



MINUTES

Of A

CITY COUNCIL MEETING

February 9, 2023

The City Council of the City of Longview, Texas, met in a Regular Session, February 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:

Members absent were:

Andy Mack
Tem Carpenter (via video conference)
Nona Snoddy
Wray Wade
Kristen Ishihara
Michelle Gamboa
Steven Pirtle

Staff members present were:
Rolin McPhee, City Manager
Angie Shepard, City Secretary
Jim Finley, City Attorney
MaryAnn Hagenbucher, Assistant City Manager
Michael Shirley, Director of Development Services
Dwayne Archer, Director of Public Works
Laura Hill, Director of Grant Services
Scott Caron, Director of Parks and Recreation
Angela Coen, Director of Financial Services
J.P. Steelman, Fire Chief
Anthony Boone, Police Chief
Josh Gamble, Director of Information Technology
Dietrich Johnson, Director of Community Services
Shawn Hara, Director of Community Destinations

- I. **Call to Order** – Mayor Mack called the meeting to order at 5:30 pm.
- II. **Invocation** – Prayer and Pledge will be led by Mercy Manor Board President Caleb Carr. Mercy Manor exists to support and strengthen women experiencing or at risk for crisis pregnancies. They are passionate about offering positive solutions through their maternity home and training center.
- III. **Pledge of Allegiance** – Caleb Carr led the Pledge of Allegiance.

IV. Presentation

Presentation of proposed updates to the City of Longview Unified Development Code UDC –

Michael Shirley AICP, Director of Development Services updated the City Council on the changes that were being made to the Unified Development Code. The UDC was approved by council in 2020 and took effect in January 2021. The changes being made are punctuation, typos, formatting, errors, omission and placement. There are minor and major changes. A full list has been given to Planning and Zoning and to City Council. The major changes have to do with sidewalks. There can be a fee-in-lieu-of-construction when a construction project meets certain criteria. The other major change is in the Central Business District Development and their architectural elements. Specified a smaller area within the Central Business District for architectural elements. Originally, required architectural elements applied to all of the Central Business District. These standards shall apply to all development within the boundaries of Whaley Street, High Street, Green Street and the railroad tracks (railroad tracks between Tyler and Cotton Streets).

Planning and Zoning Commission will consider the proposed revision March 21, 2023 and Council will consider the change April 13, 2023.

- V. **Citizen Comment** – Dwain Morales with Area Wide Protection “AWP” 5103 W Loop 281 introduced his company. His company does traffic control, disaster response and would like to work with the City of Longview.

VI. Consent Agenda

- A. **Consider a Resolution approving the Longview Fire Department to participate in the 2023 State Homeland Security Program grant funding process to apply for, accept, and expend funds in an amount not to exceed**

\$40,000.00 for the purchase of specialized equipment for use by the department's Special Operations Water Rescue Team –

J.P. Steelman, Fire Chief was present and requested the Council to consider the approval of a Resolution authorizing the Fire Department to apply for, receive and expend 100% grant funding (with no match) from the State Homeland Security Program funding in an amount not to exceed \$40,000.00. This funding will be used to purchase equipment essential for use by the department Special Operations Team in victim rescue situations. The department's primary Swiftwater Rescue Boat (which was partially grant funded by the RAC-G back in 2013) has reached its useful life expectancy as a "front-line" response asset and is due to be replaced. This would be the second attempt to replace this equipment through this grant funding source. This program is 100% grant funded.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZES THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT AN APPLICATION FOR FUNDING THROUGH THE OFFICE OF THE GOVERNOR'S (OOG) HOMELAND SECURITY GRANT DIVISION (HSGD) FOR GRANT FUNDING THROUGH THE STATE HOMELAND SECURITY PROGRAM (SHSP), AS MANAGED BY THE EAST TEXAS COUNCIL OF GOVERNMENTS

Such Resolution No. 6101 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 application, receipt and expenditure of a TexTreasures Original grant in the amount of \$32,185.00 from the Texas State Library and Archives Commission for a high resolution book scanner and all expenses involved with acquiring the book scanner including shipping-

