

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS HELD ON THE 7th DAY OF DECEMBER, 2021.**

On the 7th day of December, 2021 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:

Mark Hicks	Mayor
Robert Shankle	Mayor Pro Tem
Guessippina Bonner	Councilmember, Ward No. 1
Lynn Torres	Councilmember, Ward No. 3
Wes Suiter	Councilmember, Ward No. 4
Rocky Thigpen	Councilmember, Ward No. 5
Trent Burfine	Councilmember, Ward No. 6
Bruce Green	City Manager
Erika Neill	City Attorney
Kevin Gee	Assistant City Manager
Gerald Williamson	Assistant City Manager
Kara Andrepont	City Secretary
Adriana Thomasee	Human Resources Director
David Thomas	Police Chief
Buddy Cross	Assistant Police Chief
Jesse Moody	Fire Chief
Ryan Watson	Assistant Fire Chief
Jessica Pebsworth	Communications Director
Belinda Melancon	Finance Director
Scott Rayburn	Planning Director
Rudy Flores	Parks and Recreation Director
Tara Hendrix	Tourism & Marketing Director
Albert Duffield	Water & Sewer Director
Scott Feaster	IT Director
Jessica Leyva	Utility Collections

being present when the following business was transacted.

INVOCATION – The meeting was opened with prayer by Mr. Raymond K. Vann.

PUBLIC COMMENT – Mayor Mark Hicks opened the meeting for public comment on any posted agenda item at 5:01 p.m. There being no one who wished to speak; Mayor Hicks closed the public comment period.

CONSENT AGENDA

- 1. MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF NOVEMBER 16, 2021– APPROVED.**
- 2. SECOND READING OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2021-2022 OPERATING BUDGET (BUDGET AMENDMENT NO. 2) APPROPRIATING THE FUNDING FOR THE LUFKIN POLICE DEPARTMENT INCENTIVE PAY, CERTIFIED POLICE OFFICER AND POLICE OFFICER REFERRAL BONUS POLICIES – APPROVED.**
- 3. SECOND READING OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2021-2022 OPERATING BUDGET (BUDGET AMENDMENT NO. 3) APPROPRIATING THE FUNDING IN THE AMOUNT OF \$193,436 FOR THE REPAIR OF WATER WELL NO. 3 – APPROVED.**
- 4. SECOND READING OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2021-2022 OPERATING BUDGET (BUDGET AMENDMENT NO. 4) REAPPROPRIATING FUNDING FOR THE MANHOLE REHABILITATION PROJECT – APPROVED.**
- 5. FIRST READING OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2021-2022 OPERATING BUDGET (BUDGET AMENDMENT NO. 5 APPROPRIATING FUNDING FOR PROJECTS TO BE COMPLETED FROM THE PREVIOUS FISCAL YEAR – APPROVED.**

6. **RESOLUTION AUTHORIZING ACCEPTANCE OF THE FISCAL YEAR 2021 U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$11,906 FOR THE LUFKIN POLICE DEPARTMENT AND FIRST READING OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2021-2022 OPERATING BUDGET (BUDGET AMENDMENT NO. 6) APPROPRIATING THE FUNDING – APPROVED.**
7. **TAX RESALE AUCTION BID FOR PROPERTY KNOWN AS LOT 4, BLOCK 10, HENDERSON JORDAN ADDITION, LUFKIN, TEXAS – APPROVED.**
8. **TAX RESALE AUCTION BID FOR PROPERTY KNOWN AS LOT 2 AND LOT 3, BLOCK 9, HENDERSON JORDAN ADDITION, LUFKIN, TEXAS – APPROVED.**

Councilmember Lynn Torres moved to approve all items on the consent agenda as presented. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded

Mayor Hicks introduced Adriana Thomasee, the new City of Lufkin Human Resources Director, Tara Hendrix, the new City of Lufkin Tourism and Marketing Director and Luke Patrick Owens, an Eagle Scout with Boy Scout Troop 136.

