

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 19TH DAY OF JULY 2016.

On the 19th day of July, 2016 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:

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| 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 |
| Bruce Green | City Attorney |
| Kara Atwood | City Secretary |
| Rodney Ivy | Human Resource Director |
| Gerald Williamson | Police Chief |
| David Thomas | Asst. Police Chief |
| Ted Lovett | Fire Chief |
| Belinda Southern | Finance Director |
| Dorothy Wilson | Planning Director |
| Steve Poskey | Street Department Director |
| Mike Akridge | Parks & Recreation Director |
| Barbara Thompson | Main Street Director |
| Sid Munlin | IT Director |
| Kent Havard | Solid Waste Director |

being present when the following business was transacted.

1. The meeting was opened with prayer by Pastor Steve Cowart of Trinity Baptist Church.
2. Mayor Brown welcomed visitors present and recognized the Councilmember birthdays for the month of July.
3. **MINUTES OF THE COUNCIL REGULAR COUNCIL MEETING HELD JULY 5, 2016 - APPROVED**

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

4. **PRESENTATION BY EXECUTIVE DIRECTOR MAEGAN PREJEAN, ANGELINA BEAUTIFUL CLEAN, REGARDING KEEP TEXAS BEAUTIFUL**

Maegan Prejean explained the dynamics of the point system for the Angelina Beautiful Clean Awards, detailed the recent honors awarded and concluded with the introduction of the Angelina Beautiful Clean Board Members.

Mayor Brown thanked Maegan Prejean for her efforts.

5. **PUBLIC HEARING AND SECOND 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 1.653 ACRES OF LAND ADDRESSED AS 109 WILDLIFE LANE (ABS 0029 MICHELI V.; TRACT 536) - APPROVED**

City Manager Keith Wright stated that the applicant, Jean Stanley requested a zone change from "Residential Large Single Family Dwelling" to "Commercial" for 1.653

acres of land addressed as 109 Wildlife Lane. City Manager Wright detailed the subject property on a map at the intersection of North John Redditt Drive and Loop 287. City Manager Wright stated that the proposed zone change was recommended by Staff because the property was located in a high traffic area suitable for "Commercial" use as the City developed. City Manager Wright furthered that the Planning and Zoning Commission unanimously agreed to approve the zone change request; therefore Staff recommended that City Council approve an Ordinance on Second Reading changing the Zoning and Future Land Use designation to "Commercial" on the 1.653 acres of land known as 109 Wildlife Lane for use as a counseling office.

Mayor Bob Brown opened the Public Hearing at 5:06 p.m. There being no one who wished to speak, Mayor Brown requested comments or questions from City Council. There were none.

Councilmember Mark Hicks moved to approve the Ordinance as presented. Councilmember Robert Shankle 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 THE FUTURE LAND USE MAP DESIGNATION TO "COMMERCIAL" ON PROPERTY ADDRESSED AS 2412 P-1 ALLENDALE DRIVE, 2412 ALLENDALE DRIVE AND 2004 SOUTH JOHN REDDITT (ABS 0005 BONTON J.A., TRACT 14, TRACT 15 AND TRACT 17) – APPROVED

City Manager Keith Wright stated that the applicant, Martin Heines desired to change the zoning on the properties addressed as 2412 and 2412 P-1 Allendale Drive, and 2004 South John Redditt Drive, from "Apartment Dwelling" to "Local Business" zoning and furthered that the applicant wanted to develop the property for use as a Financial Institution with Motor Bank Services. City Manager Wright detailed the subject property on a map. City Manager Wright stated that the Planning and Zoning Commission unanimously voted to affirm the change in zoning and the Future Land Use Map, therefore Staff recommended that City Council conduct a Public Hearing and consider on Second Reading an Ordinance changing the zoning to "Local Business" and the Future Land Use Map designation to "Commercial" on the above described property located on Allendale Drive and South John Redditt Drive.

