



MINUTES

Of A

REGULAR COUNCIL MEETING

March 9, 2023

The City Council of the City of Longview, Texas, met in a Regular Session, March 9, 2023, 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
Tem Carpenter
Nona Snoddy
Wray Wade

Michelle Gamboa
Steven Pirtle

Members absent were:

Kristen Ishihara

Staff members present were:

Rolin McPhee, City Manager
Angie Shepard, City Secretary
Robert Ray, Assistant City Attorney
Michael Shirley, Director of Development Services
Dwayne Archer, Director of Public Works
Laura Hill, Director of Grant Services
Angela Coen, Director of Financial Services
Mary Ann Hagenbucher, Assistant City Manager
J.P. Steelman, Fire Chief
Anthony Boone, Police Chief
Josh Gamble, Director of Information Technology
Bonnie Hubbard, Director of Administration

I. **Call to Order** - Mayor Andy Mack called the meeting to order at 5:30 pm.

- II. **Invocation** - Tonight's Prayer and Pledge will be led by East Texas Chapter American Red Cross Executive Director Karen Holt. The organization and its volunteers help neighbors in need by providing care after an emergency, supporting military members and veterans, and many other humanitarian aid efforts.
- III. **Pledge of Allegiance** – Was led by East Texas Chapter American Red Cross.
- IV. **Presentation** - Presentation of a Proclamation commemorating March 9th as "American Red Cross Day" to Karen Holt of the American Red Cross – Dr. Andy Mack, Mayor.
- V. **Citizen Comment** – No citizen requesting to speak.
- VI. **Public Safety Update**
 - A. **Police** – Chief Boone – Customer Service Results for February, the department received a rating of 4.72 out of 5 and the dispatcher received a 4.74 out of 5.
Officers assisted in the Longview Public Library with their celebration of author Dr. Seuss on March 2.
We will be attending the Parks Department 2nd Annual Kite Festival where we will have Child ID program again.
Our new police building is almost complete and will be coming to you in the summer of 2023.
Still position open with the Police Department so if that's of interest, please apply.
 - B. **Fire** – Chief Steelman – Fire Station #5 is mostly complete and operational with just a few remaining things to do.
Station #8 located in the North Business Park has begun to go vertical with structural steel and CMU walls being installed.
Phase 1 of the Public Safety Training Field in the Longview Business Park is currently underway with the site-work and foundation being completed for the new Fire Training Tower to be erected.
Station #7 at 2711 Gilmer Road is currently in the final stages of the design phase with blueprints hopefully coming very soon.
Members of the Longview Fire would like to express our appreciation to St. Mary's School for allowing us to be a part of their recent Career Day event. This gave Assistant Chief Steven Green an opportunity to discuss and showcase the opportunity and possibility of a career in the fire service.
- VII. **Consent Agenda**

A. Consider an Ordinance amending Article VII of Chapter 19 of the Longview City Code to adopt revised standards for public swimming pools and spas in accordance with changes to state law –

Ben Stobnicki, RS CPI Sanitarian III was present and requested the Council to consider the approval of an Ordinance adopting the proposed revision to Article VII Sec 19-130 will provide consistent compliance with the new state rules. The Texas Administrative Swimming Pool Code was updated in January 2023.

This ordinance update will provide the framework from which swimming pools and other aquatic facilities should operate. This revision update will also provide the Environmental Health Division current rules to protect public health and safety at swimming pools and aquatic facilities in Longview.

It will further define responsibilities for operators who are caring for swimming pools and other aquatic facilities in Longview.

The following Ordinance was approved:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AMENDING ARTICLE VII OF CHAPTER 19 OF THE LONGVIEW CITY CODE TO ADOPT REVISED STANDARDS FOR PUBLIC SWIMMING POOLS AND SPAS; PROVIDING FOR THE IMPOSITION OF A CRIMINAL PENALTY NOT TO EXCEED \$2,000 FOR EACH VIOLATION HEREOF; 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. 4420 appears in the Resolution and Ordinance records of the City of Longview.