Jennifer Eldridge, Library Manager was present and requested the Council to consider the approval of a Resolution to apply for a grant from the Texas State Library and Archives Commission in the amount of \$32,185.00 for FY23-24. The funds would provide the library with the necessary funds to pay for a high resolution book scanner for digitizing Longview and LeTourneau University's history, in partnership with LeTourneau University's Margaret Estes Library. In addition to the scanner, the funds would pay for the installation, calibration, and providing of staff training. Moreover, it would cover the costs to ship the scanner to the library and an annual service contract that covers the

scanner's warranty for 15 months. Lastly, the scanner needs an accompanying computer to use the scanner.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE CITY OF LONGVIEW TO APPLY FOR, ACCEPT AND EXPEND TEXTREASURES ORIGINAL GRANT FUNDS IN THE AMOUNT OF \$32,185.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION; AUTHORIZING THE TIMELY SUBMITTAL OF SAID APPLICATION; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING FOR, SECURING AND EXPENDING SAID GRANT; PROVIDING FOR COMPLIANCE WITH PROGRAM RULES OF THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION; PROVIDING FOR FUNDING; 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. 6102 appears in the Resolution and Ordinance records of the City of Longview.

- C. Consider a Resolution evidencing support for an application to the Texas Department of Housing and Community Affairs for 2023 Competitive 9% Housing Tax Credits for the Amber Meadows development to be built in Longview, and authorizing such other actions as may be necessary or convenient to carry out the purposes of said Resolution –**

Michael Shirley, AICP, Director of Development Services was present and requested the Council to consider the approval of a Resolution providing support for an application by KCG Development, LLC ("KCG") to the Texas Department of Housing and Community Affairs for 2023 Competitive 9% Housing Tax Credits for the Amber Meadows development in Longview, and authorizing such other actions as may be necessary or convenient to carry out the purposes of said Resolution.

The City will provide a reduced fee for the benefit of the Amber Meadows development in the amount of \$500.

City staff finds that there is a need for such affordable housing for city of Longview citizens.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, SUPPORTING AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2023 HOUSING TAX CREDITS FOR A DEVELOPMENT NAMED AMBER MEADOWS TO DEVELOP AFFORDABLE RENTAL HOUSING; 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 ESTABLISHING AN EFFECTIVE DATE.

Such Resolution No. 6103 appears in the Resolution and Ordinance records of the City of Longview.

D. Consider a Resolution to rename Neiman Marcus Parkway as Legacy Parkway –

Angela Choy, AICP, City Planner was present and requested the Council to consider the approval of a Resolution renaming Neiman Marcus Parkway. LEDCO has requested to change the name of Neiman Marcus Parkway to Legacy Parkway.

The Longview Business Park located on S. Eastman Road has a street named Neiman Marcus Parkway. This business is no longer located in the business park. Current property owners along with LEDCO are requesting a street name change to Legacy Parkway.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPROVING A REQUEST TO RENAME THE STREET CURRENTLY NAMED NEIMAN MARCUS PARKWAY TO LEGACY PARKWAY; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ALL

**NECESSARY DOCUMENTS RELATED TO THE REQUEST;
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 ESTABLISHING AN EFFECTIVE DATE.**

Such Resolution No. 6104 appears in the Resolution and Ordinance records of the City of Longview.

E. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to authorize application for, and acceptance and expenditure of grant funds from the Department of Homeland Security Federal Emergency Management Agency Grant Programs Directorate Assistance to Firefighters Grant 2022 Program to acquire needed wellness and fitness equipment –

Laura Hill, Director of Grant & Human Services was present and requested the Council to consider the approval of a Resolution authorizing the application and acceptance of a Homeland Security Grant. The U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) Grant Program Directorate (GPD) Assistance to Firefighters Grant Program Fiscal year 2022 has issued a call for projects with applications being due on February 10, 2023. City Grant & Human Services Dept. will be administratively responsible for submitting the application and administering the funding / project on behalf of the Longview Fire Department if the grant is approved. The grant application is for an amount not to exceed \$500,000. A match of 10% will be required if the grant application is approved.

