

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 15TH DAY OF AUGUST, 2017.**

On the 15th 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
Mark Hicks
Guessippina Bonner
Robert Shankle
Lynn Torres
Rocky Thigpen
Sarah Murray
Keith Wright
Steve Floyd
Bruce Green
Kara Atwood
David Thomas
Duane Freeman
Belinda Melancon
Dorothy Wilson
Steve Poskey
Mike Akridge
Barbara Thompson
Jason Arnold
Dale Allred
Chuck Walker
Kent Havard
Nancy Windham

Mayor
Mayor Pro Tem
Councilmember, Ward No. 1
Councilmember, Ward No. 2
Councilmember, Ward No. 3
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
Assistant City Manager
City Attorney
City Secretary
Assistant Police Chief
Assistant Fire Chief
Finance Director
Planning & Zoning Director
Street Department Director
Parks & Recreation Director
Main Street Director
Water & Sewer Director
Inspection Service Director
Public Works Director
Solid Waste Director
Economic Development Director

being present when the following business was transacted.

1. The meeting was opened with prayer by Pastor Bryan Lipscomb, Providence Baptist Church.
2. Mayor Bob F. Brown welcomed Leadership Lufkin and visitors present.
3. **MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 1TH 2017 - APPROVED**

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

OLD BUSINESS

4. **PUBLIC HEARING AND SECOND 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 KNOWN AS 207 BRENTWOOD DRIVE - APPROVED**

City Manager Keith Wright stated that the owner, Cragg Todd of JT2011 Investments, LLC, had requested a zone change to "Residential Large Single Family Dwelling" in order to develop the subject property at 207 Brentwood Drive into lots for residential homes. City Manager Wright stated that the current zoning "Agricultural" was the automatic zoning district for newly annexed areas in the City and was annexed by the

City of Lufkin in 2006. City Manager Wright continued the "Agricultural" zoning could be modified with a zone change requested by the owner.

City Manager Wright stated the subject property was zoned "Agricultural" and land to the east, south across Blake Road and to the west are all zoned "Agricultural" as well City Manager Wright continued that lands to the north and across Brentwood Drive were zoned "Residential Large Single Family Dwelling".

City Manager Wright stated that the subject property was currently a cleared pasture with a few scattered trees and no residences or accessory structures were located on the property. City Manager Wright continued that property to the east south across Blake Road, to the west and north across Brentwood Drive were all single family homes with lots of approximately one (1) acre or more in size. City Manager Wright stated that Mr. Todd had previously developed land near the subject property off South Chestnut Street/FM58 into nineteen (19) residential lots and that several new single-family homes had been built in the Parkman Road Subdivision.

City Manager stated that the Ordinance was placed on the August 1st, 2017 agenda for consideration and following the Public Hearing and discussion of the item, the proposed ordinance was amended to allow for a zone change to "Residential Large Single Family Dwelling" only on the lots to be included in the Phase One of development. City Manager Wright continued that additionally, the applicant would be required to file the property deed restrictions prior to the property plat being approved by the city.

City Manager stated that Staff recommended City Council conduct a Public Hearing and consider on Second Reading an Ordinance changing the zoning to "Residential Large Single Family Dwelling" for property known as 207 Brentwood Drive with the amended changes.

Mayor Brown opened the Public Hearing at 5:01 p.m. There being no one who wished to speak, Mayor Brown closed the Public Hearing and requested comment from City Council.

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

5. SECOND 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 on June 9, 2017, the Governor signed Senate Bill 1004 into law with an effective date of September 1, 2017. City Manager Wright stated that this law imposed strict limitations and prohibitions on cities' regulation on what were commonly referred to as "small cell antennas" or "network nodes". City Manager Wright stated that the maximum amount of compensation cities can demand from the providers of wireless service using these facilities was also prescribed by the new law and the effective date was crucial. City Manager Wright continued 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 right-of-way.

City Manager Wright furthered that the City of Lufkin and other cities are presently considering legal action; however, the City needs to be prepared in light of the looming deadline on September 1st and the proposed ordinance and Design Manual simply take advantage of the few things left to the cities following passage of SB 1004.

City Attorney Bruce Green stated this was legislation that caught many cities off guard and the time schedule and lack of previous documents were a challenge. City Attorney

Bruce Green then highlighted the Ordinance and reviewed the changes that were made to the Ordinance and Design Manual since the First Reading of the Ordinance on August 1st and stated he would be glad to answer any questions. City Manager Wright concluded that Staff recommended City Council approve the Ordinance and Design Manual with the stated changes.