B. Consider a Resolution specifying fees and charges for the Environmental Health Division to offer the Pool and Hot Tub Alliance Training and Certification –

Ben Stobnicki, RS CPI Sanitarian III was present and requested the Council to consider the approval of a Resolution authorizing the City fee resolution to be updated in order to

establish the minimum fee for this training. The fees set forth for this course are the minimum allowed by the Pool and Hot Tub Alliance who owns this course. This fee reflects what it will cost the city to deliver the course in providing facilities, services, and materials, and to reflect the city's cost of administering. This certification is an approved course required to operate a commercial swimming pool or aquatic features in Texas. This is a service we can provide to the Longview community that would eliminate the requirement to travel to other cities for this certification.

The Environmental Health Division will be offering the Pool and Hot Tub Alliance training and certification to safely operate pools and similar aquatic facilities.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, SETTING CERTAIN FEES RELATED TO TRAINING AND CERTIFICATION IN THE SAFE OPERATION OF POOLS AND SIMILAR AQUATIC FACILITIES; FINDING 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. 6121 appears in the Resolution and Ordinance records of the City of Longview.

C. Consider acceptance of the City of Longview December 31, 2022, Quarterly Investment Report –

Angela Coen, Director of Finance was present and requested the Council to consider the approval of the Investment Report for the quarter ending December 31, 2022 is presented as required by the Public Funds Investment Act.

The City's investments for the quarter were in compliance with the City's investment Policy and the Public Funds Investment Act. The City had investments in Texpool, Cutwater Texas Class Investment Pool, Nexbank Money Market and Certificate of Deposits.

Quarter Ending December 31, 2022
Texpool \$ 5,587,674

Ending Yield	3.98%	
Weighted Average Maturity		1 Days
Interest Earned	\$74,384	
Texas Class	\$2,962,243	
Ending Yield	4.32%	
Weighted Average Maturity		1 Days
Interest Earned	\$39,607	
Certificate of Deposits	\$31,466,971	
Ending Yields		
12 Months	1.11%	
12 Months	4.77%	
24 Months	0.35%	
Interest Earned		\$131,288
Security	\$20,911,060	
12 Months FHLB	3.34%	
15 Months FNMA	3.25%	
18 Months T-Note	3.25%	
Interest Earned		\$175,783
NEXBANK Money Market Account	\$23,775,675	Ending Yield 4.40%
Interest Earned	\$218,237	
BTH Money Market Account	\$25,858,385	
Ending Yield	3.96%	
Interest Earned	\$200,751	

Texpool is a local government investment pool. The primary objectives of the pool are to preserve capital and protect principal, maintain sufficient liquidity, provide safety of funds and investments, diversify to avoid unreasonable or avoidable risks, and maximize the return on the pool. The pool seeks to maintain a \$1.00 value per share as required by the Texas Public Funds Investment Act. Texpool investments consist exclusively of U.S. Government securities, repurchase agreements collateralized by U.S. Government securities, and AAA-rated no-load money market mutual funds. Texpool is rated AAAM by Standard & Poor's, the highest rating a local government investment pool can achieve. The weighted average maturity of the portfolio is limited to 60 days calculated using the reset date for variable rate notes ("VRNs") and 90 days or fewer using the final maturity date for VRNs, with the maximum maturity for any individual security in the portfolio not exceeding 397 days for fixed rate securities and 24 months for VRNs.

Through our depository bank, Origin Bank, City funds are in an interest bearing account, with pledged securities for collateral. Per the depository contract, interest is an earnings credit rate at the fed funds rate, adjusted the first business day each month.

D. Consider a Resolution appointing new members to the Walk of Honor Task Force –

Shawn Hara, Director of Community Destinations. was present and requested the Council to consider the approval of a Resolution adopting the appointment of new members to fill open vacancies. The task force is not codified and appointment process is handled separately from regular boards and commissions.

The Walk of Honor Task Force was created in 2019 with a goal of establishing a downtown monument walk to recognize individuals from the Longview area for their significant achievement. The task force was appointed by council based on recommendations from mayor, council and staff. The task force created guidelines which were adopted in early 2020 and has been accepting nominations. The project was placed on pause during the pandemic. Upon resumption of task force activities, several members continue to serve, but some task force members chose not to continue.

