriculture	Vacant
SOUTH	Agriculture	Single Family Homes
EAST	Agriculture	Single Family Homes
WEST	Agriculture	Single Family Homes

The property is in District 5 – Council Member David Wright.

The Comprehensive Plan designates this area for Low Density Residential.

The applicant is requesting to rezone PD13-11 (Planned Development – Single Family Detached) to PD16-01 (Planned Development – Single Family Detached) to reduce the minimum house size from 2400 square feet to 2100 square feet for 30 lots of Savannah Hills Subdivision.

The applicant previously submitted a Planned Development that was approved by City Council in November of 2013. The applicant is requesting to only amend the minimum house size and all other requirements will remain the same. Below are the requirements from the original Planned Development and set forth on the plat.

- 30 Lot Subdivision
- Private Street
- Minimum lot size: 9,000 square feet
- Minimum lot width: 90 feet except for lots 14-18 which has a minimum width of 70 feet at the 40 foot setback line.
- Minimum lot depth: 100 feet
- Minimum front setback: 20 feet with lots 14-17 having a maximum setback of 40 feet.
- Minimum rear setback: 10 feet except for lots 14-17 which has an approximately 70 foot rear setback for a tree preservation and no build area.
- Fences and storage buildings are allowed in the rear setback as well as the 70 foot no build area.
- Storage buildings and fences will comply with the zoning ordinance requirements.
- All homes will have a minimum two car garage and two off street parking spaces.
- Maximum height: 2.5 stories.
- A four foot sidewalk will be installed along both sides of the private street.

- Also, two trees per lot will be provided between the sidewalk and curb.

Spring Hill Road is a collector which is appropriate for this type of development.

Planning and Zoning Commission (6-0) and Staff recommend approval of this request.

The public hearing was opened.

No one was present to speak on this item.

The public hearing was closed.

MOTION: Council Member Ishihara made a motion the following Ordinance be approved:

**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 PLANNED DEVELOPMENT – SINGLE FAMILY DEVELOPMENT (PD13-11), SAVANNAH HILL SUBDIVISION, LOCATED ON THE NORTH SIDE OF SPRINGHILL ROAD BE AMENDED TO REDUCE THE MINIMUM HOME SIZE FROM 2400 SQUARE FEET TO 2100 SQUARE FEET (PD16-01); 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.**

**SECOND:** Council Member Snoddy seconded the motion.

**VOTE:** The motion carried unanimously (6, 0).

Such Ordinance is No. 4039 and appears in the Resolution and Ordinance records of the City of Longview.

### **X. Items of Community Interest**

Council Member Snoddy reminded the public that her town hall meeting will be March 3, 2016 at 6:00 p.m. at Stamper Park Resource Center.

**MOTION:** Council Member Ishihara made a motion to excuse Council Member Williams.

**SECOND:** Council Member Snoddy seconded the motion.

**VOTE:** The motion carried unanimously (6, 0).

Council Member Ishihara reminded the public that her town hall meeting will be Tuesday, February 23, 2016, at 5:30 p.m. at Winterfield Methodist Church on Tryon Raod. She invited everyone to come not just district 4 constituents.

Mayor Pro Tem Ishihara read the community interest:

Tutoring Tuesday – Each Tuesday from 3:00 p.m. to 5:00 p.m., children between the ages of 5 and 13 who are struggling with their homework or understanding what they are doing in class can register for free one-on-one tutoring with our qualified librarians. The child needs to bring their homework, along with any detailed instructions from their teacher(s). We are also seeking additional volunteers to help with tutoring Tuesday!

Please join the East Texas Anti-Trafficking Team and Zonta Club of Longview for the 3<sup>rd</sup> Annual Walk a Mile in Her Shoes, Saturday, February 27, 2016, at First Baptist Church, 209 E. South Street the walk begins at 9:00 a.m.

A new addition has been made to the CitySend App. Complaints about mosquitoes can now be made via CitySend which will then issue a work request allowing the City's Vector Control to investigate the identified area and initiate the appropriate response.

Mayor Mack survey question: With the exciting opening of the Fourth Street extension, what type of business would you most like to see operate there: Retail, restaurant, family entertainment, night life or other? Overwhelming, family entertainment won by 47%.

What type of Valentines gift do you most like to receive? Chocolate, flowers, jewelry a card, none cause Valentine's Day is a commercialized holiday or other. This is the closest survey ever. Three were all 20% one 19% and one 18%. The 20% were jewelry, flowers and chocolate.

## **XI. Mayor Mack's Book Club**

Mayor Mack: Let me tell you what I have gotten out of the book, "Feed the positive dog." How we can make a difference in how we can internally feed our emotions and attitudes.

Council Member Ishihara: At the beginning, Joy is the driver of the energy bus. George is in a bad mood, he is our grumbling person. He gets on the bus and he says, "I bet she has no worries he thought, all she has to do is drive a bus each day." That is how he explains to himself why she is in such a fantastic mood and why he is allowed to be grumble and go through life with a bad attitude.

This is just a reminder that we need to stop and take the time and have that positive attitude. So many times I think, I don't have time for that I am doing so many things I don't have time to stop and pick up that litter, I don't have time to come to a city council meeting and hear what is going on in our town. It is up to you to have that positive attitude and not think it is easier for someone else because they don't have as much going on. It's up to you, "I got attitude" embrace it and be part of the community and take the time to do things that make it run.

Mayor Mack: One of the comments Monday night during the book club, one of the people said, "My students give me energy to be a better person and an effective teacher. Negative people drag me down; we are winners, not whiners."

Council Member Moore: I like the formula, he has  $E+P=O$ . The E stands for event, many events in our lives we have no control over, they just happen. P is our perception

and P could also stand for positivity; if we face our events, go through our events with a positive attitude the O “outcome” is going to be so much better.

Council Member Allen: The positive aspect, in all of my life, the people that you want to associate with and the people who are successful at what they are doing, successful, I don't necessarily mean monetarily successful, you can be a successful minister, you can be a successful janitor, you can be whatever you are successful at and that positive attitude is what makes you successful in what you do.

Mayor Mack: I just got a text from a friend of mine, who said, “Tell Chief Bishop put me down for \$500.00 for more canine vests.”

## **XII. Mayor Mack's Scholarship Fund**

Nothing on the scholarship Fund tonight.

## **XIII. Adjourn**

The meeting was adjourned at 6:50 p.m.

[seal]

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Shelly Ballenger  
City Secretary