Councilmember Hicks moved to approve the Ordinance as presented with the changes noted. Councilmember Bonner seconded the motion and a unanimous vote to approve was recorded.

NEW BUSINESS

6. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS BY CHANGING THE ZONING AND FUTURE LAND USE MAP DESIGNATION TO "COMMERCIAL" FOR PROERTY DESCRIBED AS 2709, 2901 AND 3001 NORTH JOHN REDDITT DRIVE - APPROVED

City Manager Wright stated that as City Council was aware, Angelina Neches River Authority (ANRA) requested to be annexed into the City of Lufkin to obtain city services for their new headquarters. City Manager Wright continued that properties owned by ANRA known as 2709, 2901 and 3001 North John Redditt Drive were annexed on August 1, 2007. City Manager Wright furthered that ANRA had now requested a zone change from the annexation holding zone "Agricultural" to "Commercial". City Manager Wright stated that the requested zone change would allow ANRA to develop a portion of their property for their new central office with the balance of the property being sold for retail or commercial purposes.

City Manager Keith Wright stated that the proposed zone change to "Commercial" would provide more opportunities for development in northwest Lufkin and that ANRA anticipated sales of the excess property early on due to the area being very attractive for commercial use based on its location on a major roadway. City Manager Wright continued that this area was no longer ideal for low density residential use because of noise levels from traffic and the volume of traffic.

City Manager Wright concluded that Staff recommended City Council conduct a Public Hearing and consider on First Reading an Ordinance approving the zoning and future land use map change to "Commercial" on the described properties.

Mayor Brown opened the Public Hearing at 5:17 p.m.

There being no one who wished to speak, Mayor Brown closed the Public Hearing and requested comment from City Council.

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

7. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS BY CHANGING THE ZONING TO "COMMERCIAL" FOR PROPERTY DESCRIBED AS 107 AND 109 WEST TULANE DRIVE AND THE FUTURE LAND USE MAP DESIGNATION TO "COMMERCIAL" ON PROPERTY DESCRIBED AS 107 AND 109 WEST TULANE DRIVE AND 2133 SOUTH FIRST STREET - APPROVED

City Manager Wright stated that the applicant, Milankumar Desai, had requested a zone change to "Commercial" with a Future Land Use Map change to for the purpose of developing a hotel on four (4) parcels addressed as 2133 South First Street, 107 and 109 West Tulane Drive.

City Manager Wright stated that two of the parcels are addressed as 2133 South First Street and are zoned "Commercial" but require Future Land Use change to

“Commercial”, with other two parcels on West Tulane Drive that are zoned “Local Business” requiring a zone change and future land use map change to “Commercial” as well. City Manager Wright detailed the location and uses of surrounding properties and stated that Staff recommended City Council conduct a Public Hearing and consider approval of the Ordinance changing the zoning and future land use map designation as requested on the property addressed as 2133 South First Street and 107 and 109 West Tulane Drive.

Mayor Brown opened the Public Hearing at 5:21 p.m. There being no one who wished to speak; Mayor Brown closed the Public Hearing and requested comments or discussion from City Council.

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

8. DISCUSSION REGARDING THE FISCAL YEAR 2017-2018 TAX RATE

City Manager Wright requested that the current year’s tax rate was \$0.529942, and the effective tax rate calculated for FY 2018 was \$0.531135. City Manager Wright furthered that this tax rate would raise more total property taxes than last year’s original budget by \$113,188 (1.2%), and of that amount \$111,065 was tax revenue to be raised from new property added to the tax roll this year.

City Manager Wright stated Staff recommended City Council conduct a discussion regarding the proposed 2017-2018 tax rates. No comments were made.

9. PRESENTATION OF THE CITY OF LUFKIN 2017-2018 DRAFT BUDGET AND A PUBLIC HEARING CONCERNING THE PROPOSED BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018 – NO ACTION

City Manager Wright stated that City Staff was pleased to present to the City Council the City of Lufkin 2017/2018 Annual Budget. City Manager Wright highlighted the significant proposed changes and stated that the budget included the effective tax rate of \$0.531135. City Manager Wright continued that the proposed budget did include and \$1.00 per month increase per account for Solid Waste services as discussed in the previous year. City Manager Wright continued to review projected revenues and expenditures for the upcoming fiscal year and explained that tax, franchise and permit revenues were all expected to decrease in the upcoming year. City Manager Wright also stated that City departments had made every effort to lower proposed expenditures and commended Staff for their efforts to minimize expenses. City Manager Wright stated he would be glad to address any questions regarding any of the projects included in the budget and reviewed planned equipment purchases from the Amortization fund. City Manager Wright detailed Water and Sewer revenues and expenditures as well as the Hotel/Motel Tax Fund.