Walk of Honor Task Force

Appointments
David Wrather
Jay Mitchell

Existing Members Continuing to Serve
(Provided for Informational Purposes only)

Current Task Force Members

Tim Patrick, Chair
David Choy
Barbara Scott
Chardee Snoddy
Rosheia Hodge
Tamika Franklin
Rosalind Cantue
Scott Lewis
Iler Boyd
Karen Maines
Hank Guichelaar

Dena Dotson
Jim Cogar

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, PROVIDING FOR APPOINTMENTS TO THE LONGVIEW WALK OF HONOR TASK FORCE; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; AND ESTABLISHING AN EFFECTIVE DATE.

Such Resolution No. 6122 appears in the Resolution and Ordinance records of the City of Longview.

- E. Consider a Resolution awarding a contract in the amount of \$438,720 and authorizing the City Manager or his designee to execute any necessary documents with True Roads Construction, LLC, of Hallsville, Texas, for the construction of the 2022 Bridge & Culvert Improvement Project –**

Dwayne Archer, Director of Public Works was present and requested the Council to consider the approval of a Resolution awarding a contract in the amount of \$438,720 to True Roads Construction, LLC, of Hallsville, Texas for the construction of the referenced project. The following bids were opened on February 23, 2023:

Bidder	Amount
True Roads Construction, LLC Hallsville, TX	\$438,720
C.E. Marler & Associates, Inc. Kilgore, TX	\$482,940
WMS R&B, LLC Marshall, TX	\$498,650
D&D Pipeline Consultants, LLC Longview, TX	\$499,960
East Texas Bridge, Inc.	\$562,275

Longview, TX

The scope of work includes the installation of 120 linear feet of 8'x6' box culverts, 2 parallel wing headwalls, and related work at Harris Creek, and miscellaneous work as necessary to complete the installations.

Hayes Engineering has examined the low bid and recommends award of the contract. Staff concurs with their recommendation.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF TRUE ROADS CONSTRUCTION, LLC, OF HALLSVILLE, TEXAS, FOR CONSTRUCTION OF THE PROJECT ENTITLED "2022 BRIDGE & CULVERT IMPROVEMENT PROJECT (AVENUE B)"; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO NEGOTIATE, FINALIZE AND EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND TRUE ROADS CONSTRUCTION, LLC, FOR THE ABOVE REFERENCED PROJECT; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN SOLICITING, RECEIVING AND ACCEPTING SAID BIDS; 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. 6123 appears in the Resolution and Ordinance records of the City of Longview.

F. Consider approval of the February 9 and February 23, 2023, minutes

Angie Shepard, City Secretary was present and requested the Council to consider the approval of the February 9 and February 23, 2023 minutes.

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

SECOND: Council Member Pirtle seconded the motion.

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

VIII. Zoning Items

- A. A PUBLIC HEARING will be held to consider application #S23-01 filed by Yuhang Chen requesting a Specific Use Permit (SUP) to allow for a restaurant with a private club in a General Retail (GR) Zoning District for approximately 1.665 acres of Lot 2A Marketplace #1 located at 2802 Tuttle Boulevard –**

Angela Choy, AICP, City Planner was present and presented the staff report:

APPLICATION #S23-01

STAFF REPORT

March 9, 2023

APPLICANT: Yuhang Chen
LOCATION: Approximately 1.665 acres of Lot 2A Marketplace #1 located at 2802 Tuttle Boulevard.
REQUEST: Specific Use Permit (SUP) for a Restaurant with a Private Club in a General Retail (GR) Zoning District.

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCEL	GR	Vacant Commercial Building
NORTH	GR	Strip Center that includes a restaurant w/ an SUP for a private club
SOUTH	GR	Restaurant w/ drive-in service
WEST	GR	Shopping Center and Restaurant w/ an SUP for a private club
EAST	GR	Strip Center that includes a restaurant w/ an SUP for a private club

COUNCIL DISTRICT:

District 5 – Council Member Michelle Gamboa.

FUTURE LAND USE:

The Future Land Use map designates this area for Retail (RET).

STAFF COMMENTS:

The applicant is requesting a Specific Use Permit (SUP) for a restaurant with private club in General Retail (GR) zoning district. A Specific Use Permit is required for a private club allowing for onsite consumption of alcoholic beverages in addition to beer and wine within GR Zoning District to ensure no negative impact on surrounding properties.

Tuttle Boulevard is classified as a local roadway and is maintained by the City of Longview. This type of development is appropriate along this roadway as long as access management is followed.

