

REGULAR MEETING
LINDALE CITY COUNCIL
TUESDAY, MAY 17, 2022, 6:00 P. M.
CITY HALL, 105 BALLARD DRIVE

THE MEETING WAS CALLED TO ORDER BY MAYOR JEFF DAUGHERTY

COUNCIL MEMBERS PRESENT RICK THELEN, YVETTE MARTIN, AND GINGER SIMS
COUNCIL MEMBER GAVIN RASCO SWORN IN AT 6:06 P.M.

GINGER SIMS SAID THE INVOCATION AND MAYOR JEFF DAUGHERTY LED THE PLEDGE OF ALLEGIANCE

F-1 CANVASS OF VOTES OF THE MAY 7, 2022, CITY OF LINDALE MUNICIPAL GENERAL ELECTION FOR COUNCIL PLACE 4, AND COUNCIL PLACE 5. MICHELLE WIESE, CITY SECRETARY, READ OUT LOUD THE ELECTION VOTE COUNTS FOR MAY 7, 2022, GENERAL ELECTION. 342 BALLOTS CAST, COUNCIL PLACE 4 OWEN SCOTT 99 VOTES, SALLIE BLACK 115, AND JERRETTA NANCE PATE 98 VOTES, UNDERVOTES 30. COUNCIL PLACE 5 BRANDON WHITHAM 119 VOTES, AND GAVIN RASCO RECEIVED 185 VOTES, UNDERVOTES 38. NO CANDIDATE FOR COUNCIL PLACE 4 RECEIVED A MAJORITY OF VOTES AS REQUIRED BY CITY CHARTER. THEREFORE, A RUNOFF WILL BE ORDERED FOR COUNCIL PLACE 4. COUNCIL PLACE 5 GAVIN RASCO RECEIVED A MAJORITY OF VOTES AS REQUIRED BY CITY CHARTER AND HEREBY DECLARED DULY ELECTED TO OFFICE. GINGER SIMS MADE A MOTION TO APPROVE **RESOLUTION R07-2022** CANVASSING THE RETURNS OF THE MAY 7, 2022, GENERAL ELECTION AND DECLARING THE RESULTS OF THE CITY OFFICERS. 342 TOTAL VALID AND LEGAL BALLOTS. SECOND BY YVETTE MARTIN. ALL VOTED IN FAVOR.

F-2 ACTION TO APPROVE RESULTS OF MAY 7, 2022, CITY OF LINDALE MUNICIPAL GENERAL ELECTION FOR COUNCIL PLACE 4, AND COUNCIL PLACE 5. MICHELLE WIESE, CITY SECRETARY, STATED A RUNOFF ELECTION WILL BE HELD FOR COUNCIL PLACE 4 AND THE CANDIDATES ARE OWEN SCOTT AND SALLIE BLACK. COUNCIL PLACE 5 GAVIN RASCO IS DECLARED THE WINNER. RICK THELEN MADE A MOTION TO APPROVE THE RESULTS OF MAY 7, 2022, CITY OF LINDALE GENERAL ELECTIONS AND A RUNOFF ELECTION WILL BE HELD FOR COUNCIL PLACE 4, AND GAVIN RASCO IS DECLARED WINNER FOR COUNCIL PLACE 5. SECOND BY GINGER SIMS. ALL VOTED IN FAVOR.

F-3 CERTIFY NAMES OF THE RUNOFF CANDIDATES TO BE PLACED ON A RUNOFF BALLOT AND CONSIDER ORDER OF THE CITY OF LINDALE MUNICIPAL RUNOFF ELECTION TO BE HELD ON JUNE 25, 2022, FOR THE PURPOSE OF ELECTING, THE OFFICER OF COUNCIL PLACE 4. MICHELLE WIESE, CITY SECRETARY, STATED THIS IS REQUIRED BY LAW FOR COUNCIL TO CALL AND ORDER A RUNOFF ELECTION. GINGER SIMS MADE A MOTION TO CALL AND APPROVE ORDER OF MUNICIPAL RUNOFF ELECTION TO BE HELD ON JUNE 25, 2022, FOR THE PURPOSE OF ELECTION, THE OFFICER OF COUNCIL PLACE 4. SECOND BY YVETTE MARTIN. ALL VOTED IN FAVOR.