City Manager Wright stated he would be glad to answer any questions on the budget as presented. Mayor Brown then opened the Public Hearing at 5:40 p.m. Mr. Dickie Dixon requested a copy of the draft budget. City Manager Wright stated a copy would be provided. There being no one who wished to speak, Mayor Brown closed the Public Hearing. There was no action required for this item.

City Manager Wright concluded there would be minor changes made to the draft Budget that included the movement of the purchase of equipment to the Water and Sewer Depreciation Fund and the other would be the adjustment to revenues and amortizations in the Solid Waste Fund.

10. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2016/2017 OPERATING BUDGET (BUDGET AMENDMENT NO. 28) FOR THE APPROPRIATION OF FUNDING FOR THE CITY’S PORTION OF RIGHT-OF

**-WAY COSTS FOR THE TEXAS DEPARTMENT OF TRANSPORTATION
HIGHWAY 59 SOUTH INTERCHANGE PROJECT - APPROVED**

City Manager Wright stated in 2004, the City committed to contribute funding for utility adjustments and new highway construction of the US Highway 59 interchange project in the amount of ten percent (10%) of the total compensation paid for the improvements. City Manager Wright stated that since the project was completed, the State had requested payment of the City's portion in the total amount of \$77,119.63.

City Manager Wright stated that Budget Amendment No. 23 would allocate funding from the General Fund balance to cover the City's portion. City Manager Wright stated that Staff would also be contacting the Texas Department of Transportation to get clarification on the payment request and the lengthy delay. City Manager Wright stated that the City would not pay it without further clarification.

City Manager Wright stated that Staff recommended City Council approve a Resolution authorizing Budget Amendment No. 28 appropriating funding for the City's contribution for the construction of the US Highway 59 interchange project.

Councilmember Mark Hicks moved to approve the Resolution authorizing Budget Amendment No. 28 appropriating the funding. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

**11. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS
AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO
A RIGHT-OF-WAY AND POLE ATTACHMENT AGREEMENT WITH
MOBILITIE, LLC - APPROVED**

City Manager Wright stated that the City has been approached with a proposal to use our right-of-way for the placement of poles and Network Nodes. City Manager Wright stated this Resolution authorized the City Manager to negotiate with Mobilitie, LLC and enter into a contract if an agreement could be reached. City Manager Wright stated the contract had been distributed for City Council review and also highlighted the locations that were proposed for installation. City Manager Wright also stated that metal pole installations would be required and locations would be approved by City Staff.

City Manager Wright stated Staff recommended City Council approve a Resolution authorizing the City Manager to negotiate and enter in to a contract with Mobilitie, LLC for the placement of poles and networks nodes.

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

**12. PUBLIC HEARING AND RESOLUTION AUTHORIZING THE LUFKIN
POLICE DEPARTMENT TO SUBMIT AN APPLICATION FOR A U.S.
DEPARTMENT OF JUSTICE FISCAL YEAR 2017 EDWARD BYRNE
JUSTICE ASSISTANCE GRANTED IN THE AMOUNT OF \$10,936. -
APPROVED**

City Manager Wright stated that the Lufkin Police Department had requested to apply for funding from the U.S. Department of Justice, specifically the Edward Byrne Memorial Justice Assistance Grant (JAG). City Manager Wright continued that the Lufkin Police Department and the Angelina County Sheriff's Department were jointly eligible for FY 25017 JAG funding in the amount of \$10,936.00. City Manager Wright furthered that these allocated funds were to be distributed between our agency and the Angelina County Sheriff's Department to be used for law enforcement related needs such as equipment, technology and training.

City Manager Wright stated that as required by the grant, the Fiscal Year 2017 JAG application must be made available to the City Council for its review and comment, a

Public Hearing must be held to allow for public comment and a Resolution must be approved granting authorization to apply for the funding.

City Manager stated that Staff recommended City Council conduct a Public Hearing and approve a Resolution authorizing the Lufkin Police Department to apply for U.S. Department of Justice Fiscal Year 2017 Edward Byrne Justice Assistance Grant in the amount of \$10,936.

