

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 17<sup>th</sup> DAY OF FEBRUARY 2015.**

On the 17<sup>th</sup> day of February 2015, 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
Robert Shankle	Councilmember, Ward No. 2
Don Langston	Councilmember, Ward No. 4
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 Resources Director
Gerald Williamson	Police Chief
David Thomas	Assistant Police Chief
Ted Lovett	Fire Chief
Belinda Southern	Finance Director
Dorothy Wilson	Planning & Zoning Director
Steve Poskey	Street Superintendent
Mike Akridge	Parks & Recreation Director
Barbara Thompson	Main Street Director
Chuck Walker	Public Works Director
Kent Havard	Solid Waste Director
Thad Chambers	Economic Development Director

being present; and

Victor Travis	Councilmember, Ward No. 1
Lynn Torres	Mayor Pro-Tem, Ward No. 3

being absent when the following business was transacted.

1. The meeting was opened with prayer by Bishop Leroy Shankle, Sr. of the Church by Christ Jesus.
2. Mayor Bob Brown welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Council Meeting on February 3<sup>rd</sup>, 2015 were approved on a motion by Councilmember Robert Shankle and seconded by Councilmember Sarah Murray. A unanimous affirmative vote was recorded.

**OLD BUSINESS:**

4. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE, CHANGING THE ZONING FROM “RESIDENTIAL LARGE” TO “COMMERCIAL” ON PROPERTY KNOWN AS 1122 AND 1124 SOUTH FIRST STREET - APPROVED**

City Manager Keith Wright stated that the applicant, Richard Spring, has requested a change in zoning for 1122 and 1124 South First Street. This property was formerly known as the Fuller’s Restaurant. City Manager Wright furthered that this was a second reading of this amendment to the Zoning Ordinance and that Staff recommended Council approve this Ordinance.

Mayor Bob Brown opened the Public Hearing at 5:02 pm for comments. There were no comments from the public.

The Second Reading of an Ordinance amending the Zoning Ordinance for the City of Lufkin, changing the zoning from “Residential Large” to “Commercial” on property known as 1122 and

1124 South First Street was approved on a motion by Councilmember Robert Shankle and seconded by Councilmember Sarah Murray. A unanimous affirmative vote was recorded.

5. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE ANNEXING APPROXIMATELY 3.39 ACRES OF PROPERTY LOCATED ALONG AND INCLUDING A PORTION OF HARPER ROAD INTO THE CITY OF LUFKIN - APPROVED**

City Manager Keith Wright stated that Council had approved a Resolution directing Staff to proceed with the evaluation of a request from Robert Peltier to annex property located east of the Lufkin City Limits along Harper Road. City Manager Wright continued that all requirements and procedures mandated by Texas Local Government Code, the Department of Justice, and Local Law have been followed for this annexation. City Manager Wright concluded that Staff recommended Council approve the Second reading of an Ordinance approving the annexation of 3.39 acres located along and including a portion of Harper Road.

Mayor Bob Brown opened the Public Hearing at 5:03 pm for comments. There were no comments from the public.

The Second Reading of an Ordinance annexing approximately 3.39 acres of property located along and including a portion of Harper Road into the City of Lufkin was approved on a motion by Councilmember Robert Shankle and seconded by Councilmember Rocky Thigpen. A unanimous affirmative vote was recorded.

6. **SECOND READING OF AN ORDINANCE PROVIDING FOR THE CALLING AND ORDERING OF A GENERAL ELECTION TO BE HELD ON MAY 9, 2015 FOR THE PURPOSE OF ELECTING A MAYOR, COUNCILMEMBER FOR WARD NO. 2 AND COUNCILMEMBER FOR WARD NO. 4 - APPROVED**

City Manager Keith Wright stated that State Law requires that City Council order a General Election to be held at six polling places in Lufkin, Texas on May 9<sup>th</sup>, 2015 between the hours of 7 a.m. and 7 p.m. for the purpose of electing a Mayor, Councilmember for Ward No. 2, and a Councilmember for Ward No. 4, for three-year terms. City Manager Wright concluded that Staff recommended approval of the Second Reading of an Ordinance calling for the May 9<sup>th</sup> Elections for the election of a Mayor, and Councilmembers for Ward No. 2 and Ward No. 4.