F-4 ADMINISTER OATH OF OFFICE TO COUNCIL PLACE 5. MICHELLE WEISE, CITY SECRETARY ADMINISTERED THE OATH OF OFFICE TO GAVIN RASCO FOR COUNCIL PLACE 5. AFTER OATH OF OFFICE, GAVIN RASCO JOINED COUNCIL MEETING AT 6:06 P.M.

F-5 PUBLIC HEARING TO RECEIVE COMMENTS REGARDING VOLUNTARY ANNEXATION OF THE FOLLOWING PROPERTY: APPROXIMATELY 21.034 ACRES TRACT OF LAND LOCATED AT SW QUADRANT IH-20 AND HARVEY ROAD, T. SPLAWN SURVEY, ABSTRACT A-954, AND J.C. WHITE SURVEY, ABSTRACT A-1036, LINDALE, SMITH COUNTY, TEXAS. PUBLIC HEARING BEGAN 6:07 P.M. THERE BEING NO PUBLIC COMMENTS, PUBLIC HEARING ENDED 6:07 P.M.

F-6 DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE ANNEXING PROPERTY INTO THE CITY LIMITS APPROXIMATELY 21.034 ACRES TRACT OF LAND LOCATED AT SW QUADRANT IH-20 AND HARVEY ROAD, T. SPLAWN SURVEY, ABSTRACT A-954, AND J.C. WHITE SURVEY, ABSTRACT A-1036, LINDALE, SMITH COUNTY, TEXAS. DAVID CRAFT, FINANCIAL DIRECTOR, STATED THIS IS THE SAME PROPERTY THAT THE PUBLIC HEARING HAS BEEN HELD. THE PROPERTY CAN BE ANNEXED INTO THE CITY AS REQUESTED BY THE OWNER. THE PROPERTY IS LOCATED AT I-20 AND HARVEY ROAD, WEST OF TARGET. THE PROPERTY WILL BE ANNEXED AND ZONED AS "I-1" LIGHT INDUSTRIAL, TRANSPORTATION AND DISTRIBUTION. RICK THELEN MADE A MOTION TO APPROVE ORDINANCE 06-2022 ANNEXING APPROXIMATELY 21.034 ACRES INTO THE CITY. SECOND BY GINGER SIMS. ALL VOTED IN FAVOR.

F-7 DISCUSSION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER ONE (1) FOR ZERO DOLLAR CHANGE, CHANGE FOR DIRECTIONAL BORING IN LIEU OF OPEN CUT FOR LINDALE BUSINESS PARK I-20 SANITARY SEWER IMPROVEMENTS WITH JDR CONTRACTING, INC. REA BOUDREAUX, BRANNON ENGINEERING, STATED THE CONTRACTORS WOULD LIKE TO BORE A LARGER AMOUNT OF THE PROJECT THAT WHAT IS IN THE ORIGINAL SPECS. THE CONTRACTORS HAVE SIGNED OFF ON THE CHANGE ORDER

THERE WILL BE ZERO CHANGE TO CONTRACT AND THERE IS NOT DIFFERENCE IN COST. YVETTE MARTIN MADE A MOTION TO APPROVE CHANGE ORDER ONE (1) WITH ZERO COST CHANGE FOR ADDITIONAL DIRECTIONAL BORING IN LIEU OF OPEN CUT FOR THE LINDALE BUISNESS PARK I-20 SANITARY SEWER IMPROVEMENTS WITH JDR CONTRACTING, INC. SECOND BY RICK THELEN. ALL VOTED IN FAVOR.

