

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 5th DAY OF SEPTEMBER, 2023.

On the 5th day of September, 2023, 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:

Mark Hicks	Mayor
Robert Shankle	Mayor Pro Tem
Guessippina Bonner	Councilmember, Ward No. 1
Brent Watkins	Councilmember, Ward No. 3
Wes Suiter	Councilmember, Ward No. 4
Rocky Thigpen	Councilmember, Ward No. 5
Adam Lowther	Councilmember, Ward No. 6
Kristi Skillern	City Attorney
Gerald Williamson	Assistant City Manager
Brian Bray	Assistant City Manager
Kara Andrepont	City Secretary
David Thomas	Police Chief
Buddy Cross	Assistant Police Chief
Jesse Moody	Fire Chief
Jessica Pebsworth	Communications Director
Belinda Melancon	Finance Director
Eddie Aguilar	Engineering Services Director
Scott Rayburn	Planning Director
Buddy Timme	Parks and Recreation Director
Bob Samford	Economic Development Director

being present; and

Kevin Gee	City Manager
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being absent when the following business was transacted.

INVOCATION – The meeting was opened with prayer by Assistant City Manager Gerald Williamson.

PUBLIC COMMENT – Mayor Mark Hicks opened the meeting for public comment on any posted agenda item at 5:01 p.m. There being no one who wished to speak; Mayor Hicks closed the public comment period.

Mayor Hicks recognized those in attendance with Leadership Lufkin and wished Councilmember Guessippina Bonner and Councilmember Brent Watkins a Happy Birthday.

PRESENTATION

PRESENTATION OF THE “ACCREDITED LAW ENFORCEMENT AGENCY” DESIGNATION TO THE LUFKIN POLICE DEPARTMENT.

Todd Hunter, representing the Texas Police Chief’s Foundation and the accreditation committee, presented the Lufkin Police Department with a Certificate of Accreditation for achieving compliance with the Texas Law Enforcement Best Practices. Mr. Hunter stated there was a complete audit of all policies, procedures, training and operations to verify that all standards had been met. Mr. Hunter furthered of the roughly 2,800 law enforcement agencies in the State of Texas, only 197 were currently accredited and the City of Lufkin Police Department was the 196 to become accredited. Mr. Hunter stated the certificate was a symbol of professional excellence of which the City of Lufkin should be proud. Police Chief David Thomas accepted the certificate on behalf of the City of Lufkin.

CONSENT AGENDA

- 1. **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 15TH, 2023 - APPROVED.**

2. **SECOND READING OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2022 – 2023 OPERATING BUDGET (BUDGET AMENDMENT NO. 17) APPROPRIATING GRANT FUNDING FROM TRAUMA SERVICE AREA H (TSAH) REGIONAL ADVISORY COUNCIL FOR THE LUFKIN FIRE DEPARTMENT - APPROVED.**
3. **REAPPOINTMENT OF EXISTING MEMBERS TO THE DEEP EAST TEXAS REGIONAL COUNCIL OF GOVERNMENTS (DETCOG) – APPROVED.**

Councilmember Guessippina Bonner moved to approve all items on the Consent Agenda as presented. Councilmember Brent Watkins seconded the motion and a unanimous vote to approve was recorded.

BUSINESS AGENDA

4. **SECOND READING OF AN ORDINANCE REGARDING SHORT TERM RENTAL PROPERTIES – APPROVED.**

City Attorney Kristi Skillern stated the City of Lufkin currently had at least forty (40) short-term rentals within the city limits with no Ordinances that addressed the use of property for that purpose. City Attorney Skillern furthered using residential property for short-term rentals was becoming more common, indicated by an increase of fifty-five percent (55%) in the last year. City Attorney Skillern stated the presence of commercial type activity in residential areas could potentially have an effect on other properties in neighborhoods. City Attorney Skillern furthered in order to establish guidelines for operation and monitor the collection of Hotel/Motel Tax, Staff found it beneficial to the community to enact an ordinance regulating short-term rentals. City Attorney Skillern stated the Ordinance included a simple process for registration and permitting and also included regulations to protect the property owners, the safety of guests, as well as residential neighborhoods. City Attorney Skillern furthered the Ordinance would include provisions for registration, annual inspections, parking requirements, liability insurance requirements, and collection of hotel-motel occupancy taxes. City Attorney Skillern stated Staff proposed retaining the services of a host compliance platform to identify the property owners, consistently monitor the many host websites (Airbnb, VRBO, etc.), assist with enforcement of the ordinance, and collect the hotel-motel taxes. City Attorney Skillern furthered Staff believed enacting a short-term rental Ordinance was necessary to preserve residential neighborhoods and protect adjacent property values.

