

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 17th DAY OF DECEMBER, 2013.

On the 17th day of December, 2013, the City Council of the City of Lufkin, Texas convened in a Regular Meeting in the Council Chambers of City Hall with the following members, thereof to wit:

Bob F. Brown	Mayor
Lynn Torres	Mayor Pro-Tem
Victor Travis	Councilmember, Ward No. 1
Robert Shankle	Councilmember, Ward No. 2
Sarah Murray	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Keith Wright	Deputy City Manager
Bruce Green	City Attorney
Kara Atwood	City Secretary
Rodney Ivy	Human Resources Director
Scott Marcotte	Police Chief
Ted Lovett	Fire Chief
Steve Floyd	Public Works Director
Steve Poskey	Street Department Director
Chuck Walker	Public Utilities Director
Mike Akrige	Parks & Recreation Director
Dale Allred	Inspection Services Director

being present; and

Don Langston	Councilmember, Ward No. 4
Rufus Duncan	Councilmember, Ward No. 5

being absent when the following business was transacted.

1. The meeting was opened with prayer by Jennifer Steele-Lantis, First Christian Church.
2. Mayor Bob Brown welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting held December 3rd, 2013, were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember Lynn Torres. A unanimous affirmative vote was recorded to approve the minutes as presented.

NEW BUSINESS:

4. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BY GRANTING A SPECIAL USE PERMIT FOR A RADIO, TELEVISION AND COMMUNICATION TOWER ON A .25 ACRE PORTION OF LEASED LAND IN THE NORTHWEST CORNER OF A 4.895 ACRE PARCEL DESCRIBED AS ABS 0070 ABNEY, P.C., TRACT AND MORE COMMONLY KNOWN AS 2209 EAST DENMAN AVENUE – APPROVED.**

Mayor Bob Brown stated the next item was to conduct a Public Hearing and consider on First Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a Special Use Permit for a radio, television and communication tower on a .25 acre portion of leased land in the northwest corner of a 4.895 acre parcel described as ABS 0070 Abney, P.C., Tract and more commonly known as 2209 East Denman Avenue.

City Manager Paul Parker stated this was a request for a Special Use Permit by Verizon Wireless for a monopole communications tower to be located on property at 2209 East Denman Avenue. City Manager Parker stated the zoning designation of the property was

“Commercial” and only a 0.25 section would be used. City Manager Parker concluded that both the Planning & Zoning Commission and Staff recommended approval of the request.

Mayor Brown opened the Public Hearing at 5:04 p.m. and asked anyone who wished to speak on the item to please step forward. There being no one who wished to speak, Mayor Brown closed the Public Hearing and asked for comments or questions from City Council.

Councilmember Victor Travis moved to approve the First Reading of the Ordinance granting the Special Use Permit for a radio, television and communication tower on property commonly known as 2209 East Denman Avenue. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

5. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BY REMOVING SPECIAL USE PERMIT ORDINANCE NO. 2936 AND APPROVING A SPECIAL USE PERMIT FOR A DRINKING ESTABLISHMENT FOR A PARCEL OF LAND DESCRIBED AS TIMBERLAND SHOPPING CENTER, BLOCK 1, LOT 1, 4.074 ACRES AND COMMONLY KNOWN AS 732 SOUTH TIMBERLAND DRIVE – APPROVED.**

Mayor Bob Brown stated the next item was to conduct a Public Hearing and consider on First Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by removing Special Use Permit Ordinance No. 2936 and approving a Special Use Permit for a drinking establishment for a parcel of land described as Timberland Shopping Center, Block 1, Lot 1, 4.074 acres and commonly known as 732 South Timberland Drive.

City Manager Paul Parker stated that this was a request for a Special Use Permit to reopen the former Wild Horse Saloon as a drinking establishment. City Manager Parker stated the facility would remain as is other than minor cosmetic updates. City Manager Parker stated the Planning & Zoning Commission approved the request by a four (4) to one (1) vote. City Manager Parker concluded that Staff and the Commission recommended approval.

Mayor Brown opened the Public Hearing at 5:06 p.m. and asked anyone who wished to speak on the item to please step forward. There being no one who wished to speak, Mayor Brown closed the Public Hearing.