The AFG Program provides financial assistance to eligible fire depts, nonaffiliated EMS organizations, and State Fire Training Academies for critical training and equipment. This Grant would equip the Fire Dept's 8 Stations with focused cardio and strength-training fitness equipment specifically chosen to meet the response requirements of the numerous SOPs required to safely respond to the myriad scenarios faced by these first responders. All equipment is ultimately selected for the safety and protection of Longview's Fire Department and will comply with AFG Grant Requirements. The application was developed in collaboration with the Longview Fire Department.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LONGVIEW, TEXAS, AUTHORIZING THE CITY OF
LONGVIEW TO APPLY FOR, ACCEPT AND EXPEND**

GRANT FUNDS IN THE NOT TO EXCEED AMOUNT OF \$500,000.00 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) GRANT PROGRAM DIRECTORATE (GPD) ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM; AUTHORIZING THE TIMELY SUBMITTAL OF SAID APPLICATION; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING FOR, SECURING AND EXPENDING SAID GRANT; PROVIDING FOR COMPLIANCE WITH PROGRAM RULES OF THE U. S. HOMELAND SECURITY DIVISION; PROVIDING FOR FUNDING; 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. 6105 appears in the Resolution and Ordinance records of the City of Longview.

- F. Consider a Resolution authorizing and approving the City Manager, the City Manager's designee or other official of the City as shall be required, to negotiate and execute any documents necessary granting a 30-day extension to the current Memorandum of Understanding between the City of Longview and the Longview Arboretum and Nature Center –**

Scott Caron, Director of Parks was present and requested the Council to consider the approval of a Resolution adopting a 30-day extension to the MOU between the City of Longview and the Longview Arboretum. The City Council approved Resolution 5295 on February 22, 2018 authorizing a Memorandum of Understanding (MOU) between City of Longview and the Longview Arboretum and Nature Center (LANC) relating to the operation and maintenance of the Longview Arboretum. This MOU has a 5-year term, and City staff and LANC officers have been working on a new one. The City and LANC require an additional 30 days to finalize a new agreement to present to City Council for adoption.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AN EXTENSION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LONGVIEW AND THE LONGVIEW ARBORETUM AND NATURE CENTER, INC., RELATING TO THE OPERATION AND MAINTENANCE OF THE LONGVIEW ARBORETUM AND NATURE CENTER; 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. 6106 appears in the Resolution and Ordinance records of the City of Longview.

- G. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for the purchase of labor and materials for water-proofing the Greyhound building exterior via the Region VIII Education Service Center Cooperative known as The Interlocal Purchasing System (TIPS) for an amount not to exceed \$78,050.00**

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Dwayne Archer, Director of Public Works was present and requested the Council to consider the approval of a Resolution for a purchase in the amount of \$78,050.00 and authorizing the City Manager or his designee to execute necessary documents with The Garland Company, Inc., Dallas, Texas, for the construction of the above referenced project. This includes \$67,870.00 via the Region VIII Education Service Center Cooperative known as The Interlocal Purchasing System (TIPS) and \$10,180.00 in Contingency.

The scope of work includes water-proofing the exterior of the building walls including 3,000 square foot of brick surface and window frames. This construction is necessary to prevent interior moisture build up and water damage.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE PROCUREMENT OF LABOR & MATERIALS NEEDED FOR GREYHOUND BUILDING EXTERIOR WATER-PROOFING THROUGH THE CITY'S PURCHASING AGREEMENT WITH THE REGION VIII EDUCATION SERVICE CENTER

COOPERATIVE KNOWN AS THE INTERLOCAL PURCHASEING SYSTEM (TIPS) IN AN AMOUNT NOT TO EXCEED \$78,870.00; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE AND/OR OTHER OFFICIAL(S) OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ANY DOCUMENTS NECESSARY FOR SAID PURCHASE; 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. 6107 appears in the Resolution and Ordinance records of the City of Longview.

H. Consider a Resolution accepting the "2111 Airline Road Hazard Mitigation Grant Program" Project and authorizing final payment of \$20,860.00 to D&D Pipeline Consultants, LLC of Longview, Texas –

Dwayne Archer, Director of Public Works was present and requested the Council to consider the approval of a Resolution adopting the acceptance and final pay for 2111 Airline Rod hazard mitigation grant program. Council approved a Home Elevation Project Agreement with Travis and Lori Wilcox, on October 21, 2021. The agreement included construction costs in the amount of \$158,000.00. Supplemental Agreement No.1 was approved by the City Manager on May 3, 2022, in the amount of \$27,060.00 to repair the unforeseen damage to the home's substructure. Supplemental Agreement No. 2 was approved by the City Manager on November 3, 2022, in the amount of \$23,546.00, to repair the unforeseen damage to the framing system, roof decking, and siding. The final construction cost is \$208,606.00.

