

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 19TH DAY OF SEPTEMBER, 2023.

On the 19th 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
Kevin Gee	City Manager
Kristi Skillern	City Attorney
Gerald Williamson	Assistant City Manager
Brian Bray	Assistant City Manager
Kara Andrepont	City Secretary
Adriana Thomasee	Human Resources
David Thomas	Police Chief
Buddy Cross	Assistant Police Chief
Ryan Watson	Assistant Fire Chief
Jessica Pebsworth	Communications Director
Belinda Melancon	Finance Director
Eddie Aguilar	Engineering Services Director
Scott Rayburn	Planning Director

being present 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 5:02 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 as well as the Lufkin Chapter of Delta Sigma Theta.

CONSENT AGENDA

1. **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 5TH, 2023 - APPROVED.**

Councilmember Wes Suiter moved to approve all items on the Consent Agenda as presented. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

BUSINESS AGENDA

2. **PUBLIC HEARING AND SECOND 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 Manager Kevin Gee 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 Manager Gee furthered the purpose of the zone change was to allow for outdoor sales of shipping containers with a sales office. City Manager Gee highlighted the location of the property and surrounding uses. City Manager Gee 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 Manager Gee furthered the request had been unanimously recommended for approval by the Planning and Zoning Commission.

City Manager Gee concluded Staff recommended City Council conduct a Public Hearing and consider approval on Second 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 5:05 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 Brent Watkins moved to approve the Ordinance as presented. Councilmember Adam Lowther seconded the motion and a unanimous vote to approve was recorded.

3. SECOND 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 – APPROVED.

City Manager Kevin Gee 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. City Manager Gee furthered the property had been determined appropriate for sale and all steps required by Chapter 272 of the Local Government Code had been followed. City Manager Gee 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). City Manager Gee 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). City Manager Gee 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. City Manager Gee furthered the abutting property owners (Verna Berry Griffith) representative, had signed a letter stating she had no interest in the purchase. City Manager Gee stated following the approval of Council, and upon payment, the City would issue a deed without warranty to Pilgrim Industries, Inc.

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

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

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

City Manager Kevin Gee stated Staff was pleased to present to City Council the 2023-2024 Annual Fiscal Budget for the City of Lufkin. City Manager Gee 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. City Manager Gee stated the proposed tax rate was a decrease of \$0.046456 or 8.85% compared to last year. City Manager Gee 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. City Manager Gee stated the proposed budget reflected a reduction in operational expenditures of \$1,952,362 or 2.2 percent compared to last year. City Manager Gee furthered a summary of significant changes had been provided to Council. City Manager Gee highlighted items included in the proposed budget.

City Manager Gee concluded Staff recommended City Council conduct a Public Hearing and approve on Second Reading an appropriations Ordinance adopting a budget for the 2023-2024 Fiscal Year. City Manager Gee 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 5:08 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 Rocky Thigpen 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 |

5. **SECOND 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.**

City Manager Kevin Gee 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. City Manager Gee 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. City Manager Gee 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). City Manager Gee furthered the budget would raise more revenue than the previous budget by \$593,510.

City Manager Gee concluded Staff recommended City Council approve on Second 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 Brent Watkins seconded the motion and a unanimous vote to approve was recorded.

6. **PUBLIC HEARING AND SECOND 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.**

City Manager Gee 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. City Manager Gee 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. City Manager Gee stated the No-New-Revenue Tax was determined to be \$0.435800, while the current year’s tax rate was \$0.524671. City Manager Gee explained the proposed tax rate of \$0.478215 was lower than the current tax rate, but exceeded the No-New-Revenue Tax Rate. City Manager Gee 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. City Manager Gee furthered the vote on the Ordinance setting the tax rate must be a record vote.

City Manager Gee concluded Staff recommended City Council approve on Second Reading an Ordinance levying taxes for the 2023-2024 Fiscal Year.

Mayor Mark Hicks opened the Public Hearing at 5:12 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 Robert Shankle 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 |

7. SECOND READING OF AN ORDINANCE ADOPTING GANG FREE ZONES WITHIN THE CITY OF LUFKIN – APPROVED.

City Manager Kevin Gee 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 Manager Gee furthered the statute allowed Texas cities to establish Gang-Free Zones within one thousand (1,000) feet of specific locations such as schools, shopping malls and daycare centers. City Manager Gee 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 Manager Gee furthered the designation also allowed school districts to publicize the school property as Gang-Free Zones to assist in deterring criminal activity.

City Manager Gee concluded Staff recommended City Council consider approval on Second Reading an Ordinance designating certain areas as Gang Free Zones.

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

8. RESOLUTION APPROVING THE ACQUISITION AND REMODELING OF NEW OFFICE SPACE FOR THE ANGELINA COUNTY APPRAISAL DISTRICT – APPROVED.

City Manager Kevin Gee stated, Tim Chambers, the Chief Appraiser for Angelina County, had contacted Staff requesting consideration and approval of a Resolution for the acquisition and remodeling of a new office location for the Appraisal District. City Manager Gee furthered the existing building needed extensive repairs and had significant issues, including mold. City Manager Gee stated the District proposed acquiring an existing building in the Garden District Shopping Center behind Buffalo Wild Wings Restaurant and renovating the space to accommodate the District and its employees. City Manager Gee furthered the cost of the building was \$500,000 and the seller would finance \$300,000 of the purchase at six percent (6%) interest rate for three (3) years. City Manager Gee stated the appraisal district would apply \$200,000 of its existing funds to the purchase and also anticipated remodeling costs. City Manager Gee furthered proceeds from the sale of the existing building would be applied to the loans once received. City Manager Gee stated per Texas Tax Code Section 6.051, the acquisition, remodeling of a new facility, and sale of the old facility, required the approval of three quarters (3/4) of the taxing units entitled to vote on the Board of Directors of the Appraisal District. City Manager Gee furthered the District requested City Council approve a Resolution approving the plan for the purchase and renovation of the new building. City Manager Gee stated the District had considered several options, which were detailed in the Council Packet documentation. City Manager Gee furthered unless the governing bodies of three quarters (3/4) of the taxing units approved the purchase within thirty (30) days, the Appraisal District would not be able to purchase the building.

City Manager Gee concluded Staff recommended City Council consider approval of a Resolution for the acquisition and remodeling of a new office space and the sale of the existing building by the Angelina County Appraisal District.

Tim Chambers spoke and answered questions concerning the item.

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

9. FINANCIAL STATUS REPORT

City Manager Kevin Gee updated City Council on the financial status of the City. City Manager Gee offered to answer any questions. There were none.

EXECUTIVE SESSION:

Mayor Mark Hicks recessed the Regular Session at 5:22 p.m.

Mayor Mark Hicks reconvened the Regular Session at 5: 57 p.m.

There being no further business, Mayor Mark Hicks adjourned the meeting at 5: 58 p.m.




Mark Hicks, Mayor

ATTEST:


Kara Andrepont, City Secretary