F-8 DISCUSSION AND POSSIBLE ACTION TO APPROVE PROFESSIONAL FIRM GOLLOB MORGAN PEDDY, CO, P.C. TO PERFORM CITY AUDIT FOR FISCAL YEAR 2021-2022. CAROLYN CALDWELL, CITY MANAGER, STATED AN ANNUAL AUDIT IS REQUIRED PER TEXAS CODE 103.001(b). A MUNICIPALITY SHALL HAVE ITS RECORDS AND ACCOUNTS AUDITED ANNUALLY AND SHALL HAVE AN ANNUAL FINANCIAL STATEMENT PREPARED BASED ON THE AUDIT. GINGER SIMS MADE A MOTION TO APPROVE PROFESSIONAL FIRM GOLLOB MORGAN PEDDY, CO, P.C. TO PERFORM CITY AUDIT FOR FISCAL YEAR 2021-2022. SECOND BY YVETTE MARTIN. ALL VOTED IN FAVOR.

F-9 DISCUSSION AND PRESENTATION OF FINANCIALS FROM THE LINDALE SOCCER ASSOCIATION. SERGIO ROBLEDO WITH LINDALE SOCCER ASSOCIATION GAVE A PRESENTATION AND UPDATE TO THE COUNCIL ON THE LINDALE SOCCER ASSOCIATION. THE ASSOCIATION CURRENTLY HAS 575 REGISTERED SOCCER PLAYERS. THE MAYOR ASKED HOW WE CAN HAVE A BETTER LINE OF COMMUNICATION WITH THE SOCCER ASSOCIATION AND THE CITY. SERGIO RESPONDED EMAIL UPDATES. COUNCILMAN RASCO ASK WHAT ARE THE SOCCER ASSOCIATIONS COMPLAINTS AND WISH LIST. SERGIO STATED THE CONDITIONS OF THE FIELDS, AND NO IRRIGATION IN THE BACK FIELDS. WISH LIST DEDICATED SOCCER FIELDS, AND BETTER FACILITIES TO HAVE TOURNAMENTS.

F-10 DISCUSSION AND POSSIBLE ACTION REGARDING THE APPOINTMENT OF COUNCIL MEMBER TO SERVE AS MAYOR PRO TEM. RICK THELEN MADE A MOTION TO APPOINT GINGER SIMS AS MAYOR PRO TEM. SECOND BY YVETTE MARTIN. ALL VOTED IN FAVOR.

F-11 DISCUSSION AND POSSIBLE ACTION REGARDING SIDEWALK REQUIREMENTS ON FRONTAGE ROADS ALONG I-20. MAYOR DAUGHERTY ADDRESSED SIDEWALK REQUIREMENTS ALONG I-20 FEEDER ROADS. DISCUSSED THE DEVELOPMENT OF WHATABURGER ON SW CORNER OF I-20 AND HWY 69. THERE IS CONCERN ABOUT PEOPLE OCCUPYING THE SIDEWALKS, AND SAFETY ISSUES. STEVEN LLOYD, DIRECTOR OF PLANNING AND DEVELOPMENT, ADDRESSED SIDEWALK REQUIREMENTS. BASED ON TXDOT POLICY ON BUILDING SIDEWALKS AND BICYCLE ACCOMMODATIONS, TXDOT IS COMMITTED TO PROACTIVELY DESIGN, AND CONSTRUCT FACILITIES TO SAFELY ACCOMMODATE BICYCLIST AND PEDESTRIANS. THE LINDALE SUBDIVISION ORDINANCE SECTION 2-5 SIDEWALKS. GENERAL REQUIREMENTS: ANY NEW DEVELOPMENT IN THE CITY SHALL PROVIDE FOR THE LOCATION AND CONSTRUCTION OF SIDEWALKS. COUNCIL DISCUSSED SIDEWALKS. GAVIN RASCO MADE A MOTION TO REVIEW THE CITY OF LINDALE SUBDIVISION ORDINANCE REGARDING SIDEWALKS. SECOND BY RICK THELEN. ALL VOTED IN FAVOR.

