MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 1st DAY OF AUGUST, 2017.

On the 1st day of August, 2017 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 Ivey	Human Resource Director
Gerald Williamson	Police Chief
David Thomas	Assistant Police Chief
Ted Lovett	Fire Chief
Dorothy Wilson	Planning & Zoning Director
Steve Poskey	Street Department Director
Mike Akridge	Parks & Recreation Director
Jason Arnold	Water & Sewer Director
Dale Allred	Inspection Services Director
Chuck Walker	Public Works Director
Kent Havard	Solid Waste Director
Gordon Henley	Ellen Trout Zoo Director
Tara Watkins	LCVB Director

being present when the following business was transacted.

1. The meeting was opened with prayer by Pastor M.E. Lyons of Goodwill Baptist Church.

2. Mayor Bob F. Brown welcomed Mayor Bronaugh and visitors present.

3. **MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JULY 18TH 2017 - APPROVED**

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

Mayor Brown stated that with permission from City Council, he would move to Item No. 8 on the Agenda due to time constraints of those attending.

8. **PRESENTATION AND CONSIDER APPROVAL OF THE ELLEN TROUT ZOO MASTER PLAN-APPROVED**

City Manager Keith Wright stated that City Council was aware, the development of the Zoo Master Plan had been underway for some time. City Manager Wright furthered that a copy of the finished plan has been provided and that Council had heard numerous presentations on this item. City Manager Wright continued that Zoo Director Gordon Henley was present should City Council prefer to see the completed presentation. City Manager Wright concluded that Staff requested approval of the Zoo Master Plan as presented to City Council. Mayor Brown requested comments or questions of City Council. There were none

Councilmember Lynn Torres moved to approve the Zoo Master Plan as presented. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

OLD BUSINESS

4. **SECOND READING OF AN ORDINANCE ANNEXING PROPERTY LOCATED WEST OF NORTH JOHN REDDITT DRIVE INTO THE CITY OF LUFKIN – APPROVED**

City Manager Wright stated that during the April 18, 2017 meeting, City Council approved a Resolution for Staff to proceed with the annexation that initiated by the property owner, Angelina Neches River Authority.

City Manager Wright stated the two (2) required Public Hearings were held during the Council Meeting of June 20, 2017 in order to allow for public comments and input and the First Reading of the Ordinance was approved during the July 18th, 2017 City Council meeting.

City Manager Wright stated Staff recommended City Council consider on Second Reading on Ordinance annexing property located west of North John Redditt Drive into the City of Lufkin.

Councilmember Hicks moved to approve the annexation of property located west of North John Redditt Drive as presented. Councilmember Torres seconded the motion and a unanimous vote to approve was recorded.

5. **SECOND READING OF AN ORDINANCE ANNEXING PROPERTY LOCATED NORTH OF AND ADJACENT TO LOTUS LANE INTO THE CITY OF LUFKIN - APPROVED**

City Manager Wright stated that during the April 18, 2017 meeting, City Council also approved a Resolution for Staff to proceed with the annexation process for property located adjacent to Louts Lane and south and west of Homer Alto Road. City Manager Wright furthered that this annexation was requested by the property owner for the development of Phase III of Creekside Hills. City Manager Wright stated that the two (2) required Public Hearings were conducted during the City Council meeting June 20, 2017 and the First Reading of the Ordinance was approved during the Council meeting of July 18th, 2017, therefore Staff recommended City Council approve the Second and Final reading of the Ordinance as presented.

Councilmember Shankle moved to approve the Ordinance annexing property located North of and adjacent to Lotus Lane as presented. Councilmember Bonner seconded the motion and a unanimous vote to approve was recorded.

6. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BY CHANGING THE ZONING TO "LOCAL BUSINESS" AND AMENDING THE FUTURE LAND USE MAP TO "COMMERCIAL" FOR PROPERTY KNOWN AS 900 WEST FRANK AVENUE. - APPROVED**

City Manager Wright stated that as shown on the included map, the applicant has requested a zone change for Lot 3 and 4 from designation "Apartment" to "Local Business" in order to develop the area into a neighborhood market. City Manager Wright stated that the adjacent lots (No.1 and 2 on the provided map and he former site of Mom's Diner) were currently zoned "Local Business" and this zone change would aloe for this use by right on all four parcels of land. City Manager Wright stated that a requested for a Future Land Use Map designation of "Commercial" was included as well.

Mayor Brown opened the Public Hearing at 5:05 p.m. There being no one who wished to speak, Mayor Brown closed the Public Hearing at 5:05 p.m. and requested comment from City Council.

Councilmember Bonner questioned the zoning of the lots and confirmed that the properties would be combined into one lot for the development of a neighborhood market.

Councilmember Shankle moved to approve the second reading of the Ordinance as presented. Councilmember Bonner seconded the motion and a unanimous vote to approve was recorded.

NEW BUSINESS

7. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN TEXAS, BY CHANGING THE ZONING TO "RESIDENTIAL LARGE SINGLE FAMILY DWELLING' FOR PROPERTY KNOW AS 207 BRENTWOOD DRIVE - APPROVED**

City Manager Wright stated that the owner, Cragg Todd has requested a change of zoning to "Residential Large Single Family Dwelling" in order to develop the property into lots for a residential development. City Manager Wright continued that the property was currently zoned "Agricultural" and the zoning could be modified with a zone change. City Manager Wright detailed the zoning of surrounding properties and stated the property was currently vacant with no structures. City Manager Wright continued that this item was postponed during the July 18th City Council meeting in order for the applicant to provide further information and to allow the neighboring property owners to update their position regarding this request. City Manager Wright stated that Staff mailed updated notices to neighboring property owners and that none were returned. City Manager Wright furthered that the application has also provided a statement of intent, deed restrictions and a concept plan of the development. City Manager Wright explained the plan and the deed restrictions. City Manager Wright stated the drainage requirements and what would be required for platting should the zone change request be approved. City Manager Wright concluded that the item would require a super majority vote for approval due to opposition from neighboring property owners.

Mayor Brown Opened the Public Hearing at 5:13 p.m.

Mr. Michael Parker spoke on Behalf of the applicant and stated that the restrictions were included stating that the homes must be at least 1800 square feet in size. Mr. Parker reiterated that the project would be done in two stages in order to address drainage issues or any financial issues that might arise. Mr. Parker continued that the City was in control of what happened with this property and that the owner would work diligently to address any additional drainage issues due to the fact that City would not approve the plat unless all issues were addressed. Mr. Parker stated that in Phase 2 a cul-de-sac would be included on Blake Road in order to address traffic issues. Tim McDonald spoke in opposition in order to protect his property values. Lisa Bush spoke in opposition due to the drainage issue and flooding concerns. Hunter Johnson stated that his concern was the number of homes to be constructed on the property. Nelda Sullivan also spoke in opposition due to the drainage and wanted to ensure that the City could restrict the lot numbers and address. Woody Doyle spoke in opposition due to drainage and number of houses proposed and that he had a letter of opposition from Yvonne Blake. Mr. Doyle also stated he did not agree with the drainage plan as presented in the concept plan and culvert sizing. Jared Grumble spoke in opposition due to the lot size and states he was not against new development; he was against the proposed 11 homes on the 4 acre lot. Mr. Grumble stated he was also concerned about his neighbors and drainage. Mary Ann Doyle stated that the drainage and development of Blake Road concerned her and was opposed to the number of homes. Ms. Doyle also stated that Mr. Todd was supposed to meet with them and address their concerns and he had not done that. Mr. Hunter Johnson confirmed how deed restrictions would be enforced. City Manager Wright stated the City was in control of the subdivision of the lots.

Mayor Brown closed the Public Hearing and requested comment from City Council.

