



MINUTES

Of A

REGULAR COUNCIL MEETING

April 8, 2021

The City Council of the City of Longview, Texas, met in a Regular Session, April 8, 2021, 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
Ed Moore
Nona Snoddy
Wray Wade
Kristen Ishihara
David Wright
Steven Pirtle

Staff members present were:

Keith Bonds, City Manager
Angie Shepard, 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
J.P. Steelman, Fire Chief
Mike Bishop, Police Chief
Justin Cure, Director of Information Technology

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

II. Invocation – Mayor Andy Mack gave the invocation.

III. Pledge of Allegiance – Mayor Andy Mack lead the Pledge of Allegiance.

IV. Citizen Comment – Jeremiah Hunter 214 Twilight He was happy to see the City Council back in their chairs in open meeting. He had requested that a few weeks ago during citizen comment.

There was a sign requesting mask when in City Hall. He was told to wear a mask, mandatory in the council chambers. Wants to know who, what government agency gave us the permission to make that mandate.

He is concerned about the traffic congestion the Starbucks on Gilmer Road is going to cause more traffic problems in that area.

V. Consent Items

Councilman Steve Pirtle had a question about consent item D – Was this from the original 1.4 Million already approved. Rolin McPhee said this was a 9% decrease in the original bid.

- A. Consider a Resolution authorizing and directing the City Manager or the City Manager’s designee to execute the one (1) year extension of the Lease Agreement between the City of Longview and Richard H. Spencer Estate for office space located at 342 W. Cotton Street.-**

Mike Bishop, Police Chief was present and requested the Council to consider the approval of a Resolution adopting the one year extension of the lease agreement between the City of Longview and Richard H. Spencer Estate for office space at 342 W. Cotton Street in the amount of \$4650.00 per month.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER’S DESIGNEE TO ENTER INTO A ONE (1) YEAR EXTENSION OF THE LEASE AGREEMENT FOR OFFICE SPACE AT 342 W. COTTON STREET ON BEHALF OF THE CITY OF LONGVIEW; CONDITIONING SAID LEASE EXTENSION ON THE RECEIPT OF ALL NECESSARY DOCUMENTATION 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 REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT;

MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Such Resolution No. 5772 appears in the Resolution and Ordinance records of the City of Longview.

- B. Consider a Resolution suspending the effective date proposed by Centerpoint Energy Resources Corp., Beaumont/East Texas Division, to increase rates under the Gas Reliability Infrastructure Program for 45 days, and authorize the city's continued participation in a coalition of cities known as the "Alliance of Centerpoint Municipalities" –**

Jim Finley, City Attorney was present and requested the Council to consider the approval of a Resolution to suspend the effective date proposed by Centerpoint Energy, Beaumont/East Texas Division, to increase rates under the Gas Reliability Infrastructure Program for 45 days. Although the City's ability to review and effectuate a change in CenterPoint's requested increase is limited, the City should exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries, including increases requested under the GRIP statute to ensure compliance with the requirements of that law. To exercise its due diligence, it is necessary to suspend CenterPoint's proposed effective date of May 3, 2021 for forty-five days, so that the City can evaluate whether the data and calculations in CenterPoint's rate application are correctly done.

Therefore, ACM's Special Counsel recommends that the City adopt a resolution suspending CenterPoint's proposed effective date for 45 days. Assuming a proposed effective date of May 3, 2021, CenterPoint's proposed effective date is suspended until June 17, 2021.

The following Resolution was approved:

A RESOLUTION BY THE CITY OF LONGVIEW, TEXAS, ("CITY") REGARDING THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., BEAUMONT/EAST TEXAS DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING CENTERPOINT'S PROPOSED EFFECTIVE DATE FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY'S CONTINUED PARTICIPATION IN A COALITION OF CITIES KNOWN AS THE "ALLIANCE OF CENTERPOINT MUNICIPALITIES"; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED

**COMPLIED WITH THE TEXAS OPEN MEETINGS ACT;
MAKING SUCH OTHER FINDINGS AND PROVISIONS
RELATED TO THE SUBJECT; AND DECLARING AN
EFFECTIVE DATE.**

Such Resolution No. 5773 appears in the Resolution and Ordinance records of the City of Longview.