City Attorney Skillern concluded Staff recommended City Council consider approval on Second Reading of an Ordinance regarding Short Term Rental Properties.

Councilmember Wes Suiter asked if carbon monoxide monitors would be required in the short-term rentals. City Attorney Kristi Skillern answered the question and discussion ensued.

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

5. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BY CHANGING THE ZONING TO “COMMERCIAL” ON PROPERTY ADDRESSED AS 2406 ATKINSON DRIVE, 1720 NORTH MEDFORD DRIVE AND 1804 NORTH MEDFORD DRIVE – APPROVED.**

Mayor Mark Hicks recused himself from discussion and voting on this item.

City Attorney Kristi Skillern stated the applicant, Aaron McLendon, on behalf of Hicks Operating Company LLC, had requested a zone change from “Central Business” to “Commercial” for 2406 Atkinson Drive, 1720 North Medford Drive, and 1804 North Medford Drive. City Attorney Skillern furthered the purpose of the zone change was to allow for outdoor sales of shipping containers with a sales office. City Attorney Skillern highlighted the location of the property and surrounding uses. City Attorney Skillern stated Staff found the proposed zone change consistent with the current existing area uses as well as the current “Corridor Commercial” future land use classification. City Attorney Skillern furthered the request had been unanimously recommended for approval by the Planning and Zoning Commission.

City Attorney Skillern concluded Staff recommended City Council conduct a Public Hearing and consider approval on First Reading of an Ordinance changing the zoning to “Commercial” on

property addressed as 2406 Atkinson Drive, 1720 North Medford Drive and 1804 North Medford Drive.

Mayor Pro-Tem Robert Shankle opened the Public Hearing at 5:16 p.m. There being no one who wished to speak; Mayor Pro-Tem Shankle closed the Public Hearing and requested comments from the City Council.

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

6. FIRST READING OF AN ORDINANCE PROVIDING FOR THE SALE OF AN UNUSED, UNIMPROVED PORTION OF RIGHT-OF-WAY (0.497 ACRE) OFF WEBBER STREET TO THE ABUTTING PROPERTY OWNER – APPROVED.

Assistant City Manager Brian Bray stated Engineering Services received a request from Pilgrim Industries Inc. to purchase an unused portion of primarily non-improved right-of-way near Webber Street with no existing City utilities within the right-of-way. Assistant City Manager Bray furthered the property had been determined appropriate for sale and all steps required by Chapter 272 of the Local Government Code had been followed. Assistant City Manager Bray stated Staff was requesting Council approval to convey a right-of-way (0.497 acres) located near 1508 Webber street for the total sum of thirteen thousand seven hundred and eighty dollars. (\$13,780). Assistant City Manager Bray furthered the price included the appraised value of thirteen thousand (\$13,000) for the right-of-way, as determined by William J. Lyon & Associates, Inc., the appraisal cost of seven hundred and fifty dollars (\$750.00), and the filing fee of thirty dollars (\$30.00). Assistant City Manager Bray stated per Chapter 272 of the Local Government Code, the abutting property owner was notified and given the opportunity to purchase an equal corresponding section of the non-improved right-of-way. Assistant City Manager Bray furthered the abutting property owners (Verna Berry Griffith) representative, had signed a letter stating she had no interest in the purchase. Assistant City Manager Bray stated following the approval of Council, and upon payment, the City would issue a deed without warranty to Pilgrim Industries, Inc.

Assistant City Manager Bray concluded Staff recommended City Council approve on First Reading an Ordinance providing for the sale of a portion of right-of-way located near 1508 Webber Street to Pilgrim Industries.

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

7. PRESENTATION OF THE CITY OF LUFKIN 2023-2024 DRAFT BUDGET, PUBLIC HEARING CONCERNING THE PROPOSED BUDGET AND FIRST READING OF AN APPROPRIATIONS ORDINANCE ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024 – APPROVED.

Finance Director Belinda Melancon stated Staff was pleased to present to City Council the 2023-2024 Annual Fiscal Budget for the City of Lufkin. Finance Director Melancon furthered the proposed budget included a tax rate of \$0.478215 per \$100 valuation, based on analysis received from the Angelina County Tax Assessor Collector. Finance Director Melancon stated the proposed tax rate was a decrease of \$0.046456 or 8.85% compared to last year. Finance Director Melancon furthered it also included the ten percent (10%) homestead exemption approved in June of 2023, decreasing the tax levy for the average homestead by \$91.21. Finance Director Melancon stated the proposed budget reflected a reduction in operational expenditures of \$1,952,362 or 2.2 percent compared to last year. Finance Director Melancon furthered a summary of significant changes had been provided to Council. Finance Director Melancon highlighted items included in the proposed budget.