Mayor Brown opened the Public Hearing at 5:08 p.m. There being no one who wished to speak, Mayor Brown requested comments or questions from City Council. There was none.

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

7. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BY GRANTING A SPECIAL USE PERMIT FOR LAND ADDRESSED AS 3302 COLLEGE DRIVE FOR A VOCATIONAL SCHOOL - APPROVED

City Manager Wright stated that the owner and applicant, C Oliver Investments LLC, currently operated a beauty salon at the site and furthered that the applicant intended to build a cosmetology school on the subject property in addition to the existing salon. City Manager Wright furthered that the schedule of permitted uses for the property's "Planned Unit Development" Ordinance No. 3553 required a Special Use Permit for a Vocational School in the zone. City Manager Wright detailed the subject property on a map. City Manager Wright stated that the Planning and Zoning Commission and Staff recommended approval of the Special Use Permit for a Vocational School and the location due to its proximity to Angelina College and the Pentecostal Bible College. City Manager Wright concluded that Staff recommended City Council conduct a Public

Hearing and approve on Second Reading the Ordinance granting a Special Use Permit for a Vocational School on the property located at 3302 College Drive or FM 819.

Mayor Bob F. Brown opened the Public Hearing at 5:10 p.m. There being no one who wished to speak, Mayor Brown requested comments and questions from City Council. There were none.

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

NEW BUSINESS

8. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS BY GRANTING A SPECIAL USE PERMIT FOR A COMMUNICATIONS TOWER ON PROPERTY ADDRESSED AS 500 ABNEY AVENUE - POSTPONED

City Manager Keith Wright stated that the applicant, Vertical Bridge Holdings, LLC proposed to construct a one-hundred and ninety-five (195) foot Communications Tower with related equipment at 500 Abney Avenue. City Manager Wright detailed the subject property on a map and described the location as the old Land O Pines Property. City Manager Wright stated that the closest distance of the proposed tower to any structure excluding the Land O Pines Building was two-hundred and forty-seven (247) feet. City Manager Wright stated that the applicant expressed that the proposed property was ideally suited for Cellular One to continue its service to North Lufkin residents and furthered that the applicant stated there was an existing tower in North Lufkin with Cellular One service, but it would be more cost effective for the Cellular Provider to move its equipment to the new tower. City Manager Wright stated that the general character of the area was residential with industrial and commercial uses and furthered that the applicant's land had a "Light Manufacturing" zoning designation. City Manager Wright stated that the property north of the site was zoned "Light Manufacturing" and "Residential Medium Single Family Dwelling", while land south of the applicant, both north and south of Abney Avenue was zoned "Light Manufacturing" and land to the east of the applicant, "Residential Small". City Manager Wright continued that land south of the applicant, both north and south of Abney Avenue, was zoned "Light Manufacturing". City Manager Wright stated that the land to the west of 500 Abney Avenue was zoned "Residential Medium Family Dwelling". City Manager Wright furthered that the subject property operated as a warehouse and distribution center and the proposed tower would use the northwest corner of 500 Abney Avenue as shown on the enclosed maps. City Manager Wright stated that a warehouse north of the applicant's land which was owned by Lufkin Vulcanizing along with a 9.43 acre of partially wooded land that extended north of the applicant's land; then along the applicant's west boundary that reached south to Abney Avenue. City Manager Wright furthered that east of the site and across Sayers Street were eight (8) single family homes and the two (2) parcels directly south, across Abney Avenue were used as storage by the owner, Joan Futch, though portions were vacant. City Manager Wright stated that the applicant's "parent" parcel was a large rectangle missing a small 0.3 acre portion in the southwest area and functioned for the main parcel as parking and access to the loading bay. City Manager Wright furthered that the application for the Special Use Permit was approved by the Planning and Zoning Commission during the meeting of June 27, 2016 and explained the item was withdrawn from the City Council agenda of July 5, 2016 at the request of the owner. City Manager Wright concluded that Staff recommended City Council conduct a Public Hearing and consider on First Reading the Ordinance granting a Special Use Permit for a communications tower on the property addressed as 500 Abney Avenue. City Manager Wright stated that attached to the packet was a letter of opinion from the City Attorney, Bruce Green concerning the FCC regulations that would apply to the case.

