

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 5<sup>th</sup> DAY OF SEPTEMBER, 2017.**

On the 5th day of September, 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
Belinda Southern	Finance Director
Dorothy Wilson	Planning & Zoning Director
Steve Poskey	Street Department Director
Mike Akridge	Parks & Recreation Director
Barbara Thompson	Main Street Director
Dale Allred	Inspection Services Director
Chuck Walker	Public Works Director
Tara Watkins	LCVB Director
Nancy Windham	Economic Development Director

being present when the following business was transacted.

1. The meeting was opened with prayer by Pastor Randy Brown, Southside Baptist Church.
2. Mayor Bob F. Brown welcomed Leadership Lufkin and visitors present.
3. **MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 15, 2017 – APPROVED**

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

4. **RECOGNITION OF LUFKIN POLICE DEPARTMENT OFFICERS BILLY LUSK AND SCOTT WILCOX.**

Chief Gerald Williamson stated that the Department wished to recognize Officer Billy Lusk and Scott Wilcox for their actions during a recent incident. Chief Williamson continued that these Officers responded to a call and their actions saved the life of the individual involved. A video of the incident was then shown for City Council. Chief Williamson then presented Office Lusk and Office Wilcox with Challenge Coins for their meritorious actions.

5. **PRESENTATION REGARDING FIREMEN'S PENSION FUND.**

Jimmy Ragsdale gave a presentation regarding the recent actuarial study and financial reports of the Lufkin Firemen's Pension Fund. There were no questions or comments.

## OLD BUSINESS

**6. 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 PROPERTY DESCRIBED AS 2709, 2901 AND 3001 NORTH JOHN REDDITT DRIVE - APPROVED**

City Manager Wright stated that as City Council was aware, Angelina & Neches River Authority (ANRA) had requested to be annexed into the City of Lufkin to obtain City services for their new headquarters. City Manager Wright continued that the property was addressed as 2709, 2901, and 3001 North John Redditt Drive and was annexed on August 1, 2017 into the City. City Manager Wright furthered that ANRA had requested a zone change from the annexation holding zone "Agricultural" to a "Commercial" zoning designation. City Manager Wright continued that the Zone change request would allow ANRA to develop a portion of their property for their new central office with the balance of the property being sold for retail or commercial purposes.

City Manager Wright then detailed the surrounding properties, their zoning and uses as well as indicated that this property was well suited for a "Commercial" zoning designation due to its location and surrounding businesses.

City Manager Wright concluded that Staff recommended City Council conduct a Public Hearing and consider on second reading 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 property described as 2709, 2901 and 3001 North John Redditt Drive.

Mayor Brown opened the Public Hearing at 5:11 p.m. There being no one who wished to speak; Mayor Brown closed the Public Hearing and requested comments and questions from City Council.

Councilmember Shankle moved to approve the second and final reading as presented. Councilmember Murray 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 CHANGING THE ZONING TO "COMMERCIAL" FOR PROPERTY DESCRIBED AS 107 AND 109 WEST TULANE DRIVE AND THE FUTURE LAND USE MAP DESIGNATION TO "COMMERCIAL" ON PROPERTY DESCRIBED AS 107 AND 109 WEST TULANE DRIVE AND 2133 SOUTH FIRST STREET - APPROVED**

City Manager Wright stated that the applicant, Milankumar Desai, had requested a zone change to "Commercial" with a Future Land Use Map Change to "Commercial". City Manager Wright furthered that the proposed zone change was for the purpose of developing a hotel on four (4) parcels addressed as 2133 South First Street, 107 and 109 West Tulane Drive.

City Manager Wright stated that the two of the parcels are addressed as 2133 South First Street and were currently zoned "Commercial", but needed a Future Land Use Change to "Commercial". City Manager Wright continued that the other two parcels on West Tulane Drive are zoned "Local Business" and needed a zone change to "Commercial" and Future Land Use Map change to Commercial.

City Manager Wright stated that a Special Use Permit was required for a Hotel use in the "Local Business" zoning district and this zone change would eliminate the need for a Special Use Permit. City Manager Wright stated the Hotel use was a use by right in the "Commercial" zoning district and the applicant wished to utilize all four (4) of the parcels for the hotel development, and therefore requested to unify the parcels to

“Commercial” zoning. City Manager Wright continued by detailing the surrounding properties and their uses.

City Manager Wright concluded this request was unanimously approved by the Planning and Zoning Commission and Staff recommended City Council conduct a Public Hearing and consider on second reading an Ordinance changing the zoning from “Local Business” to “Commercial” on property described as 107 and 109 West Tulane, as well as grant a change to the Future Land Use Map designation to “Commercial” on property described as 107 and 109 West Tulane and 2133 South First Street.

Mayor Brown opened the Public Hearing at 5:13 p.m. There being no one who wished to speak, Mayor Brown closed the Public Hearing and requested comments from City Council.

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

### **NEW BUSINESS**

#### **8. PUBLIC HEARING AND FIRST READING OF AN APPROPRIATIONS ORDINANCE ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018 - APPROVED**

City Manager Wright stated that City Staff was pleased to present to the City Council the 2017-2018 Annual Fiscal Budget for the City of Lufkin. City Manager Wright stated that the proposed budget included the effective tax rate of 0.531135.

City Manager Wright stated that significant changes in the 2017-2018 annual Budget were included in the Council Packet and that the budget was presented in detail during the previous meeting. City Manager Wright continued that he would not go into detail unless requested. City Manager Wright stated that this budget would start the Fiscal Year with a \$703,000 deficit, reduced funding from the amortization program and street overlay program. Staff recommended City Council conduct a Public Hearing and approve the first reading of an appropriations Ordinance adopting a budget for the 2017-2018 Fiscal Year.

Mayor Brown opened the Public Hearing at 5:15 p.m. There being no one who wished to speak, Mayor Brown closed Public Hearing and requested comments from the Council.

Councilmember Lynn Torres moved to approve the Ordinance as presented. Councilmember Shankle seconded the motion. A roll call vote was then conducted as follows.

Councilmember Lynn Torres	Aye
Councilmember Rocky Thigpen	Aye
Mayor Pro Tem Mark Hicks	Aye
Councilmember Sarah Murray	Aye
Councilmember Robert Shankle	Aye
Councilmember Guessippina Bonner	Aye
Mayor Bob Brown	Aye

A unanimous vote to approve was recorded.

#### **9. FIRST READING OF AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF LUFKIN AND PROVIDING FOR THE DEBT SERVICE FUND FOR THE FISCIAL YEAR 2018 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE - APPROVED**

City Manager Wright stated that the 2017-2018 Budget had been prepared with the effective tax rate of \$0.531135 which would generate \$113,188 more total revenue than last year, with \$111,065 from new property assessed to the tax roll. City Manager Wright continued that the tax rate was divided into two portions; 0.381135 would be designated for maintenance and operations (M&O); and 0.1500 would be designated for interest and sinking (I &S) or debt service.

City Manager Wright stated the effective tax rate was the total rate needed to raise the same amount of property tax revenue for the City of Lufkin from the same properties in both the 2016 tax year and 2017 tax year; but did not include new properties or new value added to the tax roll for 2017.

City Manager Wright furthered should the effective tax rate be adopted, the following statement must be included in the Ordinance. *"This tax rate will raise more taxes for maintenance and operations than last year's tax rate"*. City Manager Wright stated that this statement was required because the total levy would increase due to the new properties and new values (reappraisals).

City Manager Wright concluded Staff recommended City Council approve the first reading of an Ordinance levying taxes for the 2017-2018 Fiscal Year.

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

**10. FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 3795 OF THE CODE OF ORDINANCES OF THE CITY OF LUFKIN, TEXAS (CODIFIED AS CHAPTER 13, SECTION 13.02.041); RAISING RESIDENTIAL GARBAGE COLLECTION CHARGES; REPEALING ALL ORDINANCES IN CONFLICT THERWITH; AND PROVIDING AND EFFECTIVE DATE - APPROVED**

City Manager Wright stated that in 2016, at the direction of City Council, a Cost of Service and rate Design Study was performed in order to provide detailed information and options for service and rates for the Solid Waste Department. City Manager Wright stated that based on the information and options for services and rates for the provided by City Council, Solid Waste rates were raised by \$1.00 per month in 2016 to \$15.48 per month for residential collection with an additional \$1.00 per month increase planned for 2017. City Manager Wright furthered that this was the final year of the approved increase and would raise rates by an additional dollar to a rate of \$16.48 per month.

City Manager Wright stated that Staff recommended City Council approved the first reading of an Ordinance increasing the residential garbage collection rate to \$16.48 per month for residential collection.

Councilmember Bonner moved to approve the Ordinance as presented. Councilmember Hicks seconded the motion. A unanimous vote to approve was recorded.

**11. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS CHANGING THE ZONING AND FUTURE LAND USE MAP DESIGNATION TO "COMMERCIAL" ON PROPERTY KNOWN AS 1008 AND 1106 SOUTH MEDFORD DRIVE AND 1001 RENFRO DRIVE- APPROVED**

City Manager Wright stated that the owner, ADKO Land Co., had requested a zone change to "Commercial" with a Future Land Use Map change to Commercial; for three parcels with frontage on Renfro Drive and South Medford Drive. City Manager Wright stated the owner requested the zone change to better market the property for development. City Manager Wright continued that currently the subject property had a

mix of three zoning districts and the requested zone change would create one unified zone of “Commercial.”

City Manager Wright stated that the subject property was zoned “Residential Large Single Family Dwelling” “Local Business” and “Commercial” and that property to the north of the subject property was zoned “Residential Large Single Family Dwelling,” and “Commercial” and property to the east and across South Medford Drive were zoned “Residential Large Single Family Dwelling” and “Residential Small Single Family Dwelling”.

City Manager Wright Furthered the Future Land Use Map Recommended the subject property for Low Density Residential and Retail. City Manager Wright detailed the Future Land Use map recommendations for the adjacent and surrounding properties

City Manager Wright stated that the subject property was currently vacant with scattered trees and properties to the north were single-family homes, Langston Construction, and Apache Sprinkler Corporation. City Manager Wright concluded that both Staff and Planning and Zoning Commission recommended approval of the request as presented.

Councilmember Mark Hicks recused from discussion on this item.

Mayor Brown opened the Public Hearing at 5:23 p.m. There being no one who wished to speak Mayor Brown closed the Public Hearing and requested comments from City Council.

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

**12. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE PLANNED UNIT DEVELOPMENT (PUD) ZONING FOR 109 SHADY SPRINGS BEND TO REPEAL THE DESIGNATION OF COMMON FACILITIES AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP – APPROVED**

City Manager Wright stated that the owners, Keith and Donna Green, are requesting an amendment to “Planned Unit Development” Ordinance 3336 with a Future Land Use Map change to Low Density Residential. City Manager Wright stated the proposed amendment was for the purpose of using the Community Center in Timber Cove as a single-family dwelling.

City Manager Wright stated that the Timber Cove Subdivision, including the subject property, was in a “Planned Unit Development” under Ordinance 3336, which stated that “single family residences shall be the only permitted use, except for any common facilities which may be provided. Any common facility shall be designed to serve the needs of the Planned Unit development and shall not be open to the public”.

City Manager Wright furthered in 2016, Keith and Donna Green purchased the subject property and had never used the building as a “Common Area & Activity Center”. City Manager Wright continued that the amendment to “Planned Unit Development” Ordinance 3336 to change the subject property to a single-family dwelling classification was requested to make use of the building as a single-family dwelling a permitted use. City Manager Wright stated that the use of the community center as a single-family dwelling was not permissible per the “Planned Unit Development” Ordinance 3336.

City Manager Wright stated the subject property had a log cabin style community center for the Timber Cove Subdivision with amenities designed for an activity center and that parking and access to the three parcels east of the subject lot were located on the east of the lot. A concrete walking path and pond are also presented. City Manager Wright stated that previously in 2014, the Homeowners Association removed the

“Common Area and Activity Center” designated from this property in order for it to be utilized as a residence.

City Manager concluded the Planning and Zoning Commission recommended approval of this request and recommended City Council conduct a Public Hearing and consider approval of the first reading of an Ordinance amending the Planned Unit Development zoning for property know as 109 Shady Springs Bend.

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

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

**13. ACCEPTANCE OF A DONATION TO THE KURTH MEMORIAL ANIMAL SHELTER IN THE AMOUNT OF \$3,578.05 AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2016-2017 OPERATING BUDGET (BUDGET AMENDMENT NO. 29) APPROPRIATING THE FUNDING - APPROVED**

City Manager Wright stated that Animal Control recently received a donation in the amount of \$3,578.05 form Molly James. City Manager Wright continued that Mrs. James conducted the “Night Howls” fundraiser at the Lufkin Animal Shelter on August 19, 2017 and was a tireless supporter of the Animal Shelter and continued to organize successful fundraisers for the Shelter.

City Manager Wright stated Staff requested City Council accept the funding in the amount of \$3,578.05 and approve a Resolution authorizing Budget Amendment No. 29 appropriating the funding. City Manager Wright concluded that Staff would also request that City Council express their appreciation to Molly James for her efforts to help the Kurth Memorial Animal Shelter.

Councilmember Bonner moved to accept the donation and approve the Resolution as presented. Councilmember Murray seconded the motion and a unanimous vote to approve was recorded.

**WORK SESSION**

**14. DISCUSSION REGARDING PROPOSED STREET MAINTENANCE FEE ORDINANCE**

City Manager Wright stated the proposed Ordinance would implement a Street Maintenance Fee which would be used solely for the purpose of maintaining the streets within the City of Lufkin and there were a number of Texas cities that currently had such a fee in place.

City Manager stated that the Ordinance would implement a monthly fee that would be charged to all residents and businesses within the City of Lufkin and appear on monthly utility bills. City Manager Wright stated that in years past, the budget for street improvements was in excess of \$1.2 million dollars; but had now been reduced to \$600,000. City Manager Wright stated the Ordinance included a proposed rate of \$3.50 per month for single family and multifamily residences, which would be \$42.00 annually per residence; and commercial customers would be charged \$5.50 per month resulting in an annual cost of \$66.00 per business. City Manager Wright stated that Staff recommended City Council conduct a work session regarding the proposed Ordinance.

Councilmember Bonner asked what the timeline for implementation of the Ordinance would be. City Manager Wright stated that he would like to place the first reading of the Ordinance on the next agenda for consideration. Councilmember Shankle asked if

this would apply to people whose address was located on a State highway. City Manager Wright stated it would apply to all residents. Councilmember Bonner questioned whether business would include churches and could they be exempted from the ordinance. City Manager Wright stated that Staff had reviewed options and had determined that a simple fee scale was the best approach. Councilmember Guessippina Bonner requested that information be presented regarding what the impact would be if churches or schools were removed. Discussion ensued regarding options that could be changed in the Ordinance. City Manager Wright stated that the total amount of estimated revenue was included in the packet information. No action was taken.

**15. EXECUTIVE SESSION**


Evaluation of City Manager in accordance with Texas Government Code Section 551.074 which provides for the discussion of personnel matters and discussion of pending litigation in accordance with Texas Government Code Section 551.071 which provides for consultation with the City Attorney.

Mayor Brown recessed into Executive Session at 5:38 p.m. Mayor Brown reconvened regular session at 6:03 p.m.

**16. ITEMS OF COMMUNITY INTEREST FROM MAYOR, CITY COUNCILMEMBER AND STAFF**

City Manager Wright highlighted events and upcoming meeting on the Calendar. Councilmember Bonner that her request for a City Council Resolution for the Lufkin Little League be placed on the record.

17. There being no further business, Mayor Brown adjourned the meeting at 6:06 p.m.

  
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Bob F. Brown, Mayor

ATTEST:

  
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Kara Atwood, City Secretary