The project is part of the Hazard Mitigation Grant with FEMA that consisted of elevating the house located at 2111 Airline Road to two feet above the 100 year flood elevation. The City of Longview is the Grant Administrator for FEMA.

The project has been completed in accordance with the contract. Travis and Lori Wilcox recommend acceptance of the project and approval of the final payment. Staff concurs with their recommendation.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING PROJECT ENTITLED “2111 AIRLINE ROAD HAZARD MITIGATION GRANT PROGRAM”; AUTHORIZING AND APPROVING FINAL PAYMENT TO D&D PIPELINE CONSULTANTS, LLC, OF LONGVIEW, TEXAS, FOR THE COMPLETION 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. 6108 appears in the Resolution and Ordinance records of the City of Longview.

I. Consider approval of the January 12, 2023 and January 26, 2023 minutes

Angie Shepard, City Secretary was present and requested the Council to consider the approval of the January 12 and January 26, 2023 minutes.

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

SECOND: Council Member Snoddy seconded the motion.

VOTE: The motion carried unanimously (7, 0).

VII. Zoning Items

- A. A PUBLIC HEARING will be held to consider application #PD23-02 filed by Samuel M Skipper requesting to rezone approximately 1.23 acres of Lot 24 Block 1109 Evanshill Estates Subdivision from Planned Development (PD03-2) to Planned Development for a dance studio situated at the northeast corner of McCann Road and Ruthlynn Drive, at 319 Ruthlynn Drive**

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

APPLICATION #PD23-02

STAFF REPORT
February 9, 2023

APPLICANT: Samuel M. Skipper
LOCATION: Approximately 1.23 acres of Lot 24 Block 1109 Evanshill Estates Subdivision situated at the northeast corner of McCann Road and Ruthlynn Drive, locate at 319 Ruthlynn Drive.
REQUEST: To rezone from Planned Development (PD03-2) to Planned Development for a dance studio.

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCEL	PD03-2	Vacant
NORTH	PD03-2	Longview Fire Dept. Station No. 6
SOUTH	SF-2	Single Family Residential
EAST	O & SF-2	Single Family Residential
WEST	SF-3	Single Family Residential

COUNCIL DISTRICT:

District 6 – Council Member Steve Pirtle

FUTURE LAND USE:

The Comprehensive Plan designates this area for Public/Semi-Public (PSP) and Medium Density Residential (MDR).

STAFF COMMENTS:

The applicant is requesting to rezone from Planned Development (PD03-2) to Planned Development (PD23-02) for a dance studio. This site is located at the northeast corner of McCann Road and Ruthlynn Drive, at 319 Ruthlynn Drive.

In 2003 the property was rezoned to a Planned Development (PD03-2) for General Retail shopping center with uses limited to those permitted in Office and Neighborhood Services zoning districts at that time, excluding self-service fueling stations. Conditions for the planned development included the construction of an 8-foot masonry fence/wall as part of the retail development along the east property line adjacent to the residentially zoned properties, additional landscaping (a 60-foot bed) to be located directly across from Sheffield and a right in/right out only on Ruthlynn Drive with a median.

The applicant is proposing to construct an approximately one-story 9,000 square foot dance studio with parking, and an 8-foot fence along the east property line. The site shall follow Office zoning district regulations, such as setback minimums, signs regulations, landscaping, and parking. The developer will meet all City of Longview codes through the development process.

Staff finds that this proposed zoning change is consistent with the 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.

Requestor was there to answer any questions.

The public hearing was declared closed.