Mayor Brown opened the Public Hearing at 5:49 p.m. There being no one who wished to speak, Mayor Brown closed the Public Hearing and requested comments from the Council.

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

13. GRANT FROM PETSMART CHARITIES IN THE AMOUNT OF \$38,850 TO THE CITY OF LUFKIN ANIMAL CONTROL AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2016/2017 OPERATING BUDGET (BUDGET AMENDMENT NO. 26) APPROPRIATING THE FUNDING – APPROVED

City Manager Wright stated that the Animal Control Department was recently notified that the Department was awarded a grant in the amount of \$38,850 from PetSmart Charities. City Manager Wright continued that the funding would be used to refurbish the cat adoption area in the shelter with new cages, paint and amenities and that should there be remaining funding once the project was completed, it would be used to fund the spaying and neutering of shelter animals. City Manager Wright furthered that this project would improve the health of shelter cats and increase the adoption of them as well.

City Manager Wright stated that Staff recommended City Council accept a grant from PetSmart Charities in the amount of \$38,850 to the City of Lufkin Animal Control and approve a Resolution authorizing Budget Amendment No. 26 appropriating the funding.

City Manager Wright commended one of the employees for working on this grant. City Manager Wright furthered that Amanda Cagnon, Dispatcher/Administrative Assistant determined that the cat room needed to be updated and wrote and obtained the grant for the funding.

Councilmember Bonner moved to accept the grant and approve the Resolution for Budget Amendment No. 26 as presented. Councilmember Shankle seconded the motion and a unanimous vote to approve was recorded.

14. ACCEPTANCE OF A GRANT FROM GEORGIA PACIFIC FOUNDATION IN THE AMOUNT OF \$8,000 TO THE LUFKIN FIRE DEPARTMENT AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2016/2017 OPERATING BUDGET (BUDGET AMENDMENT NO. 27) APPROPRIATING THE FUNDING - APPROVED

City Manager Wright stated that the Lufkin Fire Department recently received grant funding in the amount of \$8,000 from the Georgia Pacific Foundation for the support of proving emergency response to Georgia Pacific Facilities. City Manager Wright continued that the funding would be placed in the Fire Service Equipment Budget.

City Manager Wright stated Staff recommended City Council accept a grant in the amount of \$8,000 to the Lufkin Fire Department and approve a Resolution authorizing Budget Amendment No. 27 appropriating the funding.

Councilmember Shankle moved to accept the grant and approve the Resolution authorizing Budget Amendment No. 27 as presented. Councilmember Thigpen seconded the motion and a unanimous vote to approve was recorded.

15. AMENDED ECONOMIC DEVELOPMENT AGREEMENT WITH 2011 ANGELINA MANUFACTURING, LLC - APPROVED

City Manager Wright stated that during the Regular Called Meeting of the Lufkin Economic Development 4B Board meeting, the Board approved an amended agreement with 2011 Angelina Manufacturing, LLC in order to reduce the current principal payment of the existing agreement between the company and the City of Lufkin. City Manager Wright furthered that this would allow for the company to construct an awning at their facility which would alleviate the backlog in tank production. City Manager Wright stated that the Lufkin Economic Development Corporation unanimously recommended approval of the amendment to the agreement. This amendment included a 10 year refinance with the creation of five (5) new full time jobs and the average annual compensation, excluding health insurance and retirement benefits must not be less than \$16.00/hr. City Manager Wright stated this amended agreement was also contingent upon the owner using the funds saved from this loan restructure for an awning addition to its current facility and that all other provisions of the Agreement would remain in full force and effect.

City Manager Wright stated that Staff recommended City Council approve an amended Economic Development agreement with Angelina Manufacturing, LLC.

Mayor Brown opened the Public Hearing at 5:52 p.m. There being no who wished to speak; Mayor Brown closed the Public Hearing and requested comments from City Council.

Councilmember Hicks moved to approve the Economic Development agreement as presented. Councilmember Torres seconded the motion and a unanimous vote to approve was recorded.

16. CITY MANAGER REPORT


City Manager Wright offered to answer any questions regarding the monthly Financial and Project Reports. There were none.

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

City Manager Wright highlighted events and upcoming meetings on the calendar.

18. There being no more business, Mayor Brown adjourned the meeting at 5:59 p.m.




Bob F. Brown, Mayor

ATTEST:


Kara Atwood, City Secretary