



MINUTES

Of A

REGULAR COUNCIL MEETING

March 10, 2016

The City Council of the City of Longview, Texas, met in a Regular Session, March 10, 2016, 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
Kasha Williams
Kristen Ishihara
David Wright
Sidney Allen

Staff members present were:

David Willard, City Manager
Keith Bonds, Assistant City Manager
Shawn Hara, Media and Tourism Manager
Candis Jones, Assistant 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

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

II. Invocation – Maci Davis of Red Oak Baptist Church gave the invocation.

III. Pledge of Allegiance – Maci Davis of Red Oak Baptist Church led the pledge of allegiance.

IV. Employee Recognition –

Mayor Mack: During employee recognition Mayor Mack thanked all the City of Longview employees that responded to the extensive flooding that was experienced and an additional special thanks to the first responders, street crews, Gregg County, the American Red Cross, and the Certified Emergency Response Team volunteers braving the weather. Thoughts and prayers went out to those that were negatively impacted by the storm.

V. Citizen Comment –

Reggie Timms, 145 Private Rd. 3514, #16: Board Member for the Longview Girls Softball Association. Mr. Timms spoke against the food trucks. He has concerns about how much money will be lost with the LGSA if food trucks are allowed to sell during games. He spoke of the many scholarships given to kids in need and stated this is volunteer work putting together expenses needed to keep these leagues going year around.

VI. Public Safety Update –

A. Police –

Chief Bishop gave a police update. He began by giving out the statistics and went over a few preventative efforts to avoid crime.

Crime Analysis – February 1 – 29, 2016

| | |
|-----------------------|--------------|
| <u>Total Calls:</u> | <u>9,689</u> |
| Dispatched: | 5,261 |
| Officer Initiated: | 4,428 |
| Persons Arrested: | 158 |
| Felony Arrests: | 11 |
| <u>Total Charges:</u> | <u>13</u> |
| Misdemeanor Arrest: | 147 |
| <u>Total Charges:</u> | <u>234</u> |

Staffing Update

| | |
|---|----------|
| Authorized Sworn Positions: | 172 |
| In Field Training: | 9 |
| In Pre-Commissioning Training | 7 |
| In Academy (Started March 7 th) | 5 |
| Current Positions Filled | 170 |
| <u>Total Vacancies</u> | <u>2</u> |

Property Crimes

| | |
|------------------------|-----|
| Residential Burglaries | 130 |
| Vehicle Burglaries | 190 |

Chief Bishop discussed new software equipment they would receive called MapNimbus and VantagePoints. With this software citizens will be able to do an address search on properties and view incidents in specific date range. It will improve public awareness and potentially lead to a reduction in crime and the quality of life.

The Women’s Free Safety Seminar begins April 18 – 23, 2016 from 6 p.m. – 9 p.m. at the Maude Cobb Activity Center. For more information call 903-808-3388.

B. Fire -

Fire Chief J.P. Steelman mentioned the recent Promotion Ceremony. The following were recognized:

| | |
|------------------|-----------------|
| Christopher Gray | Captain |
| Ryan Howard | Lieutenant |
| Matthew Kropchuk | Driver Engineer |

Mike Matthews
Joshua Parish

Driver Engineer
Driver Engineer

Chief Steelman spoke of the training they received in Nacogdoches called Prescribed Burn, the state has collaborated for cities to use together when large wildfires containing 2000+ acres are in danger.

The Fire Department Rescue Team was called out for 27 water rescues. Twenty six of these were vehicles where people disregarded their own safety and drove into the flooding roadways.

The 25th Anniversary celebration of Safety City is coming up.

VII. Presentation Items –

A. Presentation and discussion to consider adoption of the 2012 International Property Maintenance Code (IPMC) –

Michael Shirley, AICP, Director of Development Services, proposed the adoption of the 2012 International Property Maintenance Code (IPMC). It would help prevent demolition by neglect and include single and multi-family properties.

Some of the general requirements would cover exterior properties, swimming pools, spas, hot tubs, exterior, interior structure, component service ability, hand rails, guardrails, rubbish, garbage and pest elimination. Lights, ventilation, occupancy limitations, plumbing fixture facility, mechanical, electrical, fire safety, boarding and securing of building requirements are also addressed in the new code.

Most would be amendments since we already have these ordinances in existence.