Staff finds the proposed zoning change is consistent with the Comprehensive Plan and surrounding uses; therefore, it does not constitute spot zoning.

STAFF RECOMMENDATION:

The Planning and Zoning Commission (7-0) and Staff recommend approval of this request.

The public hearing was declared open.

There were no citizens in the audience to speak on this matter.

The public hearing was declared closed.

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

AN ORDINANCE GRANTING A SPECIFIC USE PERMIT (SUP) IN ACCORDANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC) OF THE CITY OF LONGVIEW, TEXAS, TO ALLOW FOR A RESTAURANT WITH A PRIVATE CLUB IN A GENERAL RETAIL (GR) ZONING DISTRICT FOR APPROXIMATELY 1.665 ACRES OF LOT 2A MARKETPLACE #1 LOCATED AT 2802 TUTTLE BOULEVARD; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING PROVISIONS OF THE UDC, 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 Pirtle seconded the motion.

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

Such Ordinance is No. 4421 and appears in the Resolution and Ordinance records of the City of Longview.

- B. A PUBLIC HEARING will be held to consider application #S23-02 filed by East Texas Fuels, Inc., requesting a Specific Use Permit (SUP) to allow for a restaurant with a drive-thru window in a General Retail (GR) Zoning District for approximately 5.906 acres, a portion of Lots 2B, 3A-1 and 3B Block 1112 L L Wooley #1 Subdivision, located at 2301 Judson Road –**

Angela Choy, AICP, City Planner was present and presented the staff report:

APPLICATION #S23-02

STAFF REPORT

March 9, 2023

APPLICANT: East Texas Fuels, Inc.
LOCATION: Approximately 5.906 acres, a portion of Lots 2B, 3A-1 and 3B Block 1112 L L Wooley #1 Subdivision, located at 2301 Judson Road.
REQUEST: Specific Use Permit (SUP) to allow for a restaurant with a drive-thru window in a General Retail (GR) Zoning District.

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCEL	GR	Vacant
NORTH	GR	Strip Center
SOUTH	GR & SF-6	Vacant
WEST	GR	Offices
EAST	GR & PD-GR(PD09-02)	Office Suites & Single Family Homes

COUNCIL DISTRICT:

District 6 – Council Member Steve Pirtle.

FUTURE LAND USE:

The Future Land Use map designates this area for Mixed Use (MUN).

STAFF COMMENTS:

The applicant is requesting a Specific Use Permit (SUP) for a restaurant with drive-thru window in General Retail (GR) Zoning District. A Specific Use Permit is required for drive-thru windows within GR Zoning District to ensure no negative impact on surrounding properties.

The applicant is proposing to construct an approximately one-story 5,800 square foot convenience store with a drive-thru window.

Judson Road is classified as a principal arterial roadway and is maintained by TxDOT. Principal arterials are designed to provide a high degree of mobility, service relatively high traffic volumes, have high operational speeds and service a significant portion of through travel. This type of development is appropriate along this roadway as long as access management is followed.

Staff finds the proposed zoning change is consistent with the Comprehensive Plan and surrounding uses; therefore, it does not constitute spot zoning.

STAFF RECOMMENDATION:

The Planning and Zoning Commission (7-0) and Staff recommend approval of this request.

The public hearing was declared open.

There were no citizens in the audience to speak on this matter.

The public hearing was declared closed.

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

AN ORDINANCE GRANTING A SPECIFIC USE PERMIT (SUP) IN ACCORDANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC) OF THE CITY OF LONGVIEW, TEXAS, TO ALLOW FOR A RESTAURANT WITH A DRIVE-THRU WINDOW IN A GENERAL RETAIL (GR) ZONING DISTRICT FOR APPROXIMATELY 5.906 ACRES, A PORTION OF LOTS 2B, 3A-1 AND 3B BLOCK 1112 L L WOOLEY #1 SUBDIVISION, LOCATED AT 2301

JUDSON ROAD; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING PROVISIONS OF THE UDC, 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. 4422 and appears in the Resolution and Ordinance records of the City of Longview.