Mayor Bob F. Brown opened the Public Hearing at 5:13 p.m.

Victor Travis, Resident of Ward No. 1, expressed opposition to the proximity of the proposed cellular tower due to perceived health risks, property value depreciation and

insufficient proof of necessity. Victor Travis questioned if the proposed cellular tower would be utilized by a private enterprise or built with the intent of sale.

Planning and Zoning Director, Dorothy Wilson recounted her understanding that four (4) spaces would be available for lease on the tower.

Discussion ensued.

Councilmember Sarah Murray questioned if the surrounding residents of the area were duly informed of the intent to construct a cellular tower. Planning and Zoning Director, Dorothy Wilson summarized that all residents within two-hundred feet (200') of the property were informed with letters which resulted in one (1) letter of opposition and two (2) phone calls in opposition; however the callers chose not to disclose their association with the subject property or their identities.

Victor Travis expressed resolute opposition to the cellular tower and thanked City Council for their time.

Tom Holloman, representative of Vertical Bridge Holdings, LLC postulated the need for an additional cellular tower in Lufkin. Mr. Holloman proposed that the growth of technology combined with the unanticipated demand for increased bandwidth in order to meet the growing needs of customers, confirmed the necessity for a cellular tower. Mr. Holloman displayed maps that depicted cellular serviced areas versus non serviced areas.

City Attorney, Bruce Green requested conclusive data to validate Mr. Holloman's statements and maps.

Tom Holloman clarified that cellular phones were serviceable throughout Lufkin; and furthered that the increased bandwidth need, pertained to computers and smart phones, not cell phones.

Discussion ensued.

Councilmember Sarah Murray requested maps that displayed legible street names.

Victor Travis commented that Lufkin was not a densely populated City; therefore the cellular tower was not needed.

Councilmember Guessippina Bonner expressed concern that Vertical Holdings, LLC did not demonstrate evidentiary justification to substantiate a need for a cellular tower due to a gap in coverage or present such evidence in writing per FCC Regulation.

Discussion ensued.

City Manager Wright requested propagation studies relevant to the proposed project.

Discussion ensued.

City Attorney Bruce Green summarized City Council's concern as a proliferation of unnecessary cellular towers in the greater Lufkin area.

Discussion ensued.

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

9. PUBLIC HEARING AND RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 2016 DOMESTIC CANNABIS ERADICATION/SUPPRESSION GRANT IN THE AMOUNT OF \$26,250 THROUGH THE DRUG ENFORCEMENT ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF JUSTICE AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2015-2016

OPERATING BUDGET (BUDGET AMENDMENT NO. 20) APPROPRIATING THE FUNDING – APPROVED

City Manager Keith Wright stated that City Council previously approved a Resolution authorizing the Lufkin Police Department to apply for a Cannabis Eradication/Suppression Program Grant through the Drug Enforcement Administration and furthered that the Department was recently notified that the grant had been awarded in the amount of \$26,250. City Manager Wright stated that the funds would be used for the purchase of equipment, training and overtime costs. City Manager Wright concluded that Staff recommended City Council conduct the required Public Hearing and approve a Resolution accepting the Cannabis Eradication/Suppression Program Grant in the amount of \$26,250 and a Resolution authorizing Budget Amendment No. 20 appropriating the funding.

Mayor Bob F. Brown opened the Public Hearing at 5:55 p.m. There being no one who wished to speak, Mayor Brown requested comments and questions from City Council. There were none.