BUSINESS AGENDA

9. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE PLACEMENT OF A COMMUNICATIONS TOWER ON PROPERTY ADDRESSED AS 808 RICKS ROAD – DENIED.**

City Manager Bruce Green stated the applicant, Michael Crain, with AT&T Mobility proposed to construct a one hundred -fifty-foot (150') AT&T communication tower with related equipment. City Manager Green highlighted the location of the property on corresponding maps and provided information on current zoning of neighboring properties. City Manager Green furthered the proposed Special Use Permit was approved by a five (5) to one (1) vote by the Planning and Zoning Commission at its regular meeting on November 8, 2021 with certain provisions:

1. Decreasing the height of the communication tower from the original request of one hundred and sixty feet (160') to one hundred and fifty feet (150').
2. Relocation of the original lease area and access easement from the west side of the property to the east side of the property.
3. Tower to be painted to blend into the surrounding landscape.

City Manager Green stated due to signed opposition of twenty percent (20%) of the area of required notification, a "super majority" vote of at least three-fourths (six (6) out of seven (7)) of all City Council members was required per Chapter 211.006 of the Local Government Code. City Manager Green introduced City Attorney Erika Neill to provide information regarding limitations regarding the Federal Telecommunications Act of 1996. City Manager Green noted the item was postponed during the November 16, 2021 meeting due to several Councilmembers being absent. City Manager Green concluded Staff recommended City Council conduct a Public Hearing and consider on First Reading an Ordinance granting a Special Use Permit for a communications tower on property addressed as 808 Ricks Road.

Mayor Mark Hicks opened the Public Hearing at 5:10 p.m. Mr. Doyle Bruce, a resident of Ricks Road, spoke in opposition to the construction of the communications tower. Mr. Bebb Francis, an attorney for SBA Communications spoke in opposition to the construction of the tower. Mr. Michael Crain, with AT&T Mobility spoke in favor of the construction of the communications tower. City Manager Bruce Green asked Mr. Crain if there was a current gap in service. Mr. Crain stated there was a capacity issue but could not answer as to whether there was an area that was currently uncovered. City Manager Green asked if there had been good faith efforts to increase capacity with the current existing cell towers. Discussion ensued among the individual speakers and City Council. Mayor Hicks closed the Public Hearing at 5:54 p.m.

Councilmember Guessippina Bonner moved to deny the Ordinance as presented. Councilmember Trent Burfine seconded the motion and the following roll call vote was recorded:

- Councilmember Lynn Torres - Aye
- Councilmember Rocky Thigpen - No

- Councilmember Robert Shankle - No
- Mayor Mark Hicks - No
- Councilmember Guessippina Bonner - No
- Councilmember Wes Suiter - No
- Councilmember Trent Burfine - No

The Ordinance was denied by a 6-1 vote.

10. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A HEALTH STUDIO ON A PORTION OF PROPERTY ADDRESSED AS 1417 ATKINSON DRIVE – APPROVED.

City Manager Bruce Green stated the applicant, Abril Wright, on behalf of the owner, Angela Renee Greer Ivy, was requesting a Special Use Permit for a health studio. City Manager Green furthered the proposed health studio would be a leased area of approximately 1,760 square feet located within a retail strip center which had two resale shops, a barbershop and a paint store. City Manager Green highlighted the location of the property on corresponding maps and provided information on current zoning of neighboring properties. City Manager Green stated Staff found the proposed Special Use Permit consistent with the zoning and future land use plan as well as the existing uses within the area. City Manager Green furthered the request was unanimously approved by the Planning and Zoning Commission during the meeting of November 22, 2021. City Manager Green concluded Staff recommended City Council conduct a Public Hearing and consider First Reading of an Ordinance granting a Special Use Permit for a health studio located at 1417 Atkinson Drive.

Mayor Mark Hicks opened the Public Hearing at 5:58 p.m. There being no one who wished to speak; Mayor Hicks closed the Public Hearing and moved to comments from the Council.

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

11. FIRST READING OF AN ORDINANCE IN SUPPORT OF THE APPLICATION BY THE CHROMIUM CORPORATION FOR A MUNICIPAL SETTING DESIGNATION THROUGH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY – APPROVED.

City Manager Bruce Green stated Staff had received a request from BGE Environmental Services Group, on behalf of the property owner, for the City of Lufkin to adopt an ordinance in support of a Municipal Setting Designation (MSD) through the Texas Commission on Environmental Quality (TCEQ) for the property located at 308 Ellen Trout Drive. City Manager Green furthered the property was currently owned by Cybershield, Inc., with the responsible party being the Chromium Corporation. City Manager Green explained per TCEQ, an MSD was an official state designation given to property within a municipality or its extraterritorial jurisdiction that certifies that designated groundwater at the property was not used as potable water and was prohibited from future use as potable water because that groundwater was contaminated in excess of the applicable potable-water protective concentration level. City Manager Green furthered the prohibition must be in the form of a city ordinance or a restrictive covenant that was enforceable by the city and filed in the property records. City Manager Green stated the Ordinance would document the City of Lufkin's support of the property owner in petitioning the TCEQ to certify the Municipal Setting Designation. City Manager Green furthered the application required the property owner to document support from the municipality and the operator of the groundwater supply. City Manager Green concluded Staff recommended City Council approve the First Reading of an Ordinance in support of an application by the Chromium Corporation for a Municipal Setting Designation through the Texas Commission on Environmental Quality.