Why we need it:

- To prevent demolition by neglect.
- Lack of maintenance is not a parameter to be considered “unfit for human occupancy” (substandard).
- City Code does not address emergency utility disconnects
- City code has already put a premium on tenant rights but only with multi-family not with other occupancy types.
- IMPC provides a tool for holding owners accountable which directly combats neighborhood blight while also protecting tenant rights.
- In egregious situations, City would have ability to protect tenants from deteriorating interiors.

How it would be implemented:

- Complaint driven process.
- As an active part of neighborhood revitalization sweeps.
- Primary focus on compliance would be on the exterior of properties and premises.
- Interior enforcement would be complaint-driven primarily on tenant-based properties and where the City was invited in.

B. Presentation of the Fiscal Year 2014 - 2015 Comprehensive Annual Financial Report –

Adrienne Deason, CPA, Henry and Peters, PC: Good evening, my name is Adrienne Deason, and I'm a partner with Henry & Peters, CPA Firm. We've been engaged to audit the city's financial statements for the year ended September 30, 2015 and I'm here this evening to present the results of our audit.

As part of the audit engagement, we've been asked to do two things:

- Give our opinion on whether the financial statements prepared by the Finance department are materially correct, and
- Give our opinion on whether the Federal and State funded grants are being administered in accordance with their respective grant requirements.

During the grant audit this year, we specifically audited the

- Section 8 Housing Program
- The HOME Investments Partnership Program, and
- The Texas Intrastate Fire Mutual Aid System Grant Assistance Program

Based on the audit we've performed, it is our opinion that the City has complied with the material compliance requirements of each grant. Further, we've issued our report stating we found no material weaknesses in internal controls over compliance with these grants.

Government Auditing Standards also require that we issue a report on internal controls over financial reporting and compliance with certain laws, regulations, and contracts. We've issued our report stating we found no material weaknesses in internal controls over financial reporting and no compliance issues.

The third and final report we've issued is our report on the audit of the City's financial statements. Based on the audit evidence we've obtained, we are issuing an unmodified opinion on the financial statements – which is a clean opinion.

We have also included an additional Emphasis of a Matter paragraph in our report this year which highlights a major change in the financial statements for 2015.

The Government Accounting Standards Board has issued GASB Statement NO. 68 – which, requires governments to record their long term liabilities for their pension plans on the face of their financial statements, rather than as a footnote further back in the report where it has been reported in the past.

The City participates in 2 retirement plans for their employees:

- The Texas Municipal Retirement System, and
- The Longview Firemen's Relief and Retirement Fund

These 2 funds combined equate to a net pension liability of approximately \$70 million.

So, what GASB is wanting to highlight with this change is, if you step back and look at the government as a whole (rather than on an individual fund basis), and you record this liability that's expected to be paid out over the long term on your financial statements, your unrestricted net position (which is your unrestricted equity for the entire government as a whole) is reduced to a negative amount, which means that you're not yet in a position to meet these liabilities.

Again, these liabilities are years down the road, but the hope is that knowing this now, will help you to plan and prepare for how the City will be able to meet these obligations in the long term.

That concludes my presentation of the audit results. I'd like to thank Council for entrusting us to provide this service for the City. And I'd also like to thank the City Manager's Office and the Finance Department for all their assistance in getting the audit completed. They're very accommodating to us and easy to work with, and we appreciate that.

VIII. Consent Agenda –

- A. Consider a Resolution authorizing and directing the application for, acceptance, receipt, transfer and expenditure of a grant in an amount not to exceed \$10,000.00 sponsored by the U.S. Conference of**

Mayors and USA Funds to support Longview Independent School District programs for college and career readiness –

Dr. Andy Mack, Mayor: We have an opportunity to respond to a proposal from USA Funds. The grant is sponsored by the U.S. Conference of Mayors and it is titled National Education Pathways with a Purpose grant competition. The grant will award \$10,000 to small cities (population under 200,000) for programs such as our schools which support college and career readiness. Specifically, USA Funds awards programs which are graduating students with a link to college and career paths.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE APPLICATION FOR, ACCEPTANCE, RECEIPT, TRANSFER AND EXPENDITURE OF GRANT FUNDING IN AN AMOUNT NOT TO EXCEED \$10,000.00 SPONSORED BY THE U.S. CONFERENCE OF MAYORS AND USA FUNDS TO SUPPORT LONGVIEW INDEPENDENT SCHOOL DISTRICT PROGRAMS FOR COLLEGE AND CAREER READINESS; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO NEGOTIATE, FINALIZE, AND EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR OR INCIDENT TO CARRYING OUT THE PURPOSES OF THIS RESOLUTION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Such Resolution No. 5037 appears in the Resolution and Ordinance records of the City of Longview.

