

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 6<sup>th</sup> DAY OF MAY, 2014.**

On the 6<sup>th</sup> day of May, 2014, 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
Don Langston	Councilmember, Ward No. 4
Rufus Duncan	Councilmember, Ward No. 5
Sarah Murray	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Keith Wright	Deputy City Manager
Bruce Green	City Attorney
Kara Atwood	City Secretary
Belinda Southern	Finance Director
David Thomas	Assistant Police Chief
Ted Lovett	Fire Chief
Thad Chambers	Economic Development Director
Steve Floyd	Public Works Director
Steve Poskey	Street Department Director
Chuck Walker	Public Utilities Director
Dale Allred	Inspection Services Director
Barbara Thompson	Main Street Director
Mike Akridge	Parks & Recreation Director

being present when the following business was transacted.

1. The meeting was opened with prayer by Pastor Gene Hazell, Fairview Baptist Church.
2. Mayor Bob Brown welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting held April 15, 2014, were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember Sarah Murray. A unanimous affirmative vote was recorded to approve the minutes as presented.

**NEW BUSINESS:**

4. **FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 3922, CHAPTER 93.00 (FIRE PREVENTION AND PROTECTION; FIREWORKS) OF THE CODE OF ORDINANCES OF THE CITY OF LUFKIN, ALLOWING FOR OPERATION OF A BUSINESS IN A PERMANENT STRUCTURE SELLING FIREWORKS FOLLOWING UNILATERAL ANNEXATION OF AN EXISTING BUSINESS; AND PROVIDING AN EFFECTIVE DATE – DENIED.**

Mayor Bob Brown stated the next item for consideration was the First Reading of an Ordinance amending Ordinance No. 3922, Chapter 93.00 (Fire Prevention and Protection; Fireworks) of the Code of Ordinances of the City of Lufkin, allowing for operation of a business in a permanent structure selling fireworks following unilateral annexation of an existing business; and providing an effective date.

City Manager Paul Parker stated that this was a request by the owners of a permanent fireworks structure situated on property located on Highway 59 South that was previously annexed in 2007. City Manager Parker continued that fireworks structures were not allowed within the City limits; however, City Council allowed the owners of this fireworks business to continue operating for seven (7) years, in order for the business owners to recover their investment in that building. City Manager Parker furthered that the amendment proposed for consideration would

allow this particular building to continue in operation; however, new fireworks businesses in the City limits would not be allowed per this ordinance. City Manager Parker stated that Staff recommended City Council approve this ordinance, which would allow this business to continue to sell fireworks in the annexed area.

Councilmember Sarah Murray clarified if this would be the only business being considered for the sale of fireworks in the city limits. City Manager Parker answered that the ordinance under consideration only applied to this business, and no future fireworks businesses would be allowed to operate in the City limits as a result.

Councilmember Don Langston stated that when the annexation first took place the owner of that business agreed to the seven year amortization schedule. Councilmember Langston commented that the only fair choice would be to not allow any businesses to sell fireworks in the City limits, regardless of how long they had been there.

Councilmember Lynn Torres emphasized that the seven (7) years originally given to the owners to recover their investment was generous. Councilmember Torres stated that the ordinance in consideration had strayed away from the original intent in giving the business owners time to either make back their original investment or sell the property.

Councilmember Rufus Duncan moved to deny the First Reading of an Ordinance amending Ordinance No. 3922, Chapter 93.00 (Fire Prevention and Protection; Fireworks) of the Code of Ordinances of the City of Lufkin, allowing for operation of a business in a permanent structure selling fireworks. Councilmember Sarah Murray seconded the motion and a unanimous vote to deny was recorded.

5. **RESOLUTION OF THE CITY OF LUFKIN, TEXAS AMENDING TAX ABATEMENT GUIDELINES GOVERNING TAX ABATEMENT AGREEMENTS FOR PROPERTIES LOCATED IN THE CITY'S ENTERPRISE ZONE – APPROVED.**

Mayor Bob Brown stated Item No. 5 was consideration of a Resolution of the City of Lufkin, Texas amending Tax Abatement Guidelines governing tax abatement agreements for properties located in the City's Enterprise Zone.

City Manager Paul Parker stated that in January 2013 the City of Lufkin revamped the Tax Abatement Guidelines in order to make it easier to follow as well as set standards that it had not had in the past. City Manager Parker continued that during that process the City Council decided not to offer tax abatements for retail. City Manager Parker commented that inadvertently the downtown area and Kurth Drive were included in the abandonment of the retail tax abatement policy. City Manager Parker furthered that the inclusion of the downtown area and Kurth Drive was not intentional, because these areas were for the primary purpose of retail. City Manager Parker stated that the resolution for consideration would allow for retail tax abatement agreements for the areas of downtown Lufkin and Kurth Drive, and the resolution would loosen tax abatement guidelines for existing businesses.

Councilmember Don Langston asked if someone could lease properties for the sole purpose of the lease, and still receive tax abatement. City Attorney Bruce Green answered that there was the possibility of a lease-hold agreement. City Attorney Green elaborated further that the owner of the property would be the one who would have the possibility for the tax abatement, unless there was a lease hold agreement. City Manager Parker stated that it was State law, not City law that only the owner could benefit from the tax abatement policy. City Attorney Green stated that City Manager Parker was correct, except for the narrow exception that City Councilmember Langston had pointed out about the lease-hold agreement.