Mark Hicks questioned regarding culvert locations, drainage, and housing placement if left in "Agricultural" zoning. City Manager Wright explained the City's drainage study requirements and what would be required. Councilmember Hicks questioned Phase 2 requirements and Blake Road improvements that would be required. Further discussion ensued regarding drainage, deed restrictions and platting requirements.

Mark Hicks moved to approve the zone change to "Residential Large Single Family Dwelling" for only Phase 1 of the development with deed restrictions to be filed prior to platting. City Manager Wright clarified the motion.

Mayor Brown reopened Public Hearing to address the motion at 5:56 p.m. Ms. Grumble questioned the zone change. City Manager Wright explained the different zoning and rezoning requirements. Councilmember Lynn Torres questioned whether the applicant was in agreement with proposed motion.

Councilmember Lynn Torres seconded the motion. Mayor Brown asked for any more discussion or comments.

The motion carried with a 6-7 vote with Councilmember Sarah Murray opposing.

9. **FIRST READING OF AN ORDINANCE OF THE CITY OF LUFKIN, TEXAS, ESTABLISHING APPLICATION FEES AND PUBLIC RIGHT-OF-WAY RATES FOR USE OF THE PUBLIC RIGHT-OF-WAY BY WIRELESS NETWORK PROVIDERS AND ADOPTING A DESIGN MANUAL FOR THE SAME - APPROVED**

City Manager Wright stated that Staff had developed an Ordinance and Design Manual in order to address legislation created by Senate Bill 1004 that imposes strict regulation regarding the installation of antennas in the City right of ways. City Manager Wright continued that the maximum amount of compensation cities can demand from the providers of wireless service using these facilities is also prescribed by the new law. City Manager Wright stated that by September 1, 2017 cities must have ordinances and design manuals in place or else find themselves unable to influence the location and appearance of these facilities in the public rights-of- way.

City Manager Wright continued although the City of Lufkin and other cities are presently considering legal action, the City needed to be prepared in light of the looming deadline on September 1st. City Manager Wright furthered that the proposed Ordinance and Design Manual simply took advantage of the few things left to the cities following the passage of SB 1004. City Manage Wright continued that if the Council did not take action, the City would be almost completely limited in controlling its public rights-of-way.

City Manager Wright concluded that Staff recommended City Council approve on First Reading an Ordinance establishing application fees and public right-of-way rates for use of the public right-of- way by wireless network providers and adopting a design manual for the same.

Councilmember Bonner moved to approve the application fees and public right-of-way rates as presented. Councilmember Hicks seconded the motion.

Councilmember Bonner commended City Attorney Green on his diligent work on this item. Councilmember Bonner stated that on the record that she requested that the City Manager stay diligent on any matters that the legislation and the State may pass that would hinder cities. City Manager Wright stated that he would pursue these matters as they arose.

Mayor Brown requested a vote on the motion and second presently on the table. A unanimous vote was recorded.

10. **RESOLUTION OF THE CITY OF LUFKIN, TEXAS DENYING THE RATE INCREASE APPLICATION FILING BY ONCOR ELECTRIC DELIVERY COMPANY, LLC - APPROVED**

City Manager Wright stated that on or about March 17, 2017, Oncor Electric Delivery Company LLC ("Oncor" or "Company") filed a statement of Intent to increase its revenues by approximately $317 million, which equates to a net increase of approximately 7% in Oncor's overall revenue. Oncor proposes to implement its proposed increase in the effective April 21, 2017.

City Manager Wright continued that during the meeting of April 4, 2017, City Council suspended Oncor's proposed rate increase by 90 days and authorized intervention in processing's related to Oncor Cities. City Manager Wright furthered that the proposed Resolution denied the proposed rate increase.

City Manager Wright concluded Staff recommended City Council approve a resolution denying Oncor's proposed rate increase and change in rate. City Manager Wright continued that even though Oncor would file an appeal of the City's action to the Public Utility Commission, the Alliance would continue its participation in Oncor's rate case.