The Second Reading of an Ordinance providing for the calling and ordering of a general election to be held on May 9, 2015 for the purpose of electing a Mayor, Councilmember for Ward No. 2, and Councilmember for Ward No. 4 was approved on a motion by Councilmember Don Langston and seconded by Councilmember Rocky Thigpen. A unanimous affirmative vote was recorded.

**NEW BUSINESS:**

7. **FIRST PUBLIC HEARING IN CONSIDERATION OF AN ANNEXATION FOR 8.10 ACRES OF PROPERTY LOCATED NORTH OF THE LUFKIN CITY LIMITS ALONG ELLEN TROUT DRIVE A MUNICIPAL SERVICE PLAN FOR THE SAME - APPROVED**

City Manager Keith Wright stated that during the January 6<sup>th</sup> meeting, City Council had approved a Resolution for Staff to move forward with the annexation process of 8.10 acres of property located along Ellen Trout Drive. City Manager Wright continued that the owner, Eastex Capital Assets, LLC, intends to develop the property for use as a private parcel distribution center. City Manager Wright stated that per the Texas Local Government Code, "an area that contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract," is not required to be placed in a three (3) year annexation plan. City Manager Wright furthered that the procedure for an annexation is exempt from this requirement, pursuant to Chapter 43, Sub chapter C-1 of the Local Government Code, requires the City Council to first direct Staff to prepare a service plan and proceed with the annexation.

City Manager Wright stated that the City is then required to hold two (2) Public Hearings concerning the proposed annexation. City Manager Wright continued that the law does allow for both Public Hearings to be conducted within one (1) City Council meeting, if the items are listed

on the agenda as two (2) separate hearings in order to comply with the timeline established by the Local Government Code, and the annexation may then be initiated within 20-40 days of the Public Hearings.

City Manager Wright concluded that Staff recommended City Council conduct the required Public Hearings to allow for the annexation of 8.10 acres of property located along Ellen Trout Drive and consider approval of a municipal service plan for the same.

Mayor Bob Brown opened the Public Hearing at 5:07 pm for comments. There were no comments from the public.

The First Reading of a municipal service plan for the 8.10 acres of property located along Ellen Trout Drive was approved on a motion by Councilmember Don Langston and seconded by Councilmember Robert Shankle. A unanimous affirmative vote was recorded.

8. **SECOND PUBLIC HEARING IN CONSIDERATION OF AN ANNEXATION FOR 8.10 ACRES OF PROPERTY LOCATED NORTH OF THE LUFKIN CITY LIMITS ALONG ELLEN TROUT DRIVE AND A MUNICIPAL SERVICE PLAN FOR THE SAME – APPROVED**

City Manager Keith Wright stated that Staff recommended Council hold the Second Public Hearing for the proposed annexation on Ellen Trout Drive.

Mayor Bob Brown opened the Public Hearing at 5:08 pm for comments. There were no comments from the public.

The Second Reading of a municipal service plan for the 8.10 acres of property located along Ellen Trout Drive was approved on a motion by Councilmember Don Langston and seconded by Councilmember Robert Shankle. A unanimous affirmative vote was recorded.

9. **2014/2015 STREET OVERLAY PROGRAM - APPROVED**

City Manager Keith Wright stated that the 2014/2015 Street Overlay Program was being presented for Council Approval that evening by Street Superintendent Steve Poskey. City Manager Wright went on to explain the process for designing the 2014/2015 program. City Manager Wright stated that all City streets were inspected by City Staff and all distresses were measured and recorded. The data was then entered into the Pavement Management Program (Micropaver) per street section and all street sections were given a Pavement Condition Index (PCI) number between 0 and 100, with 0 being the worst and 100 being the best. City Manager Wright explained that all streets were classified as either residential, collector, or arterial streets and then the streets were ranked from worst to best, with a PCI rank of 55 or less being determined to be in the worst condition and qualifying for the Street Overlay Program.

City Manager Wright stated that the current budget for the Street Overlay Program was six hundred thousand dollars (\$600,000), which is roughly ninety thousand dollars (\$90,000) per Ward.