- B. Consider a Resolution accepting the 2013 Wastewater System Improvements at Bostic, Pam, Richwood, LeDuke, Wood Place and Oden Project and authorizing final payment in the amount of \$100,483.08 to Excel Utility Construction, Inc. of Longview, Texas –**

Rolin McPhee, P.E., Director of Public Works: Consider a resolution accepting the 2013 Wastewater System Improvements Project and authorizing final payment in the amount of \$100,483.08 to Excel Utility Construction, Inc. Approval of final payment will begin the contractors one-year warranty period.

The City Council awarded a contract to Excel Utility Construction, Inc. on May 8, 2014 in the amount of \$530,445.00. The final cost is \$530,445.00 and is shown as final payment.

The project provided for the construction of 4,100 linear feet of 8" wastewater main and related work at Bostic, Pam, Richwood, LeDuke, Wood Place and Oden Streets; and miscellaneous work as necessary to complete the installations.

The project has been completed in accordance with the contract. Wood Engineering recommends acceptance of the project and approval of final payment. City staff concurs with the recommendations.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING PROJECT ENTITLED "2013 WASTEWATER SYSTEM IMPROVEMENTS AT BOSTIC, PAM, RICHWOOD, LEDUKE, WOOD PLACE AND ODEN"; AUTHORIZING AND APPROVING FINAL PAYMENT TO EXCEL UTILITY CONSTRUCTION, INC. OF LONGVIEW TEXAS, FOR 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. 5038 appears in the Resolution and Ordinance records of the City of Longview.

- C. Consider approval of the following minutes: January 14, 2016, January 28, 2016 and February 11, 2016 –

Shelly Ballenger, City Secretary requested approval of the January 14, 2016, January 28, 2016 and the February 11, 2016 minutes.

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

SECOND: Council Member Williams seconded the motion.

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

IX. Zoning – Public Hearing Items –

- A. A PUBLIC HEARING will be held to consider application #PD16-02 filed by ETH Properties, LLC requesting a rezone from Single Family (SF-3) to Planned Development - Single Family detached for Lot 8, Block 3, Mobberly Place #2 located on the northwest intersection of Young Street and Twelfth Street –**

Angela Choy, AICP, City Planner: This request is to rezone from Single Family (SF-3) to Planned Development Single Family detached. The applicant is requesting to subdivide Lot 8, Block 3 Mobberly Place #2 into four (4) lots that are approximately 50 feet in width and 75 feet in depth thus, making them approximately 3,750 square feet in size. All houses will be single family detached with a minimum house size of 483 square feet. The setbacks will be 25 feet in the front, 10 feet in the rear, 7 feet on the side, and 20 feet on the corner side. All homes will be required to have a minimum of two parking spaces and a maximum height of 2 ½ stories.

| | <u>ZONING</u> | <u>LAND USE</u> |
|----------------|---------------|---------------------|
| SUBJECT PARCEL | SF-3 | Vacant |
| NORTH | SF-3 | Single Family Homes |
| SOUTH | SF-4 | Single Family Homes |
| EAST | SF-3 | Single Family Homes |
| WEST | SF-3 | Single Family Homes |

Staff Comments: The applicant is requesting to rezone from Single Family (SF-3) to Planned Development Single Family detached. The applicant is requesting to subdivide Lot 8, Block 3 Mobberly Place #2 into four (4) lots that are approximately 50 feet in width and 75 feet in depth thus, making them approximately 3,750 square feet in size.

All houses will be single family detached with a minimum house size of 483 square feet. The setbacks will be 25 feet in the front, 10 feet in the rear, 7 feet on the side, and 20 feet on the corner side. All homes will be required to have a minimum of two parking spaces and a maximum height of 2 ½ stories.

Staff Recommendation: Planning and Zoning Commission (6-1) and Staff recommend approval of this request.

