

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 7TH DAY OF FEBRUARY, 2017.

On the 7th day of February, 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	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
Steve Floyd	Assistant City Manager
Bruce Green	City Attorney
Kara Atwood	City Secretary
Gerald Williamson	Police Chief
David Thomas	Assistant Police Chief
Ted Lovett	Fire Chief
Dorothy Wilson	Planning & Zoning Director
Steve Pokey	Street Department Director
Mike Akridge	Parks & Recreation Director
Barbara Thompson	Main Street Director
Jason Arnold	Water & Sewer Director
Dale Allred	Inspection Services Director
Kent Havard	Solid Waste Director
Tara Watkins	L.C.V.B. Director

being present when the following business was transacted.

1. The meeting was opened with prayer by Brother Elton Musick of Grace Baptist Church.
2. Mayor Bob F. Brown welcomed Leadership Lufkin attendees and visitors present.
3. **MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 17, 2017 - APPROVED**

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

OLD BUSINESS

4. **SECOND READING OF AN ORDINANCE PROVIDING FOR THE CALLING AND ORDERING OF A GENERAL ELECTION FOR THE CITY OF LUFKIN, TEXAS, TO BE HELD AT TWO (2) POLLING PLACES IN LUFKIN, TEXAS ON MAY 6, 2017 FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR WARD NO. 5 AND WARD NO. 6 - APPROVED**

City Manager Wright stated that the City of Lufkin would conduct a General Election May 6, 2017 for the purpose of electing a Councilmember for Ward No. Five (5) and Ward No. Six (6). City Manager Wright furthered that the Ordinance established dates and the location for early voting in person and by mail; delineated the City Secretary as the Early Voting Clerk and allowed for the posting of the notice of election. City Manager Wright stated that the voting locations for Election Day would be determined at a later date by an amendment to the Ordinance. City Manager Wright concluded that Staff recommended City Council approve the Second Reading of the Ordinance for the

calling and ordering of a General Election to be held May 6, 2017 for the purpose of electing a Councilmember for Ward No. Five (5) and Ward No. Six (6).

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

NEW BUSINESS

5. 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 AUTOMOTIVE REPAIR SERVICES IN A “NEIGHBORHOOD RETAIL” ZONING DISTRICT ON PROPERTY ADDRESSED AS 1500 ATKINSON DRIVE – APPROVED

City Manager Wright stated that the owner had applied for a Special Use Permit for automotive repair services on property addressed as 1500 Atkinson Drive. City Manager Wright pointed out the subject property on a map. City Manager Wright furthered that the property was zoned “Neighborhood Retail” and had operated previously without a permit. City Manager Wright stated that a zone change was needed to operate legally. City Manager Wright furthered that the surrounding properties were a mix of “Neighborhood Retail” and “Residential Medium Single Family Dwelling”. City Manager Wright stated that the Future Land Use Map designation was “Office” and the surrounding properties had a designation of “Office” and “Low Density Residential”. City Manager Wright furthered that the subject property currently had an existing building with an office and enclosed vehicle work bays, therefore there would be no repair services conducted outside of the facility. City Manager Wright stated that there were several commercial businesses located in close proximity that included Strickland Plumbing, The Knife Shop, Property Management as well as single family dwellings. City Manager Wright furthered that the requested Special Use Permit would allow the owner to utilize the property most effectively, as it had been used in the past. City Manager Wright stated that the Planning and Zoning Commission unanimously approved the request during its meeting of January 23rd, 2017 and Staff recommended City Council conduct a Public Hearing and approve on First Reading an Ordinance granting a Special Use Permit for automotive repair services on property known as 1500 Atkinson Drive.

Mayor Bob F. Brown opened the Public Hearing at 5:02 p.m. There being no one who wished to speak Mayor Brown closed the Public Hearing and requested comment from City Council. There was none.

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

6. 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 DRINKING ESTABLISHMENT IN A “CENTRAL BUSINESS” ZONING DISTRICT ON PROPERTY ADDRESSED AS 416 SOUTH FIRST STREET AND 419 SOUTH ANGELINA STREET – APPROVED

City Manager Wright pointed out the subject property on a map. City Manager Wright stated that the owners, LRL Investments, Inc., at the request of the Planning Staff applied for a Special Use Permit for a drinking establishment for the purpose of operating a special events venue at property located at 416 South First and 419 South Angelina Street. City Manager Wright furthered that the business, known as The Grand, was a venue that hosted many events that included weddings, parties and fundraiser events. City Manager Wright stated that the permit was required for events such as those listed where alcohol may be included by invitation, cover fee, or sold at the facility. City Manager Wright furthered that the subject property was located in a “Central Business” zoning district. City Manager Wright stated that the properties surrounding the area on all sides were zoned “Central Business” except the Lufkin Industries property to the west

which was zoned "Heavy Manufacturing". City Manager Wright stated that north of the subject property was A-1 Party Rentals; east and across First Street was the Citizens National Bank building that had office space for lease by Hicks-Co Leasing Service and south of the subject property was Todd, Hamaker, & Johnson LLP, an accounting firm. City Manager Wright furthered that land to the west was associated with Lufkin Industries/GE. City Manager Wright stated that the subject property had been used in the past as a Special Events Venue. City Manager Wright furthered that the Special Use Permit for a Drinking Establishment would bring 416 South First Street into compliance with the City's Zoning Ordinance. City Manager Wright stated that that as mentioned before, a Special Use Permit for a Drinking Establishment was required due to the continued use of alcohol in the future and The Grand on First was currently set up with all the amenities that Special Events Venues routinely offered. City Manager Wright furthered that the Special Use Permit requested was appropriate for the building located on the subject property. City Manager Wright stated that the Planning and Zoning Commission unanimously approved the request for a Special Use Permit for a Drinking Establishment at its regular meeting on January 23, 2017. City Manager Wright concluded that Staff recommended that City Council conduct a Public Hearing and approve on First Reading an Ordinance granting a Special Use Permit for property known as 416 South First and 419 South Angelina Street.

