

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 2ND OF AUGUST, 2016.**

On the 2nd day of August, 2016 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
Mark Hicks	Mayor Pro Tem
Guessippina Bonner	Councilmember, Ward No. 1
Robert Shankle	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Rocky Thigpen	Councilmember, Ward No. 5
Sarah Murray	Councilmember, Ward No. 6
Keith Wright	City Manager
Steve Floyd	Assistant City Manager
Bruce Green	City Attorney
Kara Atwood	City Secretary
Rodney Ivy	Human Resource Director
Gerald Williamson	Police Chief
David Thomas	Asst. Police Chief
Ted Lovett	Fire Chief
Belinda Southern	Finance Director
Dorothy Wilson	Planning Director
Mike Akridge	Parks & Recreation Director
Barbara Thompson	Main Street Director
Brant Lee	Water Distribution Director
Dale Allred	Inspection Services Director
Sid Munlin	IT Director
Chuck Walker	Public Works Director
Kent Havard	Solid Waste Director

being present when the following business was transacted.

1. The meeting was opened with prayer by Chaplain Rick Williams of Woodland Heights Hospital.
2. Mayor Bob F. Brown welcomed visitors present.
3. **MINUTES OF THE COUNCIL REGULAR COUNCIL MEETING HELD JULY 19, 2016 - APPROVED**

Councilmember Lynn Torres moved to approve the minutes of the meeting as presented. Councilmember Guessippina Bonner seconded the motion and a unanimous vote to approve was recorded.

OLD 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 COMMUNICATIONS TOWER ON PROPERTY ADDRESSED AS 500 ABNEY AVENUE - POSTPONED**

City Manager Keith Wright stated that the applicant, Vertical Bridge Holdings, LLC proposed to construct a one hundred and ninety-five foot (195') Communications Tower with related equipment at 500 Abney Avenue. Planning and Zoning Director, Dorothy Wilson displayed the subject property on a map. City Manager Wright furthered that the applicant expressed that the proposed property was ideally suited for Cellular One to continue its service to North Lufkin residents. City Manager Wright stated that the application for the Special Use Permit was approved by the Planning and Zoning Commission during the meeting of June 27, 2016 and the item was withdrawn

from the City Council agenda of July 5, 2016. City Manager Wright furthered that during the City Council meeting of July 19, 2016 the item was postponed in order for the applicant to provide additional information regarding the necessity of the tower. City Manager Wright stated that the applicant submitted an informational letter from Cellular One and was included in the Council Packet. City Manager Wright concluded that Staff recommended City Council conduct a Public Hearing and consider the First Reading of an Ordinance granting a Special Use Permit for a Communications Tower on the property addressed as 500 Abney Avenue.

Mayor Brown opened the Public Hearing at 5:03 p.m.

Tom Holloman, Representative of Vertical Bridge Holdings, LLC, introduced himself to those in attendance. Mr. Holloman restated his position in relation to the previous submitted maps and the proposed Cellular Communications Tower. Mr. Holloman submitted a letter from Vertical Bridge Holdings, LLC and stated the letter would quantify the data on the previous submitted maps.

Dr. Dallas Pierre, DDS summarized his position that although his office was directly across from the subject property, he was not against the Cellular Communications Tower for the sole purpose of resenting the communications Tower, rather Dr. Pierre questioned how the proposed Cellular Communications Tower would benefit the citizens or students of the North Lufkin area. Dr. Pierre requested deliberation and proof to validate the need for the construction of a Cellular Tower in the 500 Abney Avenue area. Dr. Pierre concluded by thanking City Council.

Myrick Richard, citizen of Lufkin and visitor of the Richard family home neighboring the subject property stated that aesthetically, the Cellular Communications Tower and the added dishes from competitors would debase the North Lufkin Community. Mr. Richard questioned the benefit of the Cellular Communications Tower. Tom Holloman clarified that the primary benefit of the Cellular Communications Tower equated to increased cellular coverage inside and outside of the residential area in addition to the benefit of competitor carrier leasing options on the same tower as opposed to constructing several individual towers that housed one (1) provider. Tom Holloman concluded that Cellular One and the Citizens of Lufkin would benefit by gaining increased coverage in addition to cellular tower sharing.