MOTION: Council Member Williams made a motion to TABLE Zoning Item A until a later date in April.

SECOND: Council Member Snoddy seconded the motion.

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

B. A PUBLIC HEARING will be held to consider application #PD16-03 filed by Dennis-Wade Associates, Inc. requesting a rezone from PD42 - Office to PD16-03 - Office/Single Family for Lots 1,2,3, Block 491-A, Branchwood Office Park located on the east side of Judson Road, north of Yates Drive –

Angela Choy, AICP, City Planner: This request is to rezone from PD42 (Planned Development – Office) to PD16-03 (Planned Development – Office/Residential) to allow for the construction of an office with single family residential.

The applicant is proposing to construct an office building with an attached single family residence. The attached single family residence is intended for the owner of the office to reside in. The previous planned development was for offices only.

| | <u>ZONING</u> | <u>LAND USE</u> |
|----------------|---------------|---------------------|
| SUBJECT PARCEL | PD42 | Vacant |
| NORTH | PD42 | Offices |
| SOUTH | PD96-1 | Single Family Home |
| EAST | SF-1 | Single Family Homes |
| WEST | Office | Offices |

Staff Comments: The applicant is requesting to rezone from PD42 (Planned Development – Office) to PD16-03 (Planned Development – Office/Residential) to allow for the construction of an office with single family residential. The applicant is proposing

to construct an office building with an attached single family residence. The attached single family residence is intended for the owner of the office to reside in. The previous planned development was for offices only.

The Planned Development site proposes a one story, 4,670 square foot structure, which encompasses 2,836 square feet of residential, 746 square feet for a garage and 1,088 square feet of office space. The front setback is approximately 20 feet, the right side setback is zero feet, the left side setback is approximately 100 feet, and the rear setback is approximately 10 feet. Setbacks are measured from the property line and in the rear there is approximately 50 feet of HOA area behind this property. The site plan also shows six parking spaces within the HOA area that will be provided for this development.

Through the development process, this project will be required to meet all other City of Longview requirements. If the residential space were to ever be converted into office space, the owner would be required to submit an amendment to the planned development to ensure compliance with parking.

Fredonia Street is a collector and Judson Road is a principal arterial which is appropriate for this type of development as long as access management is followed. There will be no additional driveways onto Fredonia Street or Judson Road however, an additional driveway is proposed onto Yates Drive.

Staff finds the proposed zoning change is consistent with the future land use map and surrounding uses.

After the Planning and Zoning Commission Meeting, staff met with the applicant and surrounding neighbors to resolve the issue with the driveway onto Yates Drive.

A revised site plan was submitted to staff with changes that all parties agreed upon and meets the fire code. The applicant has agreed to close the right-in only driveway from Fredonia and install a new driveway onto Fredonia that is closer to the intersection of Fredonia and Yates.

They have also agreed to install a landscape island within the internal driveway to stop any through traffic from the development onto Yates Drive. The driveway onto Yates Drive will remain.

A petition was submitted at the Planning and Zoning Commission meeting with 33% of the notified property owners in protest of the zoning request. The Local Government Code states that an affirmative vote of at least three-fourths of all members of the governing body, City Council, is required to approve zoning requests that receive at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately

adjoining the area covered by the proposed change and extending 200 feet from that area.

This request will require an affirmative vote of three-fourths of all members of City Council to approve.

Staff Recommendation: Planning and Zoning Commission (4-2) recommend approval of this request with the condition that a landscape island be installed pending approval of the fire code. The revised site plan that was submitted by the applicant meets this criteria. Staff recommends approval of this request.

The public hearing was opened.

Mike Smith, 1104 Yates, Longview, he stated he represents about 33% of the property owners and about 70 other property owners adjoining the property. He stated they are reaffirming they are against the request of the original application and are in support and will withdraw our petition provided that the City approval requires a permanent landscape barrier that will never allow any form of vehicular travel between the single family residence on to Yates Drive. It will only be used by the residents and not be used by the business.

Richard Wade, 508 Hampshire, Longview, representing Dennis Wade application: We would like to reinforce: we are in favor of the revised submittal plan. It was a plan that the city staff was very inspirational in helping us with as well as the neighbors.

The public hearing was closed.