Councilmember Victor Travis moved to approve the issuance of a Special Use Permit for a drinking establishment at property located at 732 South Timberland Drive. Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

6. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BY CHANGING THE ZONING DESIGNATION FROM “LOCAL BUSINESS” TO “CENTRAL BUSINESS” DISTRICT FOR PROPERTY DESCRIBED AS 3935 ELLIS, BLOCK 1, LOT 1-2 AND WEST PORTION OF LOT 3; AND CHANGING THE 2011 COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM “LOW DENSITY RESIDENTIAL” TO “CENTRAL BUSINESS” DISTRICT AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP – APPROVED.**

Mayor Bob Brown stated the next item on the agenda was to conduct a Public Hearing and consider on First Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation from “Local Business” to “Central Business” district for property described as 3935 Ellis, Block 1, Lot 1-2 and west portion of Lot 3; and changing the 2011 Comprehensive Plan Future Land Use Map from “Low Density Residential” to “Central Business” district and authorizing the City Planner to make such changes on the Official Map.

City Manager Paul Parker stated this was a request by the owner, Jason Minguez, to change the zoning designation to “Central Business” in order to allow the building to be used as both an apartment building and office space. City Manager Parker stated this was the previous location of Thompson’s Pharmacy on the corner of Ellis.

Mayor Brown opened the Public Hearing at 5:09 p.m. and asked anyone who wished to speak on the item to please step forward. There being no one who wished to speak, Mayor Brown closed the Public Hearing

Councilmember Sarah Murray moved to approve the Ordinance amending the zoning designation from "Local Business" to "Central Business" for property located on Ellis Street. Councilmember Victor Travis seconded the motion and a unanimous vote to approve was recorded.

7. **FIRST READING OF AN ORDINANCE OF THE CITY OF LUFKIN, TEXAS, PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY AS FURTHER DESCRIBED IN EXHIBIT A, SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE – APPROVED.**

Mayor Bob Brown stated the next item was to consider on First Reading an ordinance of the City of Lufkin prohibiting the use of designated groundwater from beneath certain property as further described in Exhibit A, supporting certification of a municipal setting designation by the Texas Commission on Environmental Quality; providing a penalty clause; providing a severability clause; and providing an effective date.

City Manager Paul Parker stated this was a request by Mr. Trey Henderson for property located at 1312 Wilson, the location of Angelina Hardwood. City Manager Parker continued that this was a request to restrict the use of groundwater from the ground surface to a depth of one hundred feet (100') for human consumption. City Manager Parker furthered that this Ordinance did not relieve any environmental assessment or cleanup requirements of the property. City Manager Parker stated this was a requirement that an owner could request to aid in real estate transactions. City Manager Parker concluded that Staff recommended approval of this request. Councilmember Victor Travis asked whether this would set a precedent in the City of Lufkin. City Manager Parker stated that it would set precedent and Staff would likely recommend a similar Ordinance for the entire City to City Council in the future.

Councilmember Lynn Torres moved to approve the First Reading of an Ordinance providing for a municipal setting designation for property located at 1312 Wilson Avenue. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

8. **FIRST READING OF AN ORDINANCE PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT, VACATION, AND CLOSURE OF A CERTAIN TRACT OR PARCEL OF LAND BEING AN UNDEVELOPED ALLEY, BEING LOCATED BETWEEN 102 JOPLIN, 104 JOPLIN AND 107 MARTIN LUTHER KING DRIVE, THAT LIES BETWEEN 90 AND 90.1 OF THE J.L. QUINALTY SURVEY AND LOT 1.3, SW PT OF 1, BLOCK 1 OF THE E & W SHOP ADDITION, ANGELINA COUNTY AND PROVIDING FOR THE CITY MANAGER TO CONVEY BY DEED WITHOUT WARRANTY ALL OF THE CITY'S INTEREST IN SAID ALLEY TO THE ABUTTING PROPERTY OWNER ELZIE HOLMES, UPON PAYMENT OF FAIR MARKET VALUE IN THE AMOUNT OF TWO HUNDRED FOURTEEN DOLLARS AND TWENTY CENTS (\$214.20) – APPROVED.**

Mayor Bob Brown stated the next item was to consider on First Reading and Ordinance providing for the terms and conditions of abandonment, vacation, and closure of a certain tract or parcel of land being an undeveloped alley, being located between 102 Joplin, 104 Joplin and 107 Martin Luther King Drive, that lies between 90 and 90.1 of the J.L. Quinalty Survey and Lot 1.3, SW PT of 1, Block 1 of the E & W Shop Addition, Angelina County and providing for the City Manager to convey by deed without warranty all of the City's interest in said alley to the abutting property owner Elzie Holmes, upon payment of fair market value in the amount of two hundred fourteen dollars and twenty cents (\$214.20).