MOTION: Council Member Pirtle 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: APPROXIMATELY 1.23 ACRES OF LOT 24 BLOCK 1109 EVANSHILL ESTATES SUBDIVISION FROM PLANNED DEVELOPMENT (PD03-2) TO PLANNED DEVELOPMENT FOR A DANCE STUDIO SITUATED AT THE NORTHEAST CORNER OF MCCANN ROAD AND RUTHLYNN DRIVE, AT 319 RUTHLYNN DRIVE; 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 (7, 0).

Such Ordinance is No. 4415 and appears in the Resolution and Ordinance records of the City of Longview.

B. A PUBLIC HEARING will be held to consider application #Z23-01 filed by the City of Longview requesting a rezone from General Retail (GR) to Two-Family (TF) Zoning District for approximately 4.235 acres of Lots 1-15 Block 3776 Winchester Park #3 located along Cherie Lane –

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

APPLICATION #Z23-01

STAFF REPORT

February 9, 2023

APPLICANT: City of Longview
LOCATION: Approximately 4.235 acres of Lots 1-15 Block 3776 Winchester Park #3 located along Cherie Lane.
REQUEST: Rezone from General Retail (GR) to Two-Family (TF) Zoning District.

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCEL	GR	Two-Family Residential
NORTH	GR	Multi-Family Residential
SOUTH	GR & PD03-1	Office & Single Family Residential
WEST	GR	Vacant Commercial Building & Oilfield Equipment
EAST	GR	Multi-Family Residential

COUNCIL DISTRICT:

District 1 – Council Member Temple Carpenter III

FUTURE LAND USE:

The Comprehensive Plan designates this area for Medium Density Residential (MDR).

STAFF COMMENTS:

The City of Longview is requesting to rezone property located along Cherie Lane, east of Pine Tree Road. Currently, this is a two-family neighborhood. The previous zoning ordinance permitted duplexes in General Retail (GR) Zoning District; however, the current UDC does not. Therefore, these properties are considered non-conforming.

In order to correct this, the City of Longview is requesting a rezone of these properties to bring them into compliance in regards to zoning.

Cherie Lane 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 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 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 APPROXIMATELY 4.235 ACRES OF LOTS 1-15 BLOCK 3776 WINCHESTER PARK #3 LOCATED ALONG CHERIE LANE BE REZONED FROM GENERAL RETAIL (GR) 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 Carpenter seconded the motion.

VOTE: The motion carried unanimously (7, 0).

Such Ordinance is No. 4416 and appears in the Resolution and Ordinance records of the City of Longview.

C. A PUBLIC HEARING will be held to consider application #Z23-02 filed by the City of Longview requesting a rezone from General Retail (GR) to Multi-Family (MF) Zoning District for approximately 4.38 acres of Lots 1-10 Block 3777 Winchester Park #2 located along E. Sycamore Lane –

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

APPLICATION #Z23-02

STAFF REPORT

February 9, 2023

APPLICANT: City of Longview
LOCATION: Approximately 4.38 acres of Lots 1-10 Block 3777 Winchester Park #2 located along E. Sycamore Lane.
REQUEST: Rezone from General Retail (GR) to Multi-Family (MF) Zoning District

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCEL	GR	Multi-Family Residential
NORTH	GR	Multi-Family Residential

SOUTH	PD03-1	Single Family Residential
WEST	GR	Two-Family Residential
EAST	SF-4	Single Family Residential

COUNCIL DISTRICT:

District 1 – Council Member Temple Carpenter III

FUTURE LAND USE:

The Comprehensive Plan designates this area for Medium Density Residential (MDR).

STAFF COMMENTS:

The City of Longview is requesting to rezone property located along E. Sycamore Lane, east of Pine Tree Road. Currently, this is a multi-family neighborhood. In order to bring these properties into compliance in regards to zoning, staff is requesting a rezone to Multi-Family.

East Sycamore Lane 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 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 4.38 ACRES OF LOTS 1-10 BLOCK 3777 WINCHESTER PARK #2 LOCATED ALONG E. SYCAMORE LANE BE REZONED FROM GENERAL RETAIL (GR) TO MULTI-FAMILY (MF) 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 (7, 0).

Such Ordinance is No. 4417 and appears in the Resolution and Ordinance records of the City of Longview.