C. Consider a Resolution suspending the effective date proposed by Atmos Energy, Corporation – MidTex Division (“Atmos Energy”) to increase rates under the Gas Reliability Infrastructure Program for 45 days, and authorize the city’s continued participation in a coalition of cities known as the "Atmos Texas Municipalities" –

Jim Finley, City Attorney was present and requested the Council to consider the approval of a Resolution to suspend the effective date proposed by Atmos Energy Corporation – MidTex Division, to increase rates under the Gas Reliability Infrastructure program for 45 days. Atmos Energy’s application, if approved by the Railroad Commission, will result in a systemwide increase in Atmos Energy’s revenue of about \$111.50 million, of which ATM’s portion is about \$11.11 million. Atmos Energy proposed an effective date of April 27, 2021.

Although the City’s ability to review and effectuate a change in Atmos Energy’s requested increase is limited, the City should exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries, including increases requested under the GRIP statute to ensure compliance with the requirements of that law. Nonetheless, it is recommended that the City suspend Atmos Energy’s proposed effective date of April 27, 2021 for forty-five days as allowed by state law, so that the City may evaluate whether the data and calculations in Atmos Energy’s rate application are correctly done.

Therefore, ATM’s Special Counsel recommends that the City adopt a resolution suspending Atmos Energy’s proposed effective date for 45 days. Assuming a proposed effective date of April 27, 2021 Atmos Energy’s proposed effective date is suspended until June 11, 2021.

The following Resolution was approved:

**A RESOLUTION BY THE CITY OF LONGVIEW, TEXAS,
("CITY") REGARDING THE APPLICATION OF ATMOS
ENERGY CORPORATION – MIDTEX DIVISION, TO
INCREASE RATES UNDER THE GAS RELIABILITY**

INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "ATMOS TEXAS MUNICIPALITIES;" DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Such Resolution No. 5774 appears in the Resolution and Ordinance records of the City of Longview.

D. Consider a Resolution for authorizing and directing the City Manager to execute Change Order Number 1 with Lone Star Equipment Company of Henderson, Texas, for the 2021 Chip Seal Project in the amount of \$122,657.84. –

Rolin McPhee, P.E., Director of Public Works was present and requested the Council to consider the approval of a Resolution authorizing and directing the City Manager to execute Change Order Number 1 with Lone Star Equipment Company of Henderson, Texas, in the amount of \$122,657.84 regarding the 2021 Chip Seal Project.

The Change Order Number 1 is for additional asphalt seal coating of approximately 51,000 square yards of streets city wide. The streets are:

STREET	BEGIN	END
RYAN DR.	BROOKS ST.	CHAPPELL ST.
HARRIETT ST.	DEAD END	SIMMONS DR.
BENTON ST.	FULLER DR.	BERRY LN.
BIRDIE PL.	NIBLICK ST. W.	MARSHALL AV. W.
DOUGLAS ST.	CHAPPELL ST.	GRAY ST.
REEVED RD.	DEAD END	HESTON RD.
CUMBERLAND DR.	ALPINE ST.	BOSTON DR.
MAIN ST.	5TH AV.	POTTER ST. E.
TRAILWOOD LN.	KEYSTONE ST.	MARLBORO ST.
WINCHESTER ST.	COVINGTON DR.	COVINGTON DR.
NORTHWEST DR.	LOOP 281 W.	WILDWOOD ST.
NORTHWEST DR.	WILDWOOD ST.	SWEETBRIAR ST.
CLOVER LN.	BUCHANAN AV.	RIDGELEA AV.
DAN ST.	HUTCHINGS BL.	CLOVER RD.
CUPIT DR.	DEBRA DR.	CUPIT DR.
CUPIT DR.	CUPIT DR.	DEAD END
CUPIT DR.	CUPIT DR.	MARSHALL AV. W.

MINUTES
City Council Meeting
April 8, 2021
Page 6

PINE ST.	8TH ST.	9TH ST. N.
PINE ST.	LAKE DR.	DALE ST.
COLLEGE ST. E.	CENTER ST. S.	FREDONIA ST. S.
MARION DR.	COLE DR.	HUGHES ST.
BRANCH ST. W.	SCENIC DR.	PINE TREE RD.
GREENRIDGE ST.	SHEFFIELD DR.	RUTHLYNN DR.
GREENRIDGE ST.	RUTHLYNN DR.	CYNTHIA ST.
SUMMER CREEK WA.	SPRING CREEK PL.	END
DELTA ST.	DELLBROOK DR.	LYNNWOOD LN. E.
DELTA ST.	LYNNWOOD LN. E.	HOPE DR. E.
MOHAWK ST.	HOLLYBROOK DR.	KIOWA CT.
MOHAWK ST.	KIOWA CT.	WALTER ST.
MOHAWK ST.	WALTER ST.	ARAPAHOE ST.
9TH ST. N.	PINE ST.	LAUREL ST.
BROOKS ST.	RYAN DR.	DEAD END
BUCCANEER DR.	EVERGREEN ST.	BRENTWOOD ST. E.
LOOKOUT CT.	CIRCLE	BLUE RIDGE PK.
COOK LN.	DUNDEE RD.	NORMA DR.
COOK LN.	NORMA DR.	TEER LN.
COOK LN.	TEER LN.	HELANE LN.
SYLVAN DR.	11TH ST.	12TH ST.
SYLVAN DR.	12TH ST.	13TH ST.