Councilmember Bonner moved to approve the Resolution as presented. Councilmember Shankle seconded the motion. Councilmember Guessippina Bonner requested further explanation of the settlement. City Manager Wright clarified the proposed rate settlement. A unanimous vote to approve was recorded.

11. **PUBLIC HEARING AND RESOLUTION AUTHORIZING THE LUFKIN POLICE DEPARTMENT TO SUBMIT AN APPLICATION FOR A FISCAL YEAR 2017 RIFLE-RESISTANT BODY ARMOR GRANT THOUGH THE CRIMINAL JUSTICE DIVISION OF THE OFFICE OF THE GOVERNOR – APPROVED**

City Manager Wright stated that the Lufkin Police Department respectfully requests authorization to submit a grant application to the office of the Governor, Criminal Justice Division for the FY 2017 Rifle-Resistant Body Armor Grant Program. City Manager Wright stated that the Police Department requested that grant funding to purchase Type IV (Rifle-Resistant) body armor for Police Department first responders. City Manager Wright continued that the purchase price for these vests will not exceed $30,000 and no marching funds were required.

City Manager Wright concluded that Staff recommended the City Council conduct a Public Hearing and approve a Resolution authoring the Lufkin Police Department to apply for a Fiscal Year 2017 Rifle-Resistant Body Armor Grant though the Criminal Justice Division of the Office of the Governor.

Mayor Brown Opened the Public Hearing at 6:08 p.m. There being no one who wished to speak, Mayor Brown closed Public Hearing and requested comments from the Council.

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

12. **GRANT FROM THE DISTRICT 10 LITTLE LEAGUE IN THE AMOUNT OF $1,0000 TO THE PARKS AND RECREATION DEPARTMENT, IN SUPPORT OF THE LUFKIN LITTLE LEAGUE MAJORS TEAM AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2016-2017 OPERATING BUDGET (BUDGET AMENDMENT No. 23) APPROPRIATING THE FUNDING – APPROVED**

City Manager Wright stated that the Lufkin Parks and Recreation Department recently received a donation in the amount of $1,000 from the District 10 Little League and these funds were donated to assist with paying for travel needs for the Lufkin Little League Majors Team, who will be traveling to Waco for the Southwestern Regional Tournament. City Manager Wright continued that the winner of the tournament would then advance to the Little League World Series in Williamsport, Pennsylvania.

City Manager Wright concluded that Staff recommended City Council accept the donation from the District 10 Little League and approve a Resolution authorizing Budget Amendment No. 23 appropriating the funding.

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

13. **RESOLUTION ACCEPTING A GRANT FROM THE KURTH FOUNDATION IN THE AMOUNT OF $18,940.84 TO THE LUFKIN POLICE DEPARTMNET AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2016-2017 OPERATION BUDGET (BUDGET AMENDMENT NO. 24) APPROPRIATING THE FUNDING. -APPROVED**

City Manager Wright stated that the Lufkin Police Department was recently awarded a grant in the amount of $18,940.84 from the Kurth Foundation and these funds would be to used purchase a search and rescue drone, associated equipment as well as provide training and licensing of Police and Fire personnel. City Manager Wright continued that that these grant funds did not require any match from the City.

City Manager Wright concluded that staff recommended City Council accept a grant from the Kurth Foundation in the amount of $18,940.84 for the purchase of a search and rescue drone, equipment and training as well as approve a Resolution authorizing Budget Amendment No. 24.

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

14. **GRANT IN THE AMOUNT OF $1,125 FROM THE TEXAS A&M FOREST SERVICE (TIFMAS) GRANT ASSISTANCE PROGRAM TO THE LUFKIN FIRE DEPARTMENT AND APPROVAL OF A RESOLUTION AUTHORING AN AMENDMENT TO THE 2016-2017 OPERATING BUDGET (BUDGET AMENDMENT NO. 25) APPROPRIATING THE FUNDING.– APPROVED**

City Manager Wright stated that Lufkin Fire Department had been awarded a grant from the Texas A&M forest Service (TIFMAS) Grant Assistance Program in the amount of $1,125 and the funds were slated to reimburse costs for training though the East Texas Interagency Wildfire Agency.