F-12 DISCUSSION AND POSSIBLE ACTION TO MAKE APPLICATION FOR THE BOYLAN FOUNDATION GRANT FOR PLAYGROUND EQUIPMENT. CAROLYN CALDWELL, CITY MANAGER, STATED BRYAN SUMMERVILLE CONTACTED HER ABOUT THE BOYLAN FOUNDATION GRANT. THE FOUNDTION IS LOOKING FOR PROJECTS AND WOULD LIKE THE CITY OF LINDALE TO REQUEST FOR FUNDS. THE PROJECT HAS TO BE SUBMITTED IN TIME TO BE ON THEIR JUNE MEETING. THE PARKS BOARD MET WEDNESDAY AND IS RECOMMENDING POOL PARK PLAYGROUND EQUIPMENT BE UPDATED AND NEW FEATURES ADDED AS THE PROJECT. THE GRANT IS FOR \$80,000-100,000. THE PARKS BOARD WOULD LIKE TO REQUEST THE COUNCIL TO APPROVE APPLYING FOR THE GRANT AND GIVE THEM AUTHORITY TO SELECT THE DESIGN DUE TO THE TIME RESTRAINT. RICK THELEN MADE A MOTION TO APPROVE MAKING APPLICATION TO APPLY FOR A BOYLAN FOUNDATION GRANT FOR PLAYGROUND EQUIPMENT AT POOL PARK, GIVING PARKS BOARD, AND CITY MANAGER FINAL SAY ON THE PROJECT BEING SUBMITTED. SECOND BY GINGER SIMS. ALL VOTED IN FAVOR.

F-13 DISCUSSION AND POSSIBLE ACTION REGARDING THE PARKS BOARD MAKE UP AND APPOINT/RE APPOINT MEMBERS OF THE PARKS BOARD AND AN EX OFFICIO COUNCIL MEMBER. RICK THELEN MADE A MOTION TO APPOINT COUNCILWOMAN YVETTE MARTIN AS EX OFFICIO. SECOND BY GINGER SIMS. ALL VOTED IN FAVOR. RICK THELEN MADE A SECOND MOTION TO MAKEUP THE PARKS BOARD WITH TWO EX OFFICIO MEMBERS ONE FROM THE SOCCER ASSOCIATION AND ONE FROM THE SOFTBALL/BASEBALL ASSOCIATION TO BE APPOINTED BY EACH OF THE ASSOCIATIONS. THEY CAN PARTICIPATE ON PARKS BOARD BUT WILL HAVE NO VOTE. SECOND BY GAVIN RASCO. ALL VOTED IN FAVOR.

F-14 DISCUSSION AND POSSIBLE ACTION TO APPROVE CONTRACT WITH MUNI-SERVICES (AVENU) FOR SALES TAX COMPLIANCE REVIEW SERVICES. GINGER SIMS MADE A MOTION TO APPROVE CONTRACT WITH MUNI-SERVICES AVENU FOR SALES TAX COMPLIANCE REVIEW SERVICES. SECOND BY YVETTE MARTIN. ALL VOTED IN FAVOR.

F-15 DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FINAL PLAT OF LINDSEY RIDGE SUBDIVISION J.H. SANDERS SURVEY A-968 1223, BEING 17.39 ACRES AND CREATING 14 LOTS. LOCATED ON 16132 FM 16 W. LINDALE, SMITH COUNTY, TEXAS. STEVEN LLOYD, PRESENTED THE FINAL PLAT THE PROPERTY IS LOCATED IN THE ETJ. THE PLANNING AND ZONING BOARD RECOMMENDED APPROVAL OF FINAL PLAT TO CITY COUNCIL. YVETTE MARTIN MADE A MOTION TO APPROVE THE FINAL PLAT OF LINDSEY RIDGE SUBDIVISION J.H. SANDERS SURVEY A-968 1223, BEING 17.39 ACRES AND CREATING 14 LOTS. LOCATED ON 16132 FM 16 W. LINDALE, SMITH COUNTY, TEXAS. SECOND BY RICK THELEN. ALL VOTED IN FAVOR.

F-16 DISCUSSION AND POSSIBLE ACTION TO APPROVE THE AMENDED PLAT OF EAGLE VIEW ESTATES J. DILLARD SURVEY A-311. LOCATED AT 12648 CR 499 LINDALE, SMITH COUNTY, TX. STEVEN LLOYD, DIRECTOR OF PLANNING AND DEVELOPMENT, STATED THE ORIGINAL FINAL PLAT DID NOT INDICATE UNDERGROUND UTILITES. THIS IS AN AMENDED PLAT ADDING THE UTILITY EASEMENT WITHIN THE SUBDIVISION. THE PLANNING AND ZONING BOARD RECOMMENDED APPROVAL TO AMEND THE FINAL PLAT TO CITY COUNCIL. RICK THELEN MADE A MOTION TO APPROVE THE AMENDED PLAT OF EAGLE VIEW ESTATES J. DILLARD SURVEY A-311. LOCATED AT 12648 CR 499 LINDALE, SMITH COUNTY, TX. SECOND BY GINGER SIMS. ALL VOTED IN FAVOR.