- C. A PUBLIC HEARING will be held to consider application #Z23-05 filed by SW57 Construction, LLC requesting a rezone from Heavy Commercial (C) to Two-Family (TF) Zoning District for approximately 1.294 acres of Lot 3 Block 2 Northwest Medical Park located on the east side of Toler Road, north of W. Loop 281, south of McWhorter Park –**

Angela Choy, AICP, City Planner was present and presented the staff report:

APPLICATION #Z23-05

STAFF REPORT

March 9, 2023

APPLICANT: SW57 Construction, LLC
LOCATION: Approximately 1.294 acres of Lot 3 Block 2 Northwest Medical Park located on the east side of Toler Road, north of W. Loop 281, south of McWhorter Park.

REQUEST: Rezone from Heavy Commercial (C) to Two-Family (TF) Zoning District.

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCEL	C	Vacant
NORTH	SF-4	McWhorter Park
SOUTH	C	Horn Professional Mortuary Service
WEST	MF-3	Vacant
EAST	C	Grace Neurology Clinic & Kia Dealership

COUNCIL DISTRICT:
District 1 – Council Member Temple Carpenter III.

FUTURE LAND USE:
The Comprehensive Plan designates this area for Retail (RET).

STAFF COMMENTS:
The applicant is requesting to rezone approximately 1.294 acres of Lot 3 Block 2 Northwest Medical Park located on the east side of Toler Road, north of W. Loop 281, south of McWhorter Park from Heavy Commercial (C) to Two-Family (TF) Zoning District.

The applicant would like to construct duplexes on the property.

Toler Road is classified as a local roadway and is maintained by the City of Longview. This type of development is appropriate along this roadway as long as access management is followed.

Staff finds the proposed zoning change is consistent with the Comprehensive Plan; therefore, it does not constitute spot zoning.

STAFF RECOMMENDATION:
The Planning and Zoning Commission (7-0) and Staff recommend approval of this request.

The public hearing was declared open.

There were no citizens in the audience to speak on this matter.

The public hearing was declared closed.

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

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) OF THE CITY OF LONGVIEW, TEXAS, 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 AS FOLLOWS, TO-WIT: THAT APPROXIMATELY 1.294 ACRES OF LOT 3 BLOCK 2 NORTHWEST MEDICAL PARK LOCATED ON THE EAST SIDE OF TOLER ROAD, NORTH OF W. LOOP 281, SOUTH OF MCWHORTER PARK BE REZONED FROM HEAVY COMMERCIAL (C) TO TWO-FAMILY (TF) ZONING DISTRICT; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING PROVISIONS OF THE UDC, 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 Pirtle seconded the motion.

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

Such Ordinance is No. 4423 and appears in the Resolution and Ordinance records of the City of Longview.

- D. A PUBLIC HEARING will be held to consider application #Z23-06 filed by Daryl L. Bane and Saul Soto Lopez requesting a rezone from General Retail (GR) to Single Family (SF-5) Zoning District for Lots 12**

and 13, Block 7 (NCB 499) Marshall Heights located at 1114 and 1116 N. Third Street –

Angela Choy, AICP, City Planner was present and presented the staff report:

APPLICATION #Z23-06

STAFF REPORT

March 9, 2023

APPLICANT: Daryl L. Bane and Saul Soto Lopez
LOCATION: Lots 12 and 13 Block 7 (NCB 499) Marshall Heights located at 1114 and 1116 N. Third Street.
REQUEST: Rezone from General Retail (GR) to Single Family (SF-5) Zoning District.

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCELS	GR	Single Family Dwelling & Vacant Commercial Building
NORTH	GR	Longview Print Shop
SOUTH	MF-3	Duplex
WEST	SF-5	Single Family Dwellings
EAST	GR	Hillcrest Professional Center

COUNCIL DISTRICT:

District 2 – Council Member Nona Snoddy.

FUTURE LAND USE:

The Comprehensive Plan designates this area for Retail (RET).

STAFF COMMENTS:

The applicant is requesting to rezone Lots 12 and 13 Block 7 (NCB 499) Marshall Heights located at 1114 and 1116 N. Third Street from General Retail (GR) to Single Family (SF-5) Zoning District.

1114 N Third Street is a single family home, but is zoned GR. The UDC does not allow single family uses in GR zoning; therefore, this property is considered nonconforming. Mr. Lopez would like to bring his property into compliance with the current zoning requirements.