- D. A PUBLIC HEARING will be held to consider application #Z23-03 filed by Cross Development requesting a rezone from General Retail (GR) and Single Family (SF-4) to Heavy Commercial (C-2) for approximately 4.544 acres of Lot 2 Block 1 Liberty Baptist Church Addition located at 1500 W. Loop 281 –**

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

APPLICATION #Z23-03

STAFF REPORT

February 9, 2023

APPLICANT: Cross Development
LOCATION: Approximately 4.544 acres of Lot 2 Block 1 Liberty Baptist Church Addition located at 1500 W. Loop 281.
REQUEST: Rezone from General Retail (GR) and Single Family (SF-4) to Heavy Commercial (C-2) Zoning District.

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCEL	GR & SF-4	Empty Church Building
NORTH	GR	Vacant
SOUTH	SF-4	Single Family Residential
WEST	C-2	Retail
EAST	SF-4	Single Family Residential

COUNCIL DISTRICT:

District 6 – Council Member Steve Pirtle

FUTURE LAND USE:

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

STAFF COMMENTS:

The applicant is requesting to rezone from General Retail (GR) and Single Family (SF-4) to Heavy Commercial (C-2) Zoning District for approximately 4.544 acres of Lot 2 Block 1 Liberty Baptist Church Addition located at 1500 W. Loop 281. Caliber Collision is proposing to use the site for Major Auto Repair, which requires C-2 zoning.

Loop 281 is a TXDOT roadway and is classified as a principal arterial. 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. Commercial uses are appropriate for this area, as long as access management is followed.

The tract directly to the east (Dutch Bros Coffee) received a Specific Use Permit (SUP) for a restaurant with a drive-thru in 2022. It does not share a rear property line with the adjacent residential neighbors.

The tract to the east of that, received a SUP for a restaurant with a drive-thru in 2017 with the following stipulations:

- 8 foot tall solid wood fence be installed along the rear property line
- Maintenance of a 100 foot easement along the rear of the property where no buildings, parking or lighting shall be allowed within the easement and where as many trees are preserved as possible
- Maintenance of a 50 foot natural buffer at rear of the property adjacent to the residential.

That tract does share a rear property line with the residential neighbors.

Caliber Collision is proposing a one-story building and approximately 16,000 square feet in size. They are proposing an 8-foot solid wooden fence adjacent to properties zoned residential with access only from W. Loop 281. They are proposing a 75-foot easement where no buildings, parking or lighting shall be allowed and where as many trees as possible are preserved. Within the 75-foot easement, there will be a 50-foot natural buffer/green belt easement. These easements will be directly adjacent to the residential properties.

STAFF RECOMMENDATION:

The Planning and Zoning Commission (4-2-1, Commissioners Noon, Hamberlin, Harkey and Harrell voted in favor. Commissioners Jones and Baumgardner voted against. Commissioner O’Rear abstained due to a conflict of interest.) recommends approval of this request with the stipulations listed below:

- An 8-foot solid wooden fence adjacent to properties zoned residential;
- A 75-foot easement where no buildings, parking or lighting shall be allowed and where as many trees as possible are preserved;
- A 50-foot natural buffer/green belt easement within this 75-foot easement; and
- No access shall be allowed from Liberty Lane.

The public hearing was declared open.

Sam Forester 1500 Meandering Way spoke against the change in zoning.

Councilman Pirtle spoke and said he would not be able to support the re-zoning due to the number of calls he had received in opposition of this request.

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 4.544 ACRES OF LOT 2 BLOCK 1 LIBERTY BAPTIST CHURCH ADDITION LOCATED AT 1500 W. LOOP 281 BE REZONED FROM GENERAL RETAIL (GR) AND SINGLE FAMILY (SF-4) TO HEAVY COMMERCIAL (C-2) 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 Snoddy seconded the motion.

VOTE: The motion carried unanimously (6, 1) Councilman Pirtle voted against.

Such Ordinance is No. 4418 and appears in the Resolution and Ordinance records of the City of Longview.