Street Superintendent Poskey gave a presentation on the proposed streets for each Ward in the 2014/2015 Street Overlay Program. Street Superintendent Poskey responded to Councilmember Sarah Murray's question about the estimated cost of Ward No. 3, to which he answered was ninety eight thousand four hundred eighty-one dollars (\$98,481). Councilmember Don Langston questioned why there were only two (2) streets in Ward No. 4 being considered for the program, and Street Superintendent Poskey responded that these streets had failing PCI ranks.

City Manager Wright added that there is normally funding left over due to high estimates for cost. City Manager Wright stated that Sherwood Drive in Ward No. 6 would likely be added if there was adequate funding left over. City Manager Wright concluded that Staff recommended Council approve the 2014/2015 Street Overlay Program.

Councilmember Don Langston added that while he would move to approve the budget numbers for the program, he hoped that the Public would have opportunities to voice their concerns about other streets that they felt needed to be addressed.

The 2014/2015 Street Overlay Program was approved on a motion by Councilmember Don Langston and seconded by Councilmember Robert Shankle. A unanimous affirmative vote was recorded.

**10. 2014/2015 LUFKIN POLICE DEPARTMENT FORFEITURE FUND BUDGET-APPROVED**

City Manager Keith Wright stated that each year the Police Chief, under Article 59.06 of the Texas Code of Criminal Procedures, submits a forfeiture fund budget for the fiscal year. City Manager Wright continued that forfeiture funds can only be expended with the recommendation of the Police Chief and approval by City Council. City Manager Wright directed Council to view a memo from Police Chief Gerald Williamson, which detailed a change in the proposed forfeiture funds. City Manager Wright went on to explain the recommended budget for forfeiture funds which included ten thousand dollars (\$10,000) to pay off seized vehicles, forty eight thousand five hundred dollars (\$48,500) to for equipment and software, and five thousand dollars (\$5,000) for training. City Manager Wright noted that all unspent monies will remain in the forfeiture fund account. City Manager Wright concluded that Staff recommended approval of the proposed Police forfeiture fund budget for the 2014/2015 fiscal year.

The 2014/2015 Lufkin Police Department forfeiture fund budget was approved on a motion by Councilmember Robert Shankle and seconded by Councilmember Don Langston. A unanimous affirmative vote was recorded.

**11. RESOLUTION AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN THE AMOUNT OF \$275,000 TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR DRAINAGE IMPROVEMENTS IN THE HURRICANE CREEK WATERSHED AREA - APPROVED**

City Manager Keith Wright stated that every two years Staff applies for Texas Community Development Block Grants for various projects. City Manager Wright continued that this year the proposed application was for the amount of two hundred seventy five thousand dollars (\$275,000) in order to complete drainage improvements in the Hurricane Creek Watershed area between Atkinson Drive and Paul Avenue. City Manager Wright elaborated that this grant will require no matching funds, and if approved the entire amount will be used to abate the existing flooding issues in the area of Hurricane Creek and Paul Avenue and Atkinson Drive. City Manager Wright stated that the problem cannot be completely curbed with the use of this grant, but that it will reduce the issues with flooding in this area and that is the City's goal. City Manager Wright concluded that Staff recommended Council approve the Resolution authorizing the submission of an application for grant funding through the Texas Department of Agriculture in the amount of two hundred seventy five thousand dollars (\$275,000).

The Resolution authorizing the submission of a Texas Community Development Block Grant application in the amount of two hundred seventy five thousand dollars (\$275,000) to the Texas Department of Agriculture for drainage improvements in the Hurricane Creek Watershed area was approved on a motion by Councilmember Robert Shankle and seconded by Councilmember Don Langston. A unanimous affirmative vote was recorded.

**12. CONSTRUCTION OF A DOG PARK BY THE 2015 LEADERSHIP LUFKIN CLASS-APPROVED**

City Manager Keith Wright stated that the 2015 Leadership Lufkin class decided to build a dog park to be located at Grace Dunne Richardson Park for their class project. The project was given preliminary approval in October 2014, pending final approval when funding had been raised to finish the entire project. City Manager Wright stated that the Leadership Lufkin class had raise thirty one thousand seven hundred sixty eight dollars (\$31,768), which was more than enough City Manager Wright continued and showcased the prospective location of the park on a projected map. City Manager Wright introduced John Fulbright of the 2015 Leadership Lufkin class to discuss the project.