Bruce Green, City Attorney, provided a brief overview of the legal guidelines involved regarding the proposed Cellular Communication Tower. City Attorney Green explained that the discretion of the state and local authority to deny or approve the zoning or a land use decision involving a Cellular Communications Tower was specifically limited to the parameters outlined in The Federal Communications Act of 1996. City Attorney Green furthered that the generalized aesthetics, property devaluation and certain health risks that involved emitted radio frequencies were predetermined by law to be in substantiated denial grounds, therefore illegal for a local or state authority to deny the proposed Cellular Communications Tower. City Attorney Green concluded that City Council was reasonably permitted to deliberate issues that involved gaps in service. City Attorney Green reiterated that City Council empathized with the concerns of the Citizens; however the City Council would not be permitted to deliberate the issues predetermined by Federal Law to be inarguable. City Attorney Green thanked City Council.

There being no one else that wished to comment Mayor Brown closed the Public Hearing and requested comments or questions from the City Council.

Councilmember Guessippina Bonner recapped the concern of a proliferation of Cellular Communication Towers in the greater Lufkin area. Councilmember Bonner stated that forty-three (43) cellular towers were in place within a four (4) mile radius of the subject property. Councilmember Bonner furthered that previously Verizon guaranteed the adequate cellular coverage for the School Districts of Lufkin. Councilmember Bonner concluded that the additional documentation submitted by Vertical Bridge Holdings, LLC did not prove a substantial need for the proposed cellular communications tower at 500 Abney Avenue.

Jeff Chance, Legal Counsel for Vertical Bridge Holdings, LLC stated the position that the burden of proof was the responsibility of the City and not Vertical Bridge Holdings, LLC.

City Manager Wright stated that propagation studies encompassed signal strength. City Manager Wright furthered that the maps submitted by Vertical Bridge Holdings, LLC displayed three (3) categories of signal strengths that ranged from strong to very poor. City Manager Wright explained that the headings were an interpretation of a DB signal that represented a logarithmic unit which indicated ratio or gains and that the numbers and ranges were not shown on the map or detailed in the submitted letter. City Manager Wright furthered that the letter submitted by Vertical Bridge Holdings, LLC stated that there was a fifteen (15) DB indoor signal strength loss. City Manager Wright furthered that Vertical Bridge Holdings, LLC did not provide a complete picture for accurate review as the total and comparable DB was not provided for evaluation. City Manager Wright listed examples of acceptable DB signal strength ranges. City Manager Wright requested the comparison DB signal strength readings. Attorney Jeff Chance stated that an email was available from the Engineer contracted with Vertical Bridge Holdings, LLC that listed supporting details in favor of constructing the new Communications Tower at the proposed location. In conclusion, Attorney Jeff Chance highlighted points for City Council to consider .

Councilmember Lynn Torres stated that cellular data usage was not an issue while on school property as the need for coverage was in house and effectual on campus. Councilmember Torres clarified that the need for service availability increased once the student attempted to gain access to the shared school network from home which required cellular coverage.

Councilmember Guessippina Bonner paraphrased the information provided to City Council four (4) years previous presented by Verizon regarding Cellular Towers, anticipated coverage and School Districts.

Discussion ensued.

City Attorney Green summarized City Council's concern of a proliferation of towers as a result of approving the construction of cellular towers without first justifying the need. City Attorney Green detailed various litigation scenarios and prohibitions relevant to the discussion, specifically business discrimination, deliberation time, zoning compliance issues and the Court System's rulings regarding previous denial and approval arguments.

City Manager Wright requested the data to validate the signal strength represented by each color, indoor signal strength data and outdoor signal strength data. Attorney Jeff Chance proposed to table the item until such time as the Engineer(s) could reasonably provide City Council with the requested data.

Mayor Brown stated that increased coverage was ideal if it aided the children and the community.

Discussion ensued.

Councilmember Robert Shankle moved to postpone the Ordinance as presented. Councilmember Sarah Murray seconded the motion and a six (6) to one (1) vote to postpone was recorded. Councilmember Guessippina Bonner voted in opposition to the postponement.

NEW BUSINESS

5. **RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2015/2016 OPERATING BUDGET (BUDGET AMENDMENT NO. 23), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL, HOTEL/MOTEL TAX, SPECIAL RECREATION, PINES THEATER SPECIAL**

EVENT, ZOO BUILDING, COURT SECURITY/TECHNOLOGY, COMMUNITY DEVELOPMENT/DOWNTOWN IMPROVEMENTS, ANIMAL SERVICES – KURTH GRANT, ANIMAL SERVICES – ANIMAL ATTIC, ECONOMIC DEVELOPMENT, LUFKIN CONVENTION AND VISITORS BUREAU, 2009 WASTEWATER CO'S, 2013 WATER/SEWER CO'S, GENERAL OBLIGATION DEBT SERVICE, WATER/WASTEWATER, SOLID WASTE & RECYCLING AND EQUIPMENT AND ACQUISITION & REPLACEMENT FUNDS; AND PROVIDING AN EFFECTIVE DATE - APPROVED

City Manager Wright stated that each year during the budget review process, Staff evaluated the existing budget of each Department to determine the estimated revenues and expenditures needed for the remainder of the fiscal year; referred to as the Mid-Year Budget Amendment. City Manager Wright concluded that Staff recommended City Council approve a Resolution authorizing Budget Amendment No. 23, which modified the 2015-2016 Annual Budget to provide appropriate funding for each Department for the remainder of the fiscal year.