Pat George Mitchell's Studio of Creative Arts was previously located at 1116 N. Third Street; however, the property was sold in 2022. Mr. Bane would like to convert the property into a single family residential home.

North Third Street is classified as a local street and is maintained by the City of Longview. This type of development is appropriate along this roadway as long as access management is followed. Staff finds the proposed zoning change is consistent with surrounding uses; therefore, it does not constitute spot zoning.

STAFF RECOMMENDATION:

The Planning and Zoning Commission (7-0) and Staff recommend approval of this request.

The public hearing was declared open.

There were no citizens in the audience to speak on this matter.

The public hearing was declared closed.

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

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) OF THE CITY OF LONGVIEW, TEXAS, 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 AS FOLLOWS, TO-WIT: THAT LOTS 12 AND 13 BLOCK 7 (NCB 499) MARSHALL HEIGHTS LOCATED AT 1114 AND 1116 N. THIRD STREET BE REZONED FROM GENERAL RETAIL (GR) TO SINGLE FAMILY (SF-5) ZONING DISTRICT; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING PROVISIONS OF THE UDC, 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 Gamboa seconded the motion.

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

Such Ordinance is No. 4424 and appears in the Resolution and Ordinance records of the City of Longview.

- E. A PUBLIC HEARING will be held to consider #M23-01, an Ordinance amending the Unified Development Code to correct errors, standardize the sidewalk requirement and allow a fee-in-lieu of construction for sidewalks –**

Michael Shirley AICP, Director of Development Services was present and presented the staff report:

APPLICATION #M23-01

STAFF REPORT

March 9, 2023

REQUEST:

To adopt revisions to the City of Longview Unified Development Code (UDC).

STAFF COMMENTS:

In October 2020, the Planning and Zoning Commission recommended approval of the Unified Development Code (UDC) which City Council adopted in November 2020. It became effective on January 1, 2021.

To refresh your memory, the City of Longview embarked on the creation of a UDC in 2017. A joint meeting with City Council and Planning and Zoning Commission was held in 2017 to kick off the project and solicit input. Throughout the process multiple public meetings with citizens and stakeholders were held. Stakeholders included groups such as Main Street, Chamber of Commerce, LEDCO, ETBA and developers.

The UDC combines information from the comprehensive plan, input from the public meetings and the following documents:

1. Chapter 19. Buildings and Structures,
2. Chapter 37. Electrical Code,
3. Chapter 40, Fire Prevention (Article VII), and

4. Chapter 73. Plumbing and Gas (integration only; content revisions not anticipated)
5. Chapter 43, Flood Damage Prevention and Tree Preservation
6. Chapter 85, Signs
7. Chapter 91, Streets and Sidewalks
8. Chapter 92, Subdivisions of Land
9. Chapter 106, Water and Sewers
10. Appendix: Zoning Ordinance

The UDC was the culmination of three years of input and work from all parties involved which included staff, consultants, stakeholders, boards and commissions, and citizens.

After two years of using the UDC, staff has realized revisions and updates needed to be made. Some changes were small punctuation, typos and formatting issues, others were omissions from the previous ordinance and a few were major changes that needed to be fine-tuned.

Major changes include allowing fee-in-lieu of construction of sidewalks when a construction project meets a certain criteria. Also, we standardized the size of sidewalks to 4 feet for residential and 5 feet for commercial. Also, staff included specifications for sidewalks that tie into City of Longview Park facilities. The other major change was delineating a smaller area within the Central Business District where architectural elements apply.

Minor changes included typos, errors, omissions from the previous ordinances and placement. All of these changes are listed in the summary table.

RECOMMENDATION:

The Planning and Zoning Commission (7-0) and Staff recommend adoption of the UDC.

The public hearing was declared open.

There were no citizens in the audience to speak on this matter.

The public hearing was declared closed.