F-17 DISCUSSION AND POSSIBLE ACTION TO APPROVE 8,000 FOR AN EMERGENCY GENERATOR FOR WATER TOWER 1. CAROLYN CALDWELL, CITY MANAGER, STATED THE WATER TOWER DOES NOT HAVE AN EMERGENCY GENERATOR. THERE NEEDS TO BE ONE IN CASE WE LOSE ELECTRICITY BECAUSE WE DON'T LOSE THE WATER TOWER. YVETTE MARTIN MADE A MOTION TO APPROVE \$8,000 FOR THE PURCHASE OF AN EMERGENCY GENERATOR FOR WATER TOWER 1. SECOND BY GAVIN RASCO. ALL VOTED IN FAVOR.

F-18 DISCUSSION AND POSSIBLE ACTION TO APPROVE MINUTES FOR APRIL 5, AND APRIL 19, 2022, REGULAR COUNCIL MEETINGS. GINGER SIMS MADE A MOTION TO APPROVE MINUTES FOR APRIL 5, AND APRIL 19, 2022, REGULAR COUNCIL MEETINGS. SECOND BY YVETTE MARTIN. ALL VOTED IN FAVOR.

F-19 DISCUSSION AND POSSIBLE ACTION TO APPROVE APRIL 2022 EXPENDITURES AND FINANCIAL REPORTS. DAVID CRAFT, FINANCIAL DIRECTOR PRESENTED TO COUNCIL FINANCIALS AND SALES TAX. RICK THELEN MADE A MOTION TO APPROVE APRIL 2022 EXPENDITURES AND FINANCIAL REPORTS. SECOND BY YVETTE MARTIN. ALL VOTED IN FAVOR.

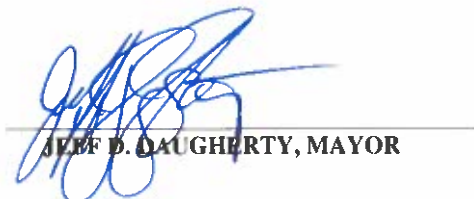
F-20 CITIZEN TALK TIME: (TIME LIMIT 5 MINUTES. NO DISCUSSION BUT MAY BE PLACED ON FUTURE AGENDA FOR DISCUSSION OR ACTION). NONE.

F-21 REPORTS: CITY COUNCIL, CITY MGR., CITY STAFF (NO DISCUSSION, INFORMATION UPDATE ONLY). GINGER SIMS AND YVETTE MARTIN COMMENDED THE WINE FESTIVAL HOW GREAT IT WAS. RICK THELEN COMMENDED MAYOR PRO TEM GINGER SIMS ON HER TELEVISION INTERVIEW SPOTLIGHT ON LINDALE AND WELCOMED NEW COUNCIL MEMBER GAVIN RASCO. CAROLYN CALDWELL, CITY MANAGER, UPDATED ON THE UTILITY DIRECTOR POSITION.

G. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT-CONSULTATION WITH ATTORNEY UNDER SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE TO RECEIVE ADVICE ON LEGAL MATTERS CONCERNING A DEVELOPMENT NOT RELATED TO LITIGATION OR THE SETTLEMENT OF LITIGATION AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS UNDER SECTION 551.087 OF THE TEXAS GOVERNMENT CODE. COUNCIL ENTERED INTO EXECUTIVE SESSION 6:58 P.M. COUNCIL ENTERED BACK INTO OPEN SESSION 7:28 P.M. NO ACTION TAKEN.

H. ADJOURNMENT. MEETING ADJOURNED 7:29 P.M.


MICHELLE WIESE, CITY SECRETARY


JEFF B. DAUGHERTY, MAYOR