Finance Director Melancon concluded Staff recommended City Council conduct a Public Hearing and approve on First Reading an appropriations Ordinance adopting a budget for the 2023-2024 Fiscal Year. Finance Director Melancon furthered the vote to approve the Ordinance adopting the Fiscal Year 2023-2024 Budget required a record vote.

Mayor Mark Hicks opened the Public Hearing at 5:20 p.m. There being no one who wished to speak; Mayor Hicks closed the Public Hearing and requested comments from City Council.

Councilmember Robert Shankle moved to approve the Ordinance as presented. Councilmember Guessippina Bonner seconded the motion. The following roll call vote was recorded:

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| • Councilmember Adam Lowther | Yes |
| • Councilmember Brent Watkins | Yes |
| • Councilmember Guessippina Bonner | Yes |
| • Councilmember Robert Shankle | Yes |
| • Councilmember Rocky Thigpen | Yes |
| • Councilmember Wes Suiter | Yes |
| • Mayor Mark Hicks | Yes |

8. **FIRST READING OF AN ORDINANCE FOR THE CITY OF LUFKIN, TEXAS RATIFYING THE PROPERTY TAX REVENUE IN THE 2023-2024 FISCAL YEAR BUDGET AS A RESULT OF THE CITY RECEIVING MORE REVENUES FROM PROPERTY TAXES THAN IN THE PREVIOUS FISCAL YEAR – APPROVED.**

Finance Director Belinda Melancon stated per the Texas Local Government Code 102.007 (c), adoption of a budget that raised more revenue from property taxes than in the previous year required a separate vote of the governing body to ratify the property tax increase. Finance Director Melancon furthered a vote under the subsection was in addition to and separate from the vote to adopt the budget or a vote to set the tax rates required by Chapter 26, Tax Code, or other law. Finance Director Melancon stated Truth in Taxation steps required for proposal and adoption of a budget included a step requiring ratification of the revenue increase from property taxes as set forth in Local Government Code 102.007 (c). Finance Director Melancon furthered the budget would raise more revenue than the previous budget by \$593,510.

Finance Director Melancon concluded Staff recommended City Council approve on First Reading an Ordinance ratifying the property tax revenue for the 2023-2024 Fiscal Year.

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

9. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF MUNICIPAL GOVERNMENT OF THE CITY OF LUFKIN AND PROVIDING FOR THE DEBT SERVICE FUND FOR THE FISCAL YEAR 2023-2024 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE – APPROVED.**

Finance Director Belinda Melancon stated each year as part of the budget process, the Tax Assessor Collector calculated the No-New-Revenue Tax Rate in accordance with Texas Tax Code Chapter 26.04. Finance Director Melancon furthered the No-New-Revenue Tax Rate enabled the public to evaluate the relationship between taxes for the prior year and the current year, based on a tax rate that would produce the same amount of tax revenue if applied to the same properties taxed in both years. Finance Director Melancon stated the No-New-Revenue Tax was determined to be \$0.435800, while the current year’s tax rate was \$0.524671. Finance Director Melancon explained the proposed tax rate of \$0.478215 was lower than the current tax rate, but exceeded the No-New-Revenue Tax Rate. Finance Director Melancon stated the proposed tax rate would raise more total property tax revenue than last year’s original budget and additional tax revenue would be raised from new property added to the tax roll, therefore the proposed tax rate was viewed as an increase according to the Texas Tax Code. Finance Director Melancon furthered the vote on the Ordinance setting the tax rate must be a record vote.

Finance Director Melancon concluded Staff recommended City Council approve on First Reading an Ordinance levying taxes for the 2022-2023 Fiscal Year.

Mayor Mark Hicks opened the Public Hearing at 5:26 p.m. There being no one who wished to speak; Mayor Hicks closed the Public Hearing and requested comments from City Council.