City Manager Paul Parker stated that Items No. 8 and Item No. 9 were related; however, due to the property in question being an alley, it must be closed and conveyed by Ordinance. City Manager Parker stated that as City Council was aware, all City property was previously reviewed to identify those parcels that were no longer of use and could be sold. City Manager Parker stated that this parcel had been appraised and was recommended for sale for the appraised value and closing costs in the amount of two hundred fourteen dollars and twenty cents (\$214.20).

Councilmember Victor Travis moved to approve the Ordinance abandoning, vacating and closing the alley located between 102 and 104 Joplin and 107 Martin Luther King Drive and approving the sale of said alley to Elzie Holmes for the amount of two hundred fourteen dollars and twenty cents (\$214.20). Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

9. **CONVEYANCE OF CITY OF LUFKIN PROPERTY DESCRIBED AS 102 JOPLIN STREET (TRACT 90.1 OF THE J.L. QUINALTY SURVEY) AND 107 MARTIN LUTHER KING DRIVE (LOT 1.3, SW PT. OF 1, BLOCK 1, OF THE E & W SHOP ADDITION) TO ELZIE HOLMES FOR THE AMOUNT OF ONE THOUSAND SIX HUNDRED THIRTY-SEVEN DOLLARS AND THIRTY-FOUR CENTS (\$1,637.34) – APPROVED.**

Mayor Bob Brown stated the next item was the consideration of conveyance of City of Lufkin property described as 102 Joplin Street (Tract 90.1 of the J.L. Quinalty Survey) and 107 Martin Luther King Drive (Lot 1.3, SW Pt. of 1, Block 1, of the E & W Shop Addition) to Elzie Holmes for the amount of one thousand six hundred thirty-seven dollars and thirty-four cents (\$1,637.34).

City Manager Paul Parker stated this was an adjacent parcel next to the alley in Item No. 8 and Staff recommended City Council authorize the sale of this land to Elzie Holmes for the amount of one thousand six hundred thirty-seven dollars and thirty-four cents (\$1,637.34).

Councilmember Robert Shankle moved to approve the conveyance of property located at 102 Joplin Street to Elzie Holmes for the amount of one thousand six hundred thirty-seven dollars and thirty-four cents (\$1,637.34). Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

10. **CONVEYANCE OF CITY OF LUFKIN PROPERTY DESCRIBED AS 101 JOPLIN STREET (TRACT 89 OF THE J.L. QUINALTY SURVEY) TO LOUISE M. LAVANE FOR THE AMOUNT OF SIX HUNDRED EIGHTY-SIX DOLLARS AND SIXTY-SEVEN CENTS (\$686.67) – APPROVED.**

Mayor Bob Brown stated the next item was to consider approval of the conveyance of City of Lufkin property described as 101 Joplin Street (Tract 89 of the J.L. Quinalty Survey) to Louise M. LaVane for the amount of six hundred eighty-six dollars and sixty-seven cents (\$686.67).

City Manager Paul Parker stated this was an additional parcel of property to be sold and Staff recommended City Council approve the sale of this property to Ms. LaVane.

Councilmember Robert Shankle moved to approve the conveyance of property located at 101 Joplin Street to Louise M. LaVane for the amount of six hundred eighty-six dollars and sixty-seven cents (\$686.67). Councilmember Victor Travis seconded the motion and a unanimous vote to approve was recorded.

11. **CONVEYANCE OF CITY OF LUFKIN PROPERTY LOCATED AT THE CORNER OF ELLEN TROUT DRIVE AND MARTIN LUTHER KING DRIVE (TRACT 57 OF THE ANASTASIO VARILLA SURVEY, ABSTRACT NO. 49) TO MCCOY'S BUILDING MATERIAL FOR THE AMOUNT OF FOUR THOUSAND ONE HUNDRED NINETY-ONE DOLLARS AND SIXTEEN CENTS (\$4,191.16) – APPROVED.**

Mayor Bob Brown stated the next item was to consider approval of the conveyance of City of Lufkin property located at the corner of Ellen Trout Drive and Martin Luther King Drive (Tract 57 of the Anastasio Varilla Survey, Abstract No. 49) to McCoy's Building Material for the amount of four thousand one hundred ninety-one dollars and sixteen cents (\$4,191.16).