Public Works has examined the scope change, and recommends that the City change the contract amount from \$1,273,140 to the amount of \$1,395,797.84.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CHANGE ORDER NUMBER 1 WITH LONE STAR EQUIPMENT COMPANY, OF HENDERSON, TEXAS, REGARDING THE 2021 CHIP SEAL PROJECT; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO SAID CHANGE ORDER; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO REMIT FUNDS TO LONE STAR EQUIPMENT COMPANY, FOR THE ABOVE REFERENCED CHANGE ORDER; 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. 5775 appears in the Resolution and Ordinance records of the City of Longview.

E. Consider approval of minutes of the March 11 and March 25, 2021 City Council meeting–

Angie Shepard, City Secretary was present and requested the Council to consider the approval of the March 11 and March 25, 2021 minutes

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

SECOND: Council Member Pirtle seconded the motion.

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

VI. Zoning – Public Hearing Items

- A. A PUBLIC HEARING will be held to consider application #S21-01 filed by Harry Chapman 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 1.020 acres of Abstract 71 D Ferguson Survey Tract 81 Section 1 located at the northeast corner of Gilmer Road and Toler Road. –**

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

**APPLICATION #S21-01
STAFF REPORT
April 8, 2021**

APPLICANT: Harry Chapman

LOCATION: Northeast corner of Gilmer Road and Toler Road (Abstract 71 D Ferguson Survey Tract 81 Section 1)

REQUEST: Specific Use Permit for restaurant with a drive-thru window

ZONING LAND USE

SUBJECT PARCEL GR Vacant

NORTH GR Retail

SOUTH GR Vacant

WEST GR Restaurant

EAST GR Residential

COUNCIL DISTRICT:

District 1 – Council Member Ed Moore

FUTURE LAND USE:

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

STAFF COMMENTS:

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

Staff requested that a sign be installed at the driveway on Gilmer Road stating that no stacking is allowed onto Gilmer Road. An 8 foot solid wood fence was requested to be placed on the shared property line of this property and the adjacent residential property. The applicant has provided these and they are shown on the site plan.

Gilmer Road is a TXDOT roadway and 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 signification portion of through travel. Retail use is appropriate for this area, as long as access management is followed.

STAFF RECOMMENDATION:

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

The public hearing was declared open.

Rick Howell – 1511 Pineridge – Has been the owner of Subway for 35 years and is not opposed to the Starbucks or the location. He is concerned about the traffic t will cause on Gilmer Road. Asked who would be in charge of the stacking.

Duane Meyers – Starbuck will help with the stacking.

The public hearing was declared closed.

MOTION: Council Member Moore 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 TO ALLOW FOR A RESTAURANT WITH A DRIVE-THRU WINDOW IN A GENERAL RETAIL (GR) ZONING DISTRICT FOR APPROXIMATELY 1.020 ACRES OF ABSTRACT 71 D FERGUSON SURVEY TRACT 81 SECTION 1 LOCATED AT THE NORTHEAST CORNER OF GILMER ROAD AND TOLER ROAD; 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 Pirtle seconded the motion.

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

Such Ordinance is No. 4301 and appears in the Resolution and Ordinance records of the City of Longview.

B. A PUBLIC HEARING will be held to consider application #S21-02 filed by Dinello Contracting Inc. requesting a Specific Use Permit to allow for two-family dwellings in a General Retail (GR) Zoning District for Lots 3 through 6, Block 3776 of Winchester Park Unit 3 located at 104, 106, 108, and 110 Cherie Lane. –

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

**APPLICATION #S21-02
STAFF REPORT
April 8, 2021**

APPLICANT: Dinello Contracting Inc.

LOCATION: Lots 3 through 6, Block 3776 of Winchester Park Unit 3 located at 104, 106, 108, and 110 Cherie Lane.