Councilmember Rocky Thigpen moved that the property tax rate be increased by the adoption of a tax rate of \$0.478215, which was effectively an 8.85 percent decrease in the tax rate. Councilmember Wes Suiter seconded the motion. The following roll call vote was recorded:

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| • Councilmember Adam Lowther | Yes |
| • Councilmember Brent Watkins | Yes |
| • Councilmember Guessippina Bonner | Yes |
| • Councilmember Robert Shankle | Yes |
| • Councilmember Rocky Thigpen | Yes |
| • Councilmember Wes Suiter | Yes |
| • Mayor Mark Hicks | Yes |

10. FIRST READING OF AN ORDINANCE ADOPTING GANG FREE ZONES WITHIN THE CITY OF LUFKIN – APPROVED.

City Attorney Kristi Skillern stated City Administration was contacted by the Lufkin Independent School District regarding designating by ordinance areas around local schools as Gang-Free Zones pursuant to Texas Penal Code 71.028. City Attorney Skillern furthered the statute allowed Texas cities to establish Gang-Free Zones within 1,000 feet of specific locations such as schools, shopping malls and daycare centers. City Attorney Skillern stated with the designation in place, law enforcement would have the option of charging individuals who committed gang activities in the designated Gang-Free Zones with an enhanced penalty. City Attorney Skillern furthered the designation also allowed school districts to publicize the school property as Gang-Free Zones to assist in deterring criminal activity.

City Attorney Kristi Skillern concluded Staff recommended City Council consider approval on First Reading an Ordinance designating certain areas as Gang Free Zones.

Councilmember Guessippina Bonner had a question as to whether the Lufkin ISD Police Department would be responsible for arrests and if the Lufkin Police Department could assist if necessary. Councilmember Guessippina Bonner also asked what areas other than schools could be added. Councilmember Wes Suiter asked if the areas outside the schools had been included in the Ordinance. City Attorney Skillern explained that the map attached to the Ordinance had been prepared by Lufkin ISD and only identified the Lufkin ISD properties at the present time. City Attorney Skillern stated the map applied to all the areas but would need to be revised in order for law enforcement to enforce. Discussion ensued.

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

11. RESOLUTION AUTHORIZING THE CITY MANAGER AND/OR MAYOR TO EXECUTE A LETTER OF SUPPORT FOR THE TWIN DISC, INC. APPLICATION AS AN OPERATOR WITHIN THE CITY OF LUFKIN'S FOREIGN TRADE ZONE – APPROVED.

Assistant City Manager Gerald Williamson stated the Lufkin Economic Development Corporation received approval from the United States Department of Commerce establishing Lufkin as a Foreign Trade Zone (No. 297) on December 17, 2019. Assistant City Manager Williamson furthered the City had now been notified of their first Foreign Trade Zone operator application, Twin Disc, Inc. Assistant City Manager Williamson noted this would allow imported inventory and inventory held within the Zone to be exempt from ad valorem tax. Assistant City Manager Williamson stated approximately thirty percent (30%) of the company's inventory would be under the Foreign Trade Zone exemption.

Assistant City Manager Gerald Williamson concluded Staff recommended City Council approve a Resolution authorizing the Mayor and/or City Manager to execute a letter of support for the Twin Disc, Inc. application as an operator in the City of Lufkin's Foreign Trade Zone.

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

12. AWARD OF CONTRACT TO SYMMETRY SPORTS CONSTRUCTION FOR RENOVATIONS AND IMPROVEMENTS TO MORRIS FRANK PARK – APPROVED.

Assistant City Manager Brian Bray stated City Staff had utilized the Interlocal Purchasing System (TIPS) to procure construction contract services for a portion of the Morris Frank Park Field Renovations and Improvements Project, per Section 2269.401 of the Local Government Code. Assistant City Manager Bray furthered the proposed construction contract included renovating five

(5) baseball fields with synthetic turf, constructing two natural grass football fields (sod & irrigation), constructing a multi-purpose field with synthetic turf, and other associated appurtenances for each field. Assistant City Manager Bray stated Staff received a proposal from Symmetry Sports Construction for a total construction cost of \$5,498,601. Assistant City Manager Bray furthered the construction contract did not include all of the planned work at the park. Assistant City Manager Bray explained paving, softball field renovations, and building improvements would be completed separate from this contract and City Forces would be performing portions of that work.

Assistant City Manager Bray concluded Staff recommended City Council consider awarding a construction contract to Symmetry Sports Construction for renovations and improvements to Morris Frank Park.

Councilmember Robert Shankle moved to approve the award of contract as presented. Councilmember Brent Watkins seconded the motion and a unanimous vote to approve was recorded.

There being no further business, Mayor Mark Hicks adjourned the meeting at 5:35 p.m.



Mark Hicks, Mayor

ATTEST:

Kara Andrepont, City Secretary