City Manager Wright concluded that staff recommended City Council accept the grant in the amount of $1,125 from the Texas A&M Forest Service Grant Assistance Program and approve a Resolution authorizing Budget Amendment No 25 appropriating the funding.

Councilmember Shankle moved to approve the grant from Texas A&M Forest Service as presented. Councilmember Bonner seconded the motion and a unanimous vote to approve was recorded.

15. **ESTABLISHING AUGUST 15TH, SEPTMEBER 5TH, SEPTEMBER 12TH AND SEPTEMBER 19TH AS CITY COUNCIL MEETING DATES TO CONDUCT PUBLIC HEARINGS, ESTABLISH A TAX RATE AND CONSIDER APPROVAL OF THE 2017-2018 FISCAL YEAR BUDGET FOR THE CITY OF LUFKIN.-APPROVED**

City Manager Wright stated Staff recommended City Council establish August 15th, September 5th, and September 19th, 2017 as Regular City Council meetings at 5:00 p.m. as dates for the purpose of conducting said Public Hearings, tax rate considerations and adoption of the 2017-2018 City of Lufkin Annual Budget. City Manager Wright furthered that the Special Called City Council meeting of September may or may not be required.

Councilmember Torres moved to approve the setting of dates as presented. Councilmember Bonner seconded the motion and a unanimous vote to approve was recorded.

16. **RESOLUTION OF THE CITY OF LUFKIN, TEXAS DECLARING AND DETERMINING THE NECESSITY TO ACQUIRE PROPERTY LOCATED ADJACENT TO SYBIL STREET RIGHT-OF-WAY FOR THE PURPOSE OF WIDENING AND IMPROVING SYBIL STREET TO PROVIDE ACCESS TO MUTIPLE PROPERTIES AND TO ALLOW FOR THE CITY TO PROVIDE SERVICE BY IMPROVING ACCESS FOR SOLID WASTE AND FIRE SERVICE VEHICLES: AND INITIATE CONDEMNATION PROCEEDINGS IF NECESSARY ON THE SAME - APPROVED**

City Manager Wright stated the proposed Resolution will authorize the City Manager and City Attorney to take whatever legal steps are necessary to acquire property right to two tracts of land owned by Falcon Properties (Larry Byrd), including, but not limited to, negotiating, giving notices, making written offers to purchase, preparing contracts, retaining and designating a qualified appraiser of the property interests, and, if necessary, to institute proceedings in eminent domain.

City Manager Wright stated that Staff recommended City Council approve a Resolution of the City of Lufkin, Texas declaring and determining the necessity to acquire property located adjacent to Sybil Street right-of-way for the purpose of widening and improving Sybil Street to provide access to multiple properties and to allow for the City to Provide service by improving access for Solid Waste and Fire Service vehicles; and initiate condemnation proceeding if necessary on the same.

Councilmember Bonner moved that the City Council authorize the use of the power of eminent domain to acquire title to 0.044 acres of land and0.184 acres of land, described in Exhibits "A" and "B" to this Resolution for use as a Permanent street/access road, all of which property is part of Falcon Properties, located on the Southside of S. Medford Dr. and the east side of S. Chestnut Dr." as presented. Councilmember Torres seconded the motion and a unanimous vote to approve was recorded.

17. **ITEMS OF COMMUNITY INTEREST FROM MAYOR, CITY COUNCILMEMBER AND STAFF.**

City Manager Wright highlighted events and upcoming meeting on the Calendar. Councilmember Lynn Torres clarified the location of the First Friday Luncheon.

18. There being no further business, Mayor Brown adjourned the meeting at 6:22p.m

Bob F. Brown

Bob F. Brown, Mayor

ATTEST:

Kara Atwood

Kara Atwood, City Secretary

THE CITY OF LUFKIN TEXAS