REQUEST: Specific Use Permit for Duplex in General Retail (GR) Zoning District.

ZONING LAND USE

SUBJECT PARCEL GR Duplex
NORTH GR Duplex
SOUTH GR Duplex
WEST GR Duplex
EAST GR Multiple-Family Dwelling

COUNCIL DISTRICT:

District 1 – Council Member Ed Moore

FUTURE LAND USE:

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

STAFF COMMENTS:

The applicant is requesting a Specific Use Permit for Lots 3 through 6, Block 3776 of Winchester Park Unit 3 to allow for a Duplex in a General Retail (GR) Zoning District located at 104, 106, 108, and 110 Cherie Lane.

All four of these structures are duplexes located in General Retail Zoning District. Duplexes are not permitted by right in General Retail Zoning in The Unified Development Code. The structure and use are considered legal non-conforming however; 106 Cherie Lane was damaged due to a fire. When a structure is damaged fifty-one (51) percent or more of its total appraised value, the structure must be brought into compliance. Therefore, the applicant is applying for a specific use permit (SUP).

Staff finds that the proposed SUP is consistent with surrounding uses.

STAFF RECOMMENDATION:

Planning and Zoning Commission (6-0) and Staff recommends 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 Moore 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 TO ALLOW FOR TWO-FAMILY DWELLINGS IN A GENERAL RETAIL (GR) ZONING DISTRICT FOR LOTS 3 THROUGH 6, BLOCK 3776 OF WINCHESTER PARK UNIT 3 LOCATED AT 104, 106, 108, AND 110 CHERIE LANE; 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 (7, 0).

Such Ordinance is No. 4302 and appears in the Resolution and Ordinance records of the City of Longview.

C. A PUBLIC HEARING will be held to consider application #Z21-04 filed by Roy and John Seymour requesting a rezone from Single Family (SF-2) to General Retail (GR) Zoning District for approximately 1.217 acres for part of Lot 8 and 9, L. Wooley Tract Subdivision located at 109 Magnolia Lane. –

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

**APPLICATION #Z21-04
STAFF REPORT
April 8, 2021**

APPLICANT: Roy and John Seymour

LOCATION: Approximately 1.217 acres for part of Lot 8 and 9, L. Wooley Tract Subdivision located at 109 Magnolia Lane.

REQUEST: Rezone from Single Family (SF-2) to General Retail (GR) Zoning District.

ZONING LAND USE

SUBJECT PARCEL SF-2 Residential
NORTH MF-3 Apartments
SOUTH GR Residential
WEST MF-3 Apartments
EAST GR Office

COUNCIL DISTRICT:

District 6 – Council Member Steve Pirtle

FUTURE LAND USE:

The Comprehensive Plan designates this area for Mixed Use Development (MUN).

STAFF COMMENTS:

The applicant is requesting a rezone for approximately 1.217 acres for part of Lot 8 and 9, L. Wooley Tract Subdivision from Single Family (SF-2) to General Retail (GR) Zoning District located at 109 Magnolia Lane. The applicant would like to build an office with at this location.

Magnolia Lane is classified as a local roadway. Retail development is appropriate along this roadways as long as access management is followed.

Staff finds the proposed zoning change is consistent with the surrounding uses.

STAFF RECOMMENDATION:

Planning and Zoning Commission (6-0) and Staff recommends 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 Pirtle 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 APPROXIMATELY 1.217 ACRES FOR PART OF LOT 8 AND 9, L. WOOLEY TRACT SUBDIVISION, BE REZONED FROM SINGLE FAMILY (SF-2) TO GENERAL RETAIL (GR) ZONING DISTRICT LOCATED AT 109 MAGNOLIA LANE; 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 Wright seconded the motion.

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

Such Ordinance is No. 4303 and appears in the Resolution and Ordinance records of the City of Longview.

D. A PUBLIC HEARING will be held to consider application #Z21-05 filed by Thomas Holyfield requesting a rezone from Multi-Family (MF-2 & MF-3) to Single Family (SF-6) Zoning District for approximately 4.339 acres for Lots 7, 7E, 7G, 7H, and 11, NCB 546, Longview Jordan Acreage located at 1800 and 1810 Tryon Road. -

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

**APPLICATION #Z21-05
STAFF REPORT
April 8, 2021**

APPLICANT: Thomas Holyfield

LOCATION: Approximately 4.339 acres for Lots 7, 7E, 7G, 7H, and 11, NCB 546, Longview Jordan Acreage.

