

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 1ST DAY OF NOVEMBER, 2022.

On the 1st day of November, 2022, 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
Trent Burfine	Councilmember, Ward No. 6
Kevin Gee	City Manager
Kristi Skillern	City Attorney
Gerald Williamson	Assistant City Manager
Kara Andrepont	City Secretary
Adriana Thomasee	Human Resources
David Thomas	Police Chief
Buddy Cross	Assistant Police Chief
Jesse Moody	Fire Chief
Jessica Pebsworth	Communications Director
Scott Rayburn	Planning Director
Albert Duffield	Utilities Director
Scott Feaster	IT Director
Aaron Ramsey	Animal Control Director

being present when the following business was transacted.

INVOCATION – The meeting was opened with prayer by Ray Vann, Jr.

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.

PRESENTATION – Mayor Mark Hicks recognized the promotion of Detective David Casper to the rank of Sergeant and Investigator Dalton Estes to the rank of Corporal.

CONSENT AGENDA - APPROVED

1. **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 18TH, 2022.**
2. **SECOND READING OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2022-2023 OPERATING BUDGET (BUDGET AMENDMENT NO. 1) APPROPRIATING THE FUNDING FROM A DONATION FROM GREATER GOOD CHARITIES TO THE KURTH MEMORIAL ANIMAL SHELTER – APPROVED.**
3. **SECOND READING OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2022-2023 OPERATING BUDGET (BUDGET AMENDMENT NO. 2) APPROPRIATING THE FUNDING FROM A GRANT FROM THE T.L.L. TEMPLE FOUNDATION FOR THE LUFKIN ECONOMIC DEVELOPMENT CORPORATION – APPROVED.**
4. **SECOND READING OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2022-2023 OPERATING BUDGET (BUDGET AMENDMENT NO. 3) APPROPRIATING THE FUNDING FROM THE FISCAL YEAR 2022 U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR THE LUFKIN POLICE DEPARTMENT – APPROVED.**
5. **RESOLUTION CANCELLING THE REGULAR CITY COUNCIL MEETINGS FOR JANUARY 3, 2023 AND JULY 4, 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

6. 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 A DAY CARE ON PROPERTY ADDRESSED AS 301 GOBBLERS KNOB ROAD – APPROVED.

City Manager Kevin Gee stated the applicant had requested approval of a Special Use Permit for a Day Care within the existing “Local Business” zoning classification for 301 Gobblers Knob Road. City Manager Gee furthered the applicant intended to construct the Building Blocks Academy 2 Day Care facility which would have a maximum capacity of 60 children. City Manager Gee stated Staff found the proposed Special Use Permit consistent with the area zoning and the “Neighborhood Commercial” future land use classification. City Manager Gee furthered Staff had also reviewed the site plan and believed there was not an adverse impact on the surrounding area. City Manager Gee stated the request was 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 granting a Special Use Permit for a day care on property located at 301 Gobblers Knob Road.

Mayor Hicks opened the Public Hearing at 5:06 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 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 TO ALLOW FOR AUTOMOBILE SALES WITHIN THE “CENTRAL BUSINESS” DISTRICT BY SPECIAL USE PERMIT – APPROVED.

City Manager Kevin Gee stated Staff had determined the need to modify the zoning ordinance to further restrict the allowance of “Automobile Sales” within the Central Business District. City Manager Gee furthered under the current ordinance “Automobile Sales” were permitted by right within the “Central Business”, “Commercial”, “Light Manufacturing”, and “Heavy Manufacturing” zoning districts and by Special Use Permit within the “Local Business” zoning district. City Manager Gee explained in order to better control the location of automobile sales lots, Staff recommended the zoning ordinance be modified to allow the placement of “Automobile Sales” within the Central Business District only by Special Use Permit. City Manager Gee stated the change to the Zoning Ordinance was unanimously recommended for approval by the Planning and Zoning Commission during the October 10th meeting. City Manager Gee furthered a map showing the areas zoned Central Business had been provided to the Council members. City Manager Gee concluded Staff recommended City Council conduct a Public Hearing and consider approval on Second Reading of an Ordinance adding the requirement of a Special Use permit for automobile sales in a “Central Business” District.