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

10. PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION AUTHORIZING THE APPLICATION FOR A FISCAL YEAR 2017 DOMESTIC CANNABIS ERADICATION/SUPPRESSION GRANT FUNDING UP TO \$30,000 THROUGH THE DRUG ENFORCEMENT ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF JUSTICE – APPROVED

City Manager Keith Wright stated that the following year the grant listed in Item No. 9 would be applied for again and that the Lufkin Police Department requested that City Council approve an application for the Drug Enforcement Agency Cannabis Eradication/Suppression grant funding in an amount up to \$30,000 to be used to offset costs related to the eradication and suppression of cannabis; specifically for training, overtime and the purchase of equipment. City Manager Keith Wright concluded that Staff recommended City Council conduct a Public Hearing and approve a Resolution authorizing the submission of an application to the 2017 Drug Enforcement Agency Cannabis Eradication/Suppression Grant Program in an amount up to \$30,000.

Mayor Bob F. Brown opened the Public Hearing at 5:56 p.m. There being no one who wished to speak, Mayor Brown requested comments and questions from City Council. There were none.

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

11. PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS AUTHORIZING THE SALE OF A 0.39 ACRE PARCEL OF LAND AND IMPROVEMENTS WITHIN THE T. QUEVADO SURVERY, ABSTRACT NO. 39, TRACT 412 IN ANGELINA COUNTY, TEXAS IN THE AMOUNT OF \$11,000 – APPROVED

City Manager Keith Wright stated that previously City Council reviewed properties that had been determined as surplus land and eligible for sale per state regulations. City Manager Wright furthered that the property was 0.39 acres and was located on US Highway 59 South and was the former site of the Burke Water Supply Office. City Manager Wright stated that per the requirements of sale of property to the public, under Chapter 272.001 of the Texas Local Government Code, the property was offered for sale by public bid on June 22, 2016 with four (4) bids being submitted, and the successful bidder was Ricky White with a bid of \$11,000. Therefore Staff recommended City Council approve the sale of the subject property to Ricky White in the amount of \$11,000.

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

12. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS AUTHORIZING THE SALE OF A 1.425 ACRE PARCEL OF LAND AND IMPROVEMENTS WITHIN THE J.A. BONTON SURVEY, ABSTRACT NO. 5, TRACT 29, IN LUFKIN, ANGELINA COUNTY, TEXAS IN THE AMOUNT OF \$2,558.27 – APPROVED

City Manager Wright stated as in the previous item, the subject property had been determined to be appropriate for sale and furthered that the 1.425 acres were located off South John Redditt Drive and Crooked Creek. City Manager Wright furthered that the subject property was offered for sale per the requirements of the Texas Local Government Code Chapter 272.001. City Manager Wright stated that one (1) bid was received from Mike Hineman for the minimum bid amount of \$2,558.27 which included the appraisal value, appraisal cost, advertisements and filing fee costs. City Manager Wright detailed the property on a map as landlocked. City Manager Wright concluded that stated that Staff recommended City Council approve the sale of the property to Mike Hineman in the amount of \$2,558.27.

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

13. PROPOSALS AND AWARD FOR GRANT ADMINISTRATION SERVICES FOR THE 2016 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TxCDBG) FLOOD AND DRAINAGE GRANT – APPROVED