City Manager Paul Parker stated this was undevelopable right-of-way adjacent to McCoy's and Staff recommended the sale of this property for the amount of four thousand one hundred ninety-one dollars and sixteen cents (\$4,191.16) to McCoy's Building Supply.

Councilmember Victor Travis moved to approve the conveyance of property located at the corner of Ellen Trout Drive and Martin Luther King Drive to McCoy's Building Material for the amount of four thousand one hundred ninety-one dollars and sixteen cents (\$4,191.16). Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

12. CONVEYANCE OF CITY OF LUFKIN PROPERTY LOCATED ON FM 2108 (TRACT 169.1 OF THE J.M. SOTO SURVEY) TO ANGELINA COUNTY FOR THE AMOUNT OF FIFTEEN THOUSAND THREE HUNDRED NINETY DOLLARS (\$15,390) – APPROVED.

Mayor Bob Brown stated that Item No. 12 was to consider approval of the conveyance of City of Lufkin property located on FM 2108 (Tract 169.1 of the J.M. Soto Survey) to Angelina County for the amount of fifteen thousand three hundred ninety dollars (\$15,390).

City Manager Paul Parker stated this was old Burke water system property and was adjacent to the Angelina Airport. City Manager Parker continued that the property would be sold as-is and the County Commissioner's Court had approved the purchase of the property. City Manager Parker concluded that Staff recommended City Council authorize the sale of property located on FM 2108 to Angelina County for the amount of fifteen thousand three hundred ninety dollars (\$15,390).

Councilmember Robert Shankle moved to approve the conveyance of City of Lufkin property located on FM 2108 to Angelina County for the amount of fifteen thousand three hundred ninety dollars (\$15,390). Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

13. CONVEYANCE OF CITY OF LUFKIN PROPERTY LOCATED AT 2310 OLD UNION ROAD (LOT 2, BLOCK 1, OF THE CEDAR CREEK REGIONAL DETENTION POND #7) TO DR. RYAN HINCKLEY FOR THE AMOUNT OF THIRTY THOUSAND FOUR HUNDRED EIGHTY DOLLARS (\$30,480) – APPROVED.

Mayor Bob Brown stated the next item was to consider approval of the conveyance of City of Lufkin property located at 2310 Old Union Road (Lot 2, Block 1, of the Cedar Creek Regional Detention Pond #7) to Dr. Ryan Hinckley for the amount of thirty thousand four hundred eighty dollars (\$30,480).

City Manager Paul Parker stated that Council had previously authorized this sale; however, since the property was developable, it had to be sold through the public sale process. City Manager Parker stated Staff had bid the property through the public process and Dr. Hinckley was the only successful bidder. City Manager Parker concluded that Staff recommended City Council authorize the sale of the property to Dr. Hinckley for the stated amount.

Councilmember Victor Travis moved to approve the conveyance of property located at 2310 Old Union Road to Dr. Ryan Hinckley for the amount of thirty thousand four hundred eighty dollars (\$30,480). Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

14. PURCHASE OF APPROXIMATELY 77.21 ACRES LOCATED EAST OF STATE HIGHWAY 103 FROM ALLEN AND SHANNON LOGGINS FOR

APPROXIMATELY SIX HUNDRED NINETY FOUR THOUSAND EIGHT HUNDRED NINETY DOLLARS (\$694,890) AND A RESOLUTION AUTHORIZING A BUDGET AMENDMENT TO THE 2013/2014 OPERATING BUDGET (BUDGET AMENDMENT NO. 4) PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE ECONOMIC DEVELOPMENT FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.

Mayor Bob Brown stated that the next item was to consider approval of the purchase of approximately 77.21 acres located east of State Highway 103 from Allen and Shannon Loggins for approximately six hundred ninety four thousand eight hundred ninety dollars (\$694,890) and a Resolution authorizing a Budget Amendment to the 2013/2014 Operating Budget (Budget Amendment No. 4) providing for the supplemental appropriation of funds in the Economic Development fund; and providing an effective date.

City Manager Paul Parker stated that the City had been making efforts to increase the size of Industrial Park property available for development. City Manager Parker stated this was the old race track property on Highway 103. City Manager Parker stated Items No. 13, 14 and 15 were all related and if approved, would create one large tract of land approximately ninety-six (96) acres in size. City Manager Parker stated that all three land purchases would be at a cost of nine-thousand dollars (\$9,000) per acre and true cost would be finalized upon the survey and closing. City Manager Parker concluded that Staff recommended City Council approve this purchase and Budget Amendment No. 4.