Planning & Zoning Director Dorothy Wilson presented the Ordinance related to a drinking establishment and the prescribed zoning.

Councilmember Hicks requested clarification regarding the Special Use Permit details.

Planning and Zoning Director Wilson clarified that the venue would need the Special Use Permit provided that if at any time the venue chose to sell alcohol or have alcohol sold at the venue through a third party vendor. Planning & Zoning Director Wilson described the difference between a Special Use Permit and the licensing procedures and entities involved to acquire permission to sell alcohol as a business.

City Attorney Bruce Green summarized that the Special Use Permit declared a use and that alcohol may or may not be served through invitation, cover fee or sale. City Attorney Green furthered that a Special Use Permit may be granted without the venue serving alcohol. City Attorney Green concluded that the Special Use Permit under discussion simply declared a particular use for the requested Special Use Permit.

Mayor Brown opened the Public Hearing at 5:12 p.m.

Cathy Todd of Todd, Hamaker, & Johnson LLP expressed concern regarding the possibility of loud noise; littering; parking issues; full time liquor sales or a permanent night club setting.

Discussion ensued between Councilmember Hicks, Councilmember Murray, Cathy Todd and Roy Reyes.

There being no one else who wished to speak Mayor Brown closed the Public Hearing at 5:20 p.m. and requested comment from City Council.

Councilmember Hicks moved to approve the Special Use Permit as presented. Councilmember Guessippina Bonner seconded the motion and a unanimous vote to approve was recorded.

7. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2016-2017 OPERATING BUDGET (BUDGET AMENDMENT NO. 11), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE ECONOMIC DEVELOPMENT FUND FOR THE HIRING OF AN ECONOMIC DEVELOPMENT CONSULTANT - APPROVED

City Manager Wright stated that the Economic Development Department had been seeking opportunities to expand the City's outreach on Economic Development following the exit of Thad Chambers as the Economic Development Director. City

Manager Wright furthered that a favorable candidate was found in Nancy Windham. City Manager Wright stated that Nancy Windham was known by her peers to have a broad range of contacts with site selectors and varied areas including Professional and Industrial. City Manager Wright furthered that Nancy Windham's work experience in the field of economic development spanned thirty (30) years and included employment for Nacogdoches City and Frisco City. City Manager Wright stated that a six (6) month contract with Nancy Windham would allow mutual evaluation for a fixed working contract between the City of Lufkin and Nancy Windham. City Manager Wright furthered that the Economic Development Staff requested that City Council approve a Budget Amendment of fifty-four thousand dollars (\$54,000) to hire an Economic Development Consultant on a six (6) month contract. City Manager Wright stated that the funds would transfer from the Economic Development Administration account to the Economic Development Special Services account. City Manager Wright furthered that the consultant would implement an Economic Development program of work that would strengthen relationships, planning strategies and execution. City Manager Wright concluded that Staff recommended City Council approve a Resolution authorizing Budget Amendment No. 11 appropriating the funding for the hiring of an Economic Development Consultant.

Councilmember Bonner expressed concern regarding the hiring process.

Councilmember Hicks stated that it was fortunate to have met an individual as capable as Nancy Windham.

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

8. DISCUSSION REGARDING THE RE-CODIFICATION OF THE CITY OF LUFKIN ORDINANCES

City Manager Wright stated that Article III, Section 15 of the City of Lufkin Charter provided for the codification of the City's Ordinances. City Manager Wright furthered that the provision allowed for the codification of all "general and permanent" Ordinances, meaning that the code did not include Ordinances that were limited in time or applicable to a certain property, matter, person etc., for example bond issuance ordinances or rezoning ordinances. City Manager Wright stated that the last comprehensive codification was completed in 1995 and Staff had been working diligently with Franklin Legal Publishing to recodify the ordinances in order to ensure their compliance with Federal and State Law, remove provisions that were no longer applicable and ensure that all ordinances had been included. City Manager Wright furthered that in addition, both the Zoning Ordinance and the Subdivision Ordinance had been included in the document as Exhibits so that all of the City's Ordinances were located in one fluid document. City Manager Wright stated that once adopted, the Code of Ordinances would be available in both printed and electronic format and accessible to the public through the City's website. City Manager Wright furthered that included in the Code of Ordinances for review was a Memorandum of Understanding (MOU) which disclosed in detail a list of the modifications that were needed due to a lack of applicable need. City Manager Wright concluded that a work session would be held during the City Council meeting of February 21st to address any concerns or questions regarding the proposed codification.

Councilmember Bonner stated that as an advocacy for transparency to the public she would like a session including public involvement for full review of the Code of Ordinances.

City Manager Wright stated that a Public Hearing would be held in February that would include a Councilmember Work Session for review of the Code of Ordinances.

City Attorney Bruce Green stated that the recodification was a great way to address antiquated issues and update the general knowledge base. City Attorney Green

summarized that the Code of Ordinances was essentially the laws of the City open to review in one fluid document.

City Secretary Kara Atwood stated that the Memorandum of Understanding regarding the Code of Ordinances would be posted online for public review.

No action was taken.

9. ITEMS OF COMMUNITY INTEREST FROM MAYOR, CITY COUNCIL MEMBERS AND STAFF

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

10. There being no more business to address the meeting was adjourned at 5:35 p.m.





Bob F. Brown, Mayor

ATTEST:



Kara Atwood, City Secretary