City Manager Keith Wright stated that Item No. 13 and Item No. 14 were related to each other and requested approval to enter into negotiations with two (2) different firms. City Manager Keith Wright furthered that on June 23rd, Staff advertised the Request for Proposals for both engineering services and grant administration and management services for the 2016 Texas Community Development Block Grant (TxCDBG), which were awarded every two (2) years. City Manager Wright stated that the funds would be used to construct a detention pond in the area of Paul Avenue and North Chestnut Street as indicated on the map included in Council Packet. City Manager Wright detailed that during that particular grant cycle a flooding issue occurred at the location of Lone Chapel Church and Paul Avenue which resulted in the City Engineer applying for the grant to reduce the frequency of flooding. City Manager Wright explained that although flooding could not be completely eliminated contingent on the amount of rainfall the area received, the detention pond however would reduce the frequency of flooding in addition to the recommendations given to the church. City Manager Keith Wright stated that Raymond K. Vann and Associates was the only firm to submit a proposal for evaluation and was selected to perform administration and management services for the grant. City Manager Wright furthered that the grant required City Council approve the award of the proposal to the firm prior to Staff negotiating pricing for the services and that the scope of the work would include planning, project and financial management and numerous other managerial requirements. City Manager Wright stated that the firm had administered numerous grants for the City in the past and Staff was confident in their abilities. City Manager Wright concluded that Staff recommended City Council approve the proposal and award the same to Raymond K. Vann and Associates for grant administration and management services related to the 2016 Texas Community Development Block Grant(TxCDBG). City Manager Wright summarized that after receiving approval to negotiate a contract would be submitted to City Council for evaluation and approval.

Councilmember Robert Shankle moved to approve the acceptance of the proposal and award for grant administration services as presented. Councilmember Sarah Murray seconded and a unanimous vote to approve was recorded.

14. PROPOSALS AND AWARD FOR ENGINEERING SERVICES FOR THE 2016 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TxCDBG) FLOOD AND DRAINAGE GRANT AS DISCUSSED IN ITEM NO. 13 – APPROVED

City Manager Keith Wright stated that the item was the same as the previous item in regard to the engineering portion of the project. City Manager Wright furthered that two (2) firms submitted proposals, with Goodwin-Lasiter being chosen after completion of the evaluation process. City Manager Wright stated that the grant required City Council approve the award of the proposal of the firm prior to Staff negotiating pricings as in Item No. 13 and furthered that the scope of the work would include development of reports, plan and specification design, bidding and award process, inspections and completion documentation. City Manager Wright stated that Goodwin-Lasiter had provided services to the City in the past and Staff had no reservations with working with them on the project. City Manager Wright concluded that Staff recommended City Council approve the proposal and award the same to Goodwin-Lasiter, Inc. for engineering services related to the 2016 Texas Community Development Block Grant (TxCDBG).

Councilmember Robert Shankle moved to approve the proposal and award for engineering services as presented. Councilmember Guessippina Bonner seconded the motion and a unanimous vote to approve was recorded.

15. PRESENTATION OF THE CITY OF LUFKIN, TEXAS FINANCE COMMITTEE REPORT

Director of Financial Services, Belinda Southern highlighted that the average yield for the current quarter was 0.77%. Belinda Southern stated that the City's Money Market Accounts, Direct Deposit Accounts, and Pool Accounts totaled forty-six percent (46%), of the City's Assets, with security and CDs which totaled the remaining fifty-four percent (54%) of the City's Assets.

Councilmember Mark Hicks inquired how CD's were laddered. Belinda Southern highlighted page No. 3 in response.

Belinda Southern offered to answer questions. There were none.

Mayor Bob. F. Brown thanked Finance Director, Southern for her efforts.

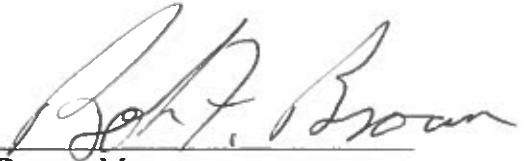
16. CITY MANAGER REPORT

City Manager Wright reviewed the Revenues and Expenditures of the General Funds, Water and Wastewater Funds, and the Solid Waste and Recycling Fund. City Manager Wright offered to answer questions. Councilmember Mark Hicks requested clarification regarding the Hotel Motel Tax Fund Revenue Fund. City Manager Wright explained that the revenues were positive.

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

City Manager Wright detailed the various upcoming City sponsored and community events.

18. There being no more business to address the meeting was adjourned at 6:13 p.m.



Bob F. Brown, Mayor

ATTEST:


Kara Atwood, City Secretary