John Fulbright presented the dog park specifications to Council and stated that the Leadership Lufkin class anticipated the park to be open by the end of April.

City Manager Wright indicated to Council that there were three high quality fence bids for the dog park in their packet.

The construction of a dog park by the 2015 Leadership Lufkin class was approved on a motion by Councilmember Sarah Murray and seconded by Councilmember Robert Shankle. A unanimous affirmative vote was recorded.

### **13. CITY MANAGER REPORT**

City Manager Keith Wright highlighted different details of the City Manager Report including the Statement of Revenue & Expenditures report from January 31, 2015. City Manager Wright stated that this report encompassed approximately thirty three percent (33%) of the current budget year. City Manager Wright continued that the ad valorem tax, sales and use tax, franchise tax, and the license and permitting charges were all showing positive trends. Furthermore, City Wright commended the EMS Billing Staff for the positive revenue trends in the EMS Fund. City Manager Wright noted that the fines and forfeitures fund was below expectations, because of shortages and realignments in the Police Department, but he expected this number to rise again soon after these issues were addressed.

City Manager Wright noted that soon Staff would present possible Capital Improvement Projects (CIP) to Council for authorization. City Manager Wright directed Council to view the various CIP funds in their Council packet. City Manager Wright elaborated on some of these funds and the projects that would be up for consideration.

Lastly, City Manager Wright directed Council to view the Lufkin Police Department's Annual Report 2014 at their own leisure.

### **14. DISCUSSION OF PROPOSED FIREWORKS ORDINANCE**

City Manager Keith Wright stated there were issues with the existing Ordinance that caused some concern, because of possible liability issues for the City. City Manager Wright furthered that City Attorney Bruce Green had been asked to revise the existing Ordinance and would now go over those possible revisions with Council.

City Attorney Green stated that the current Ordinance placed a great deal of responsibility on the City to supervise and direct all fireworks activities with Council approval. City Attorney Green furthered that under the proposed new Ordinance that the burden of responsibility for the City would be taken away and replaced with a permitting process. City Attorney Green touched on the various additions to the new Ordinance which included the requirement that a public fireworks display would be permitted if all federal, state, and local laws are met and a City permit has been issued, insurance is also required, including a waiver of subrogation in favor of the City, and the naming of the City as an additional insured, also a permit is required through the City Fire Marshal's office that includes a detailed safety plan, and additional safety requirements must also be met.

Councilmember Don Langston questioned what the current penalty was for an individual fireworks display on a holiday. City Attorney Green responded that the current penalty in the Ordinance includes a citation and criminal complaint with a fine up to five hundred dollars (\$500). City Attorney Green stated that this policy would not be changed in the proposed Fireworks Ordinance.

City Manager Wright stated that Staff recommended Council discuss and provide direction on the proposed Fireworks Ordinance.

### **15. EXECUTIVE SESSION**

Mayor Bob Brown stated there was no need to recess into Executive Session.

### **16. 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 Keith Wright detailed the various upcoming Council events including the Spencer's Theatre of Illusion at the Pines Theatre, the Business after Five at Skelton-Slusher-Watkins-Barnill-Wells Law Office, DETCOG Meeting in Houston County, the Power Networking Breakfast, and the normal scheduled Council meetings with City Manager Wright.

Councilmember Don Langston commented that he hoped everyone would keep Councilmember Victor Travis in their prayers. Mayor Bob Brown added that he had visited with Councilmember Travis earlier that day and presented him with a program from Brandon Elementary's Black History Program. Mayor Brown complimented Brandon Elementary on their Black History Program and noted that he had a good visit with Councilmember Travis earlier that day.

**17. ADJOURN**

There being no further business to address the meeting was adjourned at 5:38 pm.

  
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Bob F. Brown, Mayor

  
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Kara Atwood, City Secretary