Councilmember Lynn Torres moved to approve the purchase of the land from Allen and Shannon Loggins for the stated amount and approve Budget Amendment No. 4, providing the funding for the purchase.

15. PURCHASE OF APPROXIMATELY 5.83 ACRES LOCATED EAST OF STATE HIGHWAY 103 FROM EVELYN BARLEY FOR APPROXIMATELY FIFTY-TWO THOUSAND FOUR HUNDRED SEVENTY DOLLARS (\$52,470) – APPROVED.

Mayor Bob Brown stated the next item was to consider the approval of the purchase of approximately 5.83 acres located east of State Highway 103 from Evelyn Barley for approximately fifty-two thousand four hundred seventy dollars (\$52,470).

City Manager Paul Parker stated this was the second parcel of land to be purchased as discussed in Item No. 14 and Staff recommended approval of the purchase.

Councilmember Robert Shankle moved to approve the purchase of land from Evelyn Barley. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

16. PURCHASE OF APPROXIMATELY 13.48 ACRES LOCATED EAST OF STATE HIGHWAY 103 FROM HERMAN AND ANNETTE HARVEY FOR APPROXIMATELY ONE HUNDRED TWENTY-ONE THOUSAND THREE HUNDRED TWENTY DOLLARS (\$121,320) – APPROVED.

Mayor Bob Brown stated the next item was the consideration of the purchase of approximately 13.48 acres located east of State Highway 103 from Herman and Annette Harvey for approximately one hundred twenty-one thousand three hundred twenty dollars (\$121,320).

City Manager Paul Parker stated this was the third parcel of land to be purchased as discussed in Item No. 14 and Staff recommended approval of the purchase.

Councilmember Robert Shankle moved to approve the purchase of the land from Herman and Annette Harvey. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

17. CITY MANAGER REPORT

City Manager Paul Parker stated that it was early in the financial year and Staff had no real concerns. City Manager Parker stated that Staff was still monitoring the ambulance fee revenue and would address the situation in the near future. City Manager Parker stated that the Municipal Court building was progressing nicely and the new Fire Station was moving along as well. City Manager Parker continued that the North Brentwood Drive extension was open and in use. City Manager Parker concluded that he would be glad to answer any questions.

18. **EXECUTIVE SESSION**

Mayor Bob Brown stated there was no need for City Council to recess into Executive Session.

19. **ECONOMIC DEVELOPMENT INCENTIVES AND TAX ABATEMENTS FOR DOUBLE R BRAND PREMIUM FOOD PRODUCTS, LLC, DBA HOLMES SMOKEHOUSE – APPROVED.**

Mayor Bob Brown stated that Item No. 19 was to consider approval of Economic Development incentives and Tax Abatements for Double R Brand Premium Food Products, LLC, dba Holmes Smokehouse.

City Manager Paul Parker stated that Staff was proud to present an incentive and tax abatement package for Holmes Smokehouse to City Council for their approval. City Manager Parker explained the terms of the agreement and expressed his appreciation to Staff for their work on the project.

Councilmember Lynn Torres moved to approve the incentives and abatements as discussed. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

20. **DISCUSSION OF ITEMS OF COMMUNITY INTEREST, INCLUDING EXPRESSIONS OF THANKS, CONGRATULATIONS OR CONDOLENCE; INFORMATION REGARDING HOLIDAY SCHEDULES; HONORARY RECOGNITIONS OF CITY OFFICIALS, EMPLOYEES OR OTHER CITIZENS; REMINDERS ABOUT UPCOMING EVENTS SPONSORED BY THE CITY OR OTHER ENTITY THAT IS SCHEDULED TO BE ATTENDED BY CITY OFFICIALS OR EMPLOYEES; AND ANNOUNCEMENTS INVOLVING IMMINENT THREATS TO THE PUBLIC HEALTH AND SAFETY OF THE CITY.**

City Manager Paul Parker highlighted upcoming events and meetings on the calendar and holiday closures. Councilmember Lynn Torres reminded Council of the upcoming DETCOG meeting. Councilmember Victor Travis introduced Guessippina Bonner who inquired about the employment skills that would be needed for the new employer Holmes Smokehouse.

21. There being no further business for consideration, the meeting adjourned at 5:50 p.m.



Bob F. Brown, Mayor



Kara Atwood, City Secretary

SEAL