Mayor 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 Trent Burfine asked if there were any businesses that would be directly affected by the Ordinance. City Manager Kevin Gee stated no the City was not aware of any businesses that would be affected. Discussion ensued.

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

8. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS REGARDING GAME ROOMS AND PROVISIONS FOR THE SAME – APPROVED.

City Manager Kevin Gee stated cities and counties throughout Texas had a substantial increase in game rooms in the last few years. City Manager Gee furthered along with the increase came an increase in crime and citizen complaints. City Manager Gee stated there had been a fine line between the use of game rooms strictly for recreation and the use of game rooms for gambling. City Manager Gee furthered the City of Lufkin had been inundated with requests for the operation of these game rooms

and it had become necessary to define and restrict the use and location of game rooms. City Manager Gee stated the City did not currently have an ordinance that provided for the permitting and operation of game rooms. City Manager Gee explained it was important to differentiate the current definition within the zoning ordinance of “Indoor Commercial Amusement” from the proposed more restrictive definition of a “Game Room”. City Manager Gee stated Staff found that a “Game Room,” as defined within the proposed amendment, may have a detrimental effect on both the existing businesses around them and the surrounding residential areas adjacent to them. City Manager Gee furthered according to the Lufkin Police Department, officers had responded 132 times to drug activity, assaults, and theft related to Lufkin gaming locations. City Manager Gee stated Staff believed that by limiting their use and location within the City and requiring a Special Use Permit, they would be better be able to prevent many of the adverse effects. City Manager Gee furthered the Planning and Zoning Commission had unanimously recommended for approval the amendment during the October 10th meeting. City Manager Gee concluded Staff recommended City Council conduct a Public Hearing and consider approval on Second Reading of an Ordinance regarding Game Rooms within the City of Lufkin.

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

Councilmember Guessippina Bonner asked if the existing game rooms would be grandfathered. City Manager Kevin Gee responded and discussion ensued.

Councilmember Brent Watkins moved to approve the Ordinance as presented. Councilmember Trent Burfine seconded the motion and a unanimous vote to approve was recorded.

9. SECOND READING OF AN ORDINANCE AMENDING THE FLOODPLAIN ORDINANCE OF THE CITY OF LUFKIN; ADDING DEFINITIONS AND FLOOD HAZARD REDUCTION PROVISIONS– APPROVED.

City Manager Gee stated since May 13, 2022, the Texas Water Development Board (TWDB) had been conducting a Community Assistance Visit (CAV) with the City of Lufkin. City Manager Gee explained the purpose of the visit was to evaluate the local floodplain management program to determine its effectiveness and compliance with the FEMA’s National Flood Insurance Program. City Manager Gee furthered the visit also included a review of the flood damage prevention ordinance and recommended actions to amend the current Flood Prevention and Mitigation Ordinance No. 4294. City Manager Gee stated there were two recommendations to the ordinance which included adding the definition for Base Flood Elevation (BFE) and an additional provision concerning encroachments within the regulated floodway. City Manager Gee noted the Ordinance had been included in Council’s packet for review. City Manager Gee concluded Staff recommended City Council consider approval on Second Reading of an Ordinance amending the Floodplain Ordinance of the City of Lufkin.

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

10. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE ESTABLISHING COMPREHENSIVE REGULATIONS REGARDING ANIMALS IN THE CITY OF LUFKIN – APPROVED.