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

**AN ORDINANCE OF THE CITY OF LONGVIEW, TEXAS,
AMENDING THE UNIFIED DEVELOPMENT CODE;
PROVIDING FOR CORRECTIONS OF ERRORS IN
PUNCTUATION, TYPOGRAPHICAL ERRORS,**

FORMATTING ISSUES, AND OMISSIONS FROM THE PREVIOUS ORDINANCE; STANDARDIZING THE SIDEWALK REQUIREMENT; ALLOWING FOR A FEE-IN-LIEU OF CONSTRUCTION FOR SIDEWALKS; PROVIDING FOR PENALTIES OF UP TO \$2000.00 FOR VIOLATION OF SAID UNIFIED DEVELOPMENT CODE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; REPEALING OTHER PROVISIONS IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE 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:	Council Member Carpenter	No
	Council Member Snoddy	Yes
	Council Member Wade	Yes
	Council Member Ishihara	Absent
	Council Member Gamboa	Yes
	Council Member Pirtle	No
	Mayor Mack	Yes

VOTE: The motion carried unanimously (4/2).

Such Ordinance is No. 4425 and appears in the Resolution and Ordinance records of the City of Longview.

IX. Election Item

Consider an Ordinance canceling the May 6, 2023, General Election to fill the terms for City Council Districts 3 and 4 and declaring unopposed candidate Wray Wade elected to District 3 and unopposed candidate John Nustad elected to District 4 –

Angie Shepard, City Secretary, was present and requested the Council to consider the approval of an Ordinance canceling the May 6, 2023 General Election and declaring Wray Wade as Councilman for District 3 and John Nustad as Councilman for District 4.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, CONFIRMING THE CERTIFICATIONS OF WRAY WADE AS AN UNOPPOSED CANDIDATE FOR ELECTION AS CITY COUNCIL MEMBER FOR CITY COUNCIL VOTING DISTRICT NO. 3 AND JOHN NUSTAD AS AN UNOPPOSED CANDIDATE FOR ELECTION AS CITY COUNCIL MEMBER FOR CITY COUNCIL VOTING DISTRICT NO. 4 FOR THE MAY 6, 2023, GENERAL ELECTION; DECLARING WRAY WADE ELECTED AS CITY COUNCIL MEMBER FOR CITY COUNCIL VOTING DISTRICT NO. 3; DECLARING JOHN NUSTAD ELECTED AS CITY COUNCIL MEMBER FOR CITY COUNCIL VOTING DISTRICT NO. 4; DECLARING THE MAY 6, 2023, GENERAL ELECTION CANCELED; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE.

SECOND: Council Member Wade seconded the motion.

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

Such Ordinance is No. 4426 and appears in the Resolution and Ordinance records of the City of Longview.

X. Action Items

A. Consider a Resolution appointing Robert Ray as City Attorney –

Dr. Andy Mack, Mayor was present and requested the Council to consider the approval of a Resolution appointing Robert Ray as City Attorney.

MOTION: Council Member Wade made a motion the following Resolution be approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPOINTING A CITY ATTORNEY AND AUTHORIZING AND DIRECTING THE MAYOR TO NEGOTIATE, FINALIZE, AND EXECUTE AN

EMPLOYMENT CONTRACT WITH ROBERT RAY AS CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE; FINDING 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.

SECOND: Council Member Snoddy seconded the motion.

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

Such Resolution No. 6124 appears in the Resolution and Ordinance records of the City of Longview.

B. Consider a Resolution appointing Terry Jackson as Judge of the City of Longview Municipal Court –

Dr. Andy Mack, Mayor was present and requested the Council to consider the approval of a Resolution appointing Terry Jackson as Longview Municipal Court Judge.

MOTION: Council Member Carpenter made a motion the following Resolution be approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPOINTING THE JUDGE OF THE CITY OF LONGVIEW MUNICIPAL COURT; AUTHORIZING AND DIRECTING THE MAYOR TO NEGOTIATE AND FINALIZE COMPENSATION FOR THE EMPLOYMENT OF TERRY JACKSON AS JUDGE OF THE CITY OF LONGVIEW MUNICIPAL COURT; PROVIDING FOR AN EFFECTIVE DATE; FINDING 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.

SECOND: Council Member Snoddy seconded the motion.

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

Such Resolution No. 6125 and appears in the Resolution and Ordinance records of the City of Longview.

XI. Items of Community Interest

MOTION: Council Member Carpenter made a motion to excuse Council Member Ishihara.

SECOND: Council Member Snoddy seconded the motion.

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

XII. Adjourn

The meeting was adjourned at 6:23 p.m.

[seal]

Angie Shepard
City Secretary