Councilmember Lynn Torres moved to approve the Ordinance as presented. Councilmember Rocky Thigpen seconded the motion and a unanimous vote to approve was recorded.

12. APPROVAL OF THE FINDINGS OF FACTS REGARDING THE CITY OF LUFKIN POLITICAL BOUNDARIES FOLLOWING THE PUBLICATION OF THE 2020 CENSUS DATE AND APPROVAL OF AN ORDER FOR THE CRITERIA AND REDISTRICTING OF THE CITY OF LUFKIN – APPROVED.

City Manager Bruce Green stated the order for redistricting political boundaries proposed for City Council approval and passage was based on the initial assessment prepared by consultant Allison, Bass & Magee, LLP and the entire assessment had been included in the Council Packet for review. City

was 17.02% and a percentage above 10% was presumptively unconstitutional. City Manager Green stated the order for redistricting political boundaries acknowledged that the City would proceed with redistricting and the findings which required it. City Manager Green furthered Staff was waiting on direction from the consultants regarding their availability for a Special Called Meeting of the City Council for a workshop to receive further information, review the demographics and take possible action regarding redistricting. City Manager Green concluded Staff recommended City Council approve the Findings of Facts and Order for the criteria and redistricting of the City of Lufkin political boundaries.

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

13. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENERGY SAVINGS PERFORMANCE CONTRACT WITH PERFORMANCE SERVICES OF TEXAS, INC. – APPROVED.

City Manager Bruce Green stated Staff had been working to develop an Energy Savings Performance Contract in accordance with Chapter 302 of Texas Local Government Code. City Manager Green furthered the Performance Guarantee Contract with Performance Services of Texas, Inc. (PSI) was being brought before Council for approval. City Manager Green explained based on the findings of the audit, the proposed improvements would result in a reduction of water loss and guarantee an increase in revenue of at least \$1,648,691 per year. City Manager Green furthered due to existing inaccuracies of meters, residential customers would, on average, see an increase of 9.2% on their water bill for water they were not being currently billed for. City Manager Green stated for commercial accounts, on average, the increase would be 13% and approximately 68% of increased revenue would be from commercial accounts, because of the larger volume of usage for those accounts. City Manager Green concluded Staff recommended City Council approve a Resolution authorizing the City Manager to execute an energy savings performance contract with Performance Services of Texas, Inc.

Councilmember Guessippina Bonner asked whether some water meters had been recently replaced and if there was a map of the locations. Councilmember Bonner also asked if the increase in water bills could be spread across numerous bills. City Manager Green addressed both questions. Councilmember Trent Burfine asked what percent of the 400,000,000 gallons of lost water was due to water leaks. Mr. Ira Nicodemus with Performance Services addressed the question and a discussion ensued. Councilmember Bonner expressed her concern regarding the financial impact the increase in the cost would have on the older population. Discussion ensued.

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

14. APPROVAL OF THE PURCHASE OF COMMUNICATIONS EQUIPMENT FOR THE LUFKIN POLICE DEPARTMENT THROUGH THE AMERICAN RESCUE PLAN ACT OF 2021 AND FIRST READING OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2021-2022 OPERATING BUDGET (BUDGET AMENDMENT NO. 7) APPROPRIATING THE FUNDING – APPROVED.

Councilmember Wes Suiter moved to approve the purchase and Ordinance as presented. Councilmember Guessippina Bonner seconded the motion and a unanimous vote to approve was recorded.

15. EXECUTIVE SESSION

Mayor Mark Hicks recessed the Regular Session at 6:27 p.m.

Mayor Mark Hicks reconvened the Regular Session at 7:09 p.m.

There being no further business, Mayor Mark Hicks adjourned the meeting at 7:09 p.m.



Mark Hicks, Mayor

ATTEST:



Kara Andrepont, City Secretary