Councilmember Lynn Torres moved to approve the Resolution as presented. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

6. CONSIDER ESTABLISHING AUGUST 16TH, SEPTEMBER 6TH, SEPTEMBER 13TH, AND SEPTEMBER 20TH, AS CITY COUNCIL MEETING DATES TO CONDUCT PUBLIC HEARINGS, ESTABLISH A TAX RATE AND CONSIDER APPROVAL OF THE 2016-2017 FISCAL YEAR BUDGET FOR THE CITY OF LUFKIN – APPROVED

City Manager Wright stated that per State Law, the City Council must establish dates to conduct Public Hearings for the purpose of establishing a tax rate and consideration of approval of the 2016-2017 Fiscal Year Budget for the City of Lufkin.

Councilmember Lynn Torres moved to approve the City Council meeting dates as presented. Councilmember Guessippina Bonner seconded the motion and a unanimous vote to approve was recorded.

7. GRANT TO THE LUFKIN FIRE DEPARTMENT IN THE AMOUNT OF \$8,000 FROM THE GEORGIA PACIFIC FOUNDATION AND APPROVAL OF A RESOLUTION AUTHORIZING BUDGET AMENDMENT NO. 21 APPROPRIATING THE FUNDING – APPROVED

City Manager Keith Wright stated that the Lufkin Fire Department had received grant funding in the amount of eight-thousand dollars (\$8,000) from the Georgia Pacific Foundation intended to support the mission of providing emergency response to Georgia Pacific Facilities. City Manager Wright furthered that the funding would be placed in the Fire Services Equipment Budget. City Manager Wright concluded that Staff recommended City Council accept the funding in the amount of eight-thousand dollars (\$8,000) from the Georgia Pacific Foundation and approve the Resolution authorizing Budget Amendment No. 21 appropriating the funding.

Councilmember Guessippina Bonner moved to approve the Grant as presented. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

8. GRANT TO THE LUFKIN FIRE DEPARTMENT IN THE AMOUNT OF \$475 FROM THE LUFKIN ROTARY CLUB AND APPROVE A RESOLUTION AUTHORIZING BUDGET AMENDMENT NO. 22 APPROPRIATING THE FUNDING – APPROVED

City Manager Keith Wright stated that the City of Lufkin Fire Department received funding from the Lufkin Rotary Club in the amount of four-hundred and seventy-five dollars (\$475) intended to fund educational and training opportunities. City Manager Wright furthered that the funding would be placed in the Fire Prevention Training

Budget. City Manager Wright concluded that Staff recommended City Council accept the funding in the amount of four-hundred and seventy-five dollars (\$475) from the Lufkin Rotary Club and approve the Resolution authorizing Budget Amendment No. 22 appropriating the funding.

Councilmember Robert Shankle moved to approve the Resolution as presented. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

9. PRESENTATION REGARDING THE CITY OF LUFKIN RECYCLING PROGRAM

City Manager Keith Wright stated that during the Annual Budget Review it was noted that the Solid Waste Fund data confirmed the imminent position of decreased revenue and increased expenditures estimated to exceed the revenues, therefore possible solutions were considered. City Manager Wright furthered that a rate increase was not the goal. City Manager Wright furthered that expenditure changes regarding the Recycling Program were evaluated.

Assistant City Manager Steve Floyd detailed the services provided by the City of Lufkin Recycling Program. Assistant City Manager Floyd reviewed the projected losses and detailed the projected increased costs to continue the Curbside Recycling Program. Assistant City Manager Floyd suggested attaining public input by offering a relevant questionnaire and proposed that the City of Lufkin discontinue the Curbside Recycling Program; change the collection options for the Recycling Program or implement a rate increase to cover the cost of continuing services. Councilmember Guessippina Bonner suggested posting the questionnaires at the Utility Collections Department to promote Citizen Participation.

10. ITEMS OF COMMUNITY INTEREST FROM MAYOR, CITY COUNCILMEMBERS AND STAFF

City Manager Wright detailed the various upcoming City sponsored and community events.

11. There being no more business to address the meeting was adjourned at 6:00 p.m.



Bob F. Brown, Mayor

ATTEST:

Kara Atwood, City Secretary