

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS HELD ON THE 20TH DAY OF SEPTEMBER, 2022.**

On the 20th day of September, 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
Robert Shankle
Guessippina Bonner
Brent Watkins
Wes Suiter
Trent Burfine
Kevin Gee
Kristi Skillern
Gerald Williamson
Kara Andrepont
Adriana Thomasee
David Thomas
Buddy Cross
Jesse Moody
Jessica Pebsworth
Belinda Melancon
Eddie Aguilar
Scott Rayburn
Brant Lee
Albert Duffield

Mayor
Mayor Pro Tem
Councilmember, Ward No. 1
Councilmember, Ward No. 3
Councilmember, Ward No. 4
Councilmember, Ward No. 6
City Manager
City Attorney
Assistant City Manager
City Secretary
Human Resources
Police Chief
Assistant Police Chief
Fire Chief
Communications Director
Finance Director
Engineering Services Director
Planning Director
Convention Services Director
Utilities Director

being present; and

Rocky Thigpen

Councilmember, Ward No. 5

being absent when the following business was transacted.

INVOCATION – The meeting was opened with Pastor Lynn Hargrow, Sr.

PUBLIC COMMENT – Mayor Mark Hicks opened the meeting for public comment on any posted agenda item at 5:01 p.m. Hannah Hickman with the Burke Center spoke concerning item number 18 and provided details regarding the proposed apprenticeship program agreement with the Burke Center. There being no one else who wished to speak; Mayor Hicks closed the public comment period.

CONSENT AGENDA - APPROVED

1. PRESENTATION OF THE 2021 COMPREHENSIVE ANNUAL FINANCIAL REPORT – APPROVED

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

2. MINUTES OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 6TH, 2022.

3. SECOND READING OF AN ORDINANCE AUTHORIZING AN ADJUSTMENT TO THE 2021-2022 OPERATING BUDGET (BUDGET AMENDMENT NO. 20) APPROPRIATING THE FUNDING FOR THE GRAVITY