MOTION: Council Member Ishihara made a motion to approve the revised submittal which would include a permanent landscape barrier that would not allow vehicular travel to travel from the residents on Yates into the business parking and the following Ordinance be approved:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING

DESCRIBED PROPERTY, TO-WIT: THAT PLANNED DEVELOPMENT PD42 – OFFICE BE REZONED TO PD16-03 – OFFICE/SINGLE FAMILY FOR LOTS 1, 2, 3, BLOCK 491-A, BRANCHWOOD OFFICE PARK LOCATED ON THE EAST SIDE OF JUDSON ROAD, NORTH OF YATES DRIVE; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

SECOND: Council Member Moore seconded the motion.

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

Such Ordinance is No. 4044 and appears in the Resolution and Ordinance records of the City of Longview.

X. Action Item –

Consider a Resolution amending the City of Longview 2015-2016 fee Resolution to allow for the setting of certain fees related to mobile food units and various other subjects –

Scott Caron, Director of Parks and Recreation: As a part of the implementation of Mobile Food Unit operations within Longview, it is necessary to establish the fees and charges associated with those operations. Additionally, during the review process, various other fees were identified as requiring updating:

A. Maude Cobb Activity Complex: No fees / rates are changing, but requesting updated language to account for the Convention and Visitors Bureau operations transferring back within the City.

B. Building Inspection: Allows for \$100.00 fee for Certificate of Occupancy for Mobile Food Units. Same as for existing "bricks and mortar" establishments.

C. Community Services Administration: Adds Municipal Parking Lot Permit Fees to allow for space rentals for Mobile Food Units.

D. Environmental Health: Establishes fees and charges for Mobile Food Units comparable to same fees for "bricks and mortar" establishments. Also increases the late penalty for annual permit renewals for restaurants, mobile food units and swimming pools from \$50 to \$100.

E. Parks and Recreation: Establishes permit fees for park access for Mobile Food Units.

Parks and Recreation

- Establishes mobile food unit permit to allow utilization of park property.
- Park Access fee: \$500/unit/year.
- Mobile food unit fee: \$50/unit/day.
- Concession stand fee: \$25/unit/day.
- Concession review fee: \$100.

Council Member Wright: I would like to amend the concession stand fee from \$25 to \$50 per day per unit. I don't know that that will make up for the loss to the concession stands. I want the softball and baseball to know if this is affecting the concession stands. If it is impacting the concession stands I will be more than willing to look at this again next year.

MOTION: Council Member Wright made a motion to increase the \$25.00 fee to \$50.00 and re-evaluate the profit loss against the non-profit organizations the following year and the Resolution be approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, SETTING CERTAIN FEES RELATED TO MOBILE FOOD UNITS AND VARIOUS OTHER SUBJECTS; 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 Ishihara seconded the motion.

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

Such Resolution No. 5039 and appears in the Resolution and Ordinance records of the City of Longview.

XI. Items of Community Interest –

Council Member Williams: Eastside community will sponsor “Leaving a Legacy Behind”, Friday, March 24, 2016, at 7:00 p.m. at the East Texas Builder’s Association. Tickets are \$50.00 per person.

Mayor Mack: Discussed upcoming events:

- Daylight Savings Time Starts this Sunday. Remember to set your clocks FORWARD one Hour.
- That means it’s also time to change you battery in your smoke detectors.
- Due to our recent storms, the Sanitations Division reminds residential sanitation customers that Bulky Item collection is available for collection of yard debris. Call 903-237-1250 to schedule a pick-up or take debris to the Compost Site at 2020 Swinging Bridge Road.
- High School Seniors - Mayor Mack’s Scholarship applications are due by April 1, 2016. Please go to LongviewTexas.gov/Mayor for more information.

Mayor Mack mentioned the consideration of expanding our Longview Transit System to include service on Sundays.

XII. Mayor Mack’s Book Club – The Energy Bus

Mayor Mack talks of how he wants people to view Longview as the most positive, energetic community in Texas. Positive, contagious leadership is what we want to always reflect.

Mayor Mack acknowledges and commends City Manager, David Willard on his positive and energetic spirit. He considers Mr. Willard the top of the city, not council. Mayor Mack continues to speak of how pleasant it is to work for the city and with every department. Mr. Willard is the epitome of positive energy for our city.

XIII. Adjourn –

The meeting was adjourned at 7:18 p.m.

[seal]

Shelly Ballenger
City Secretary