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

6. **RESOLUTION BY THE CITY OF LUFKIN, TEXAS SUSPENDING THE EFFECTIVE DATE OF A RATE INCREASE BY CENTER POINT ENERGY FOR FORTY-FIVE (45) DAYS – APPROVED.**

Mayor Bob Brown stated the next item was consideration of a Resolution by the City of Lufkin, Texas suspending the effective date of a rate increase by Center Point Energy for forty-five (45) days.

City Manager Paul Parker stated that this rate increase request was to recover a return in investment that CenterPoint Energy made between normal rate cases. City Manager Parker continued that this was not a normal rate case, it was under the GRIP statute, the Gas Reliability Infrastructure Program. City Manager Parker furthered that if passed, the effective date for this resolution would be on May 30, 2014 and the rates would not go in to effect on July 14, 2014. City Manager Parker stated that the forty-five (45) day period would allow the City of Lufkin time to determine if the amount of the rate increase was justified for the cost of repairs to infrastructure. City Manager Parker recommended City Council approve the resolution for the forty-five (45) day suspension of the rate increase for CenterPoint Energy.

Councilmember Don Langston moved to approve the Resolution suspending the CenterPoint rate increase for forty-five (45) days. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

**7. RESOLUTION AUTHORIZING BUDGET AMENDMENT NO. 16 APPROPRIATING FUNDING FOR FURNISHINGS AND JANITORIAL SERVICE FOR MUNICIPAL COURT – APPROVED.**

Mayor Bob Brown stated that Item No. 7 was to consider a Resolution authorizing Budget Amendment No. 16 appropriating funding for furnishings and janitorial service for Municipal Court.

City Manager Paul Parker stated that with the completion of the new Municipal Court building, there was a need for furnishings as well as janitorial services. City Manager Parker highlighted the list of furnishings to be purchased. City Manager Parker furthered that the part-time employee who currently provides janitorial service on the weekends for the Police Department would be responsible for cleaning the Municipal Court building for four (4) hours on Mondays, Wednesdays, and Fridays. City Manager Parker stated that on other days the janitorial service at City Hall would take care of the Municipal Court building as needed. City Manager Parker recommended City Council approve the amendment to allocate funds for the Municipal Court building's furniture along with janitorial supplies and services.

Councilmember Lynn Torres moved to approve the Resolution authorizing Budget Amendment No. 16. Councilmember Don Langston seconded the motion and a unanimous vote to approve was recorded.

**8. RESOLUTION AUTHORIZING ACCEPTANCE OF A DEPARTMENT OF JUSTICE DOMESTIC CANNABIS ERADICATION/SUPPRESSION PROGRAM GRANT TO THE LUFKIN POLICE DEPARTMENT IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000) AND A RESOLUTION AUTHORIZING BUDGET AMENDMENT NO. 17 APPROPRIATING THE FUNDING – APPROVED.**

Mayor Bob Brown stated the next item for consideration was a Resolution authorizing acceptance of a Department of Justice Domestic Cannabis Eradication/Suppression Program Grant to the Lufkin Police Department in the amount of ten thousand dollars (\$10,000) and a Resolution authorizing Budget Amendment No. 17 appropriating the funding.

City Manager Paul Parker stated that the Police Department had recently received funding from the Department of Justice in the amount of ten thousand dollars (\$10,000) and would use the grant funding in their efforts for the eradication of cannabis. City Manager Parker furthered that the grant funding would not have to be repaid if it is not used, but commented that it is highly unlikely the funds would go unused. City Manager Parker recommended that City Council approve the resolution accepting the grant along with the amendment appropriating the grant funding.

Councilmember Don Langston moved to approve a Resolution accepting grant and a Resolution authorizing Budget Amendment No. 17. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

9. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, DESIGNATING THE LANDSCAPED RIGHT-OF-WAY ON HIGHWAY 59 SOUTH FROM WHITEHOUSE DRIVE TO TULANE DRIVE AS "THE TEMPLE URBAN FOREST" – APPROVED.**

Mayor Bob Brown stated the next item for consideration was a Resolution of the City Council of the City of Lufkin, Texas, designating the landscaped right-of-way on Highway 59 South from Whitehouse Drive to Tulane Drive as "The Temple Urban Forest".

City Manager Paul Parker stated that in March 2010 Buddy and Ellen Temple approached the City about the creation of an urban forest in the right-of-way of the newly reconstructed portion of Highway 59 South. City Manager Parker continued that the Temple Foundation allocated six hundred fifteen thousand dollars (\$615,000) for the purpose of landscaping the Highway 59 South right-of-way. City Manager Parker furthered that the Temple's vision and assistance with providing the landscape architect was instrumental in the completion of this project. City Manager Parker recommended City Council approve the resolution to name the right-of-way on Highway 59 South as "The Temple Urban Forest".

Councilmember Rufus Duncan moved to approve a Resolution designating the stated area as the "The Temple Urban Forest". Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

10. **EXECUTIVE SESSION**

Mayor Bob Brown stated that an Executive Session would not be needed.

11. **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 including the Annual Expo Party, Forest Country Job Fair and the Museum of East Texas Dining Under the Stars Event. City Manager Parker also noted the Municipal Court Open House would be held on June 3<sup>rd</sup> and other events scheduled to be attended by City Council. Councilmember Victor Travis noted that the Lufkin Landscape Task Force's annual garden tour would be held on June 17<sup>th</sup>, and the community garden was on the tour list. City Manager Parker stated that the Naranjo Natural Museum of History had requested to house memorabilia from the NASA Columbia Shuttle Disaster and the City would be honoring this request unless City Council had any objections.

12. There being no further business for consideration, the meeting adjourned at 5:40 p.m.

  
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Bob F. Brown, Mayor

  
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Kara Atwood, City Secretary

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