City Manager Gee stated Staff had been working for numerous months updating the Ordinance regarding animals in the City of Lufkin. City Manager Gee explained the existing Ordinance was outdated and in conflict with current State law. City Manager Gee furthered the proposed Ordinance addressed animal issues within the City in a clear and concise manner and provided regulations for animals that would reduce the shelter populations and further increase public safety. City Manager Gee stated the fee schedule has also been updated to accurately reflect increasing costs. City Manager Gee furthered a detailed summary of changes and the complete ordinance had been included in Council’s packet for review. City Manager Gee concluded Staff recommended City Council conduct a Public Hearing and consider approval on Second Reading of an Ordinance establishing comprehensive regulations regarding animals in the City of Lufkin.

Mayor Hicks opened the Public Hearing at 5:21 p.m. Rachel Ketterling, Luke Owens, Paula Havard and Molly James each spoke in favor of the proposed ordinance. There being no one else 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 Wes Suiter seconded the motion and a unanimous vote to approve was recorded.

11. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS BY CHANGING THE ZONING TO “LIGHT MANUFACTURING” ON PROPERTY ADDRESSED AS 3720 ATKINSON DRIVE – APPROVED.

City Manager Kevin Gee stated the applicant had requested a zone change from “Agricultural” to “Light Manufacturing” for 3720 Atkinson Drive. City Manager Gee furthered the purpose of the zone change to was to allow for the construction and sale of storage buildings. City Manager Gee highlighted the location of the property and surrounding uses. City Manager Gee stated the request was unanimously recommended for approval by the Planning and Zoning Commission during the meeting of October 24th, 2022. City Manager Gee concluded Staff recommended City Council conduct a Public Hearing and consider for approval the First Reading of an Ordinance changing the zoning to “Light Manufacturing” on property addressed as 3720 Atkinson Drive.

Mayor Hicks opened the Public Hearing at 5:33 p.m. There being no one who wished to speak; Mayor Hicks closed the Public Hearing and requested comments from City council.

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

12. 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 BOARDING AND LODGING HOUSE ON PROPERTY ADDRESSED AS 411 MANTOOTH AVENUE – APPROVED.

City Manager Kevin Gee stated the applicant, Judge Bob Inselmann with Women’s Sober House of Lufkin, Inc. had requested a Special Use Permit for a Boarding and Lodging House on property addressed as 411 Mantooth Avenue. City Manager Gee furthered the intention was to operate the Men’s Sober House of Lufkin in the same fashion as the Women’s Sober House located at 501 Mantooth Avenue. City Manager Gee stated the community-based approach to addiction treatment provides an independent, supportive, and sober living environment where the property is operated as a type of Oxford House with a residential manager on site. City Manager Gee furthered the Special Use Permit for the Women’s Sober House was approved in 2018 and there had been no issues with the facility or its residents. City Manager Gee explained facilities such as these were a benefit to a community and had certain statutory protections from restrictive municipal regulation. City Manager Gee highlighted the location of the property and surrounding uses. City Manager Gee stated the structure on the subject property was an existing older home that was to be remodeled to accommodate nine (9) occupants and an administrator in four (4) bedrooms with a total of five (5) parking stalls and landscaping for the Boarding and Lodging House use being required for the site. City Manager Gee furthered the request was unanimously recommended for approval by the Planning and Zoning Commission during the meeting of October 24th, 2022. City Manager Gee concluded Staff recommended City Council conduct a Public Hearing and consider approval on First Reading of an Ordinance granting a Special Use Permit for the Men’s Sober Living house located at 411 Mantooth Avenue.

Mayor Hicks opened the Public Hearing at 5:36 p.m. There being no one who wished to speak; Mayor Hicks closed the Public Hearing and requested comments from the City council.

Mayor Hicks stated Judge Bob Inselmann was unable to attend the City Council meeting but had written a letter in support of the Ordinance which had been included in Council’s packet.

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

There being no further business, Mayor Mark Hicks adjourned the meeting at 5:36 p.m.



ATTEST:

Mark Hicks, Mayor

Kara Andrepont, City Secretary