- E. A PUBLIC HEARING will be held to consider application #Z23-04 filed by DSF Partners requesting a rezone from Agricultural (A) to Single Family (SF-4) for approximately 28.861 acres of Abstract 186 Dolores Sanchez Survey Tract 1 & 10-02 Section 5 located on the east side of Gilmer Road, south of Burks Road –**

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

APPLICATION #Z23-04

STAFF REPORT

February 9, 2023

APPLICANT: DSF Partners
LOCATION: Approximately 28.861 acres of Abstract 186 Dolores Sanchez Survey Tract 1 & 10-02 Section 5 located on the east side of Gilmer Road, south of Burks Road.
REQUEST: Rezone from Agricultural (A) to Single Family (SF-4) Zoning District.

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCEL	A	Oilfield Equipment & Vacant
NORTH	A	Mobile Home Park
SOUTH	O & A	Precision Spine Care & Single Family Residential
WEST	A	Single Family Residential & Oilfield Equipment
EAST	A	Single Family Residential

COUNCIL DISTRICT:

District 5 – Council Member Michelle Gamboa

FUTURE LAND USE:

The Comprehensive Plan designates this area for Low Density Residential (LDR).

STAFF COMMENTS:

The applicant is requesting to rezone approximately 28.861 acres of Abstract 186 Dolores Sanchez Survey Tract 1 & 10-02 Section 5 located on the east side of Gilmer Road, south of Burks Road from Agricultural (A) to Single Family (SF-4) Zoning District.

This property was annexed in the 1980's. When annexation occurs, the property that is annexed is automatically assigned an Agricultural (A) zoning designation. When development occurs the property must be rezoned. The applicant would like to develop a neighborhood of single family homes.

Gilmer Road is a TXDOT roadway and is classified as a principal arterial. 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 Gamboa 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 28.861 ACRES OF ABSTRACT 186 DOLORES SANCHEZ SURVEY TRACT 1 & 10-02 SECTION 5 LOCATED ON THE EAST SIDE OF GILMER ROAD, SOUTH OF BURKS ROAD BE REZONED FROM AGRICULTURAL (A) TO SINGLE FAMILY (SF-4) 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 Ishihara seconded the motion.

VOTE: The motion carried unanimously (7, 0).

Such Ordinance is No. 4419 and appears in the Resolution and Ordinance records of the City of Longview.

VIII. Action Item

Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for the purchase of three (3) sanitation trucks via the city's purchasing agreement with Region VII Education Service Center cooperative purchasing program known as The Interlocal Purchasing System (TIPS) for an amount not to exceed \$974,257.00

Dwayne Archer, Director of Public Works was present and requested the Council to consider the approval of a Resolution allowing for the purchase of three sanitation trucks. All three sanitation trucks will replace existing trucks in the fleet that have exhausted their useful life and will be sold at auction.

The total of this transaction for all three sanitation trucks will not exceed \$974,257.00. This includes two (2) Automated Side Loaders and one (1) Rear Loader.

The City recommends purchasing these trucks using the Region VIII Local Government Purchasing Cooperative known as TIPS. The equipment listed has been properly bid and by purchasing from this purchasing cooperative agreement we fulfill bidding requirements under Chapter 252 of the Local Government Code.

These trucks will be purchased with a loan from the Water Fund. The funding for the loan will come from Water Fund reserves normally transferred to the CIP fund.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE PURCHASE OF THREE (3) SANITATION TRUCKS VIA THE CITY'S PURCHASING AGREEMENT WITH THE REGION VIII EDUCATION SERVICE CENTER COOPERATIVE KNOWN AS THE INTERLOCAL PURCHASING SYSTEM (TIPS) FOR AN AMOUNT NOT TO EXCEED \$974,257.00; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE AND/OR OTHER OFFICIAL(S) OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ANY DOCUMENTS NECESSARY FOR SAID PURCHASE; 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.

SECOND: Council Member Wade seconded the motion.

VOTE: The motion carried unanimously (7, 0).

Such Resolution No. 6109 and appears in the Resolution and Ordinance records of the City of Longview.

IX. Items of Community Interest

X. Executive Session

Personnel Matters - Under Texas Government Code Section 551.074

Consider, discuss and deliberate the appointment, duties and succession plan for the office of City Attorney.

City Council did not reconvene in a public session for action on the above items discussed in the closed meeting or executive session.

XI. Adjourn

The meeting was adjourned at 6:25 p.m.

[seal]

Angie Shepard
City Secretary