REQUEST: Rezone from Multiple Family (MF-2 & MF-3) to Single Family (SF-6) Zoning District.

ZONING LAND USE

SUBJECT PARCEL MF-2 & MF-3 Vacant & Residential
NORTH SF-4 & MF-2 Residential
SOUTH GR Residential
WEST SF-4 Residential
EAST GR, MF-2, & SF-4 Daycare & Residential

COUNCIL DISTRICT:

District 4 – Council Member Kristen Ishihara

FUTURE LAND USE:

The Comprehensive Plan designates this area for High Density Residential (HDR).

STAFF COMMENTS:

The applicant is requesting a rezone for approximately 4.339 acres for Lots 7, 7E, 7G, 7H, and 11, NCB 546, Longview Jordan Acreage from Multiple Family (MF-2 & MF-3) to Single Family (SF-6) Zoning District located at 1800 and 1810 Tryon Road. The applicant is proposing to develop a 26 lot single family subdivision.

This portion of Tryon Road is classified as a Collector road. Collector roads provide for the collection and distribution of traffic between arterial and local streets. 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.

STAFF RECOMMENDATION:

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

The public hearing was declared open.

James Brooks – Mr Brooks is in opposition of this zoning change. This will call for about eight houses per acre. The siding for the affordable houses will cause problems for the fire department. Once one catches, they will quickly spread to the next. The residents of this area are opposed to have these homes.

Mayor Mack reminded Mr Books and Council this is only a zoning adjustment. This was not about they style or type of materials that would be used on the homes.

The public hearing was declared 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 APPROXIMATELY 4.339 ACRES FOR LOTS 7, 7E, 7G, 7H, AND 11, NCB 546, LONGVIEW JORDAN ACREAGE, BE REZONED FROM MULTI-FAMILY (MF-2 & MF-3) TO SINGLE FAMILY (SF-6) ZONING DISTRICT LOCATED AT 1800 AND 1810 TRYON ROAD; 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 Moore seconded the motion.

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

Such Ordinance is No. 4304 and appears in the Resolution and Ordinance records of the City of Longview.

VII. Action Item

Consider a Resolution awarding a contract in the amount of \$5,739,890.00 to RLM General Contractors, of Longview, Texas, for the construction of the “Broughton Park & Recreation Center” project and approval of a deductive change order in the amount of \$336,922.00 which will result in a contract price of \$5,402,968.–

Scott Caron, Director of Park and Recreation was present and requested the Council to consider the approval of a Resolution awarding a contract in the amount of \$5,739,890.00 to RLM General Contractors, of Longview, Texas, for the construction of the reference project and approval of a deductive change order in the amount of \$336,922.00 which will result in a contract price of \$5,402,968. The following bids were opened on January 26, 2021:

Bidder	Amount
RLM General Contractors	\$5,739,890.00 Longview, Texas
Garrett & Assoc. General Contractor	\$6,056,700.00 Whitehouse, Texas
WRL General Contractors, LLC Flint, Texas	\$6,242,200.00
Watson Commercial Construction, Ltd	\$6,351,457.00 Tyler, Texas
HGR General Contractors, LP Tyler, Texas	\$7,009,026.00

This project provides for the renovation and new construction of the Broughton Park and Recreation Center. The recreation center new construction will include a new gym, lobby, branch library, fitness space, and reception area. The renovation of the existing recreation center includes added windows, meeting rooms, restrooms, storage space room. The total renovation and new construction includes 29,760 square feet. Outdoor park improvements will include improved exterior façade, addition parking lot, new walking trail, basketball court resurfacing, a new decorative promenade space, and miscellaneous work as necessary to complete the construction.

LPA Architects and the Public Works engineering staff have examined the low bid and the qualifications of the bidder, and have recommended award of the contract to RLM General Contractors

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF RLM GENERAL CONTRACTORS OF LONGVIEW, TEXAS, FOR

CONSTRUCTION OF THE PROJECT ENTITLED "BROUGHTON PARK & RECREATION CENTER"; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND RLM ENTERPRISES, INC., DBA RLM GENERAL CONTRACTORS, FOR THE ABOVE REFERENCED PROJECT; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; 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.

SECOND: Council Member Snoddy seconded the motion.

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

Such Resolution No. 5776 and appears in the Resolution and Ordinance records of the City of Longview.

VIII. Items of Community Interest

The meeting was adjourned at 6:26 p.m.

[seal]

Angie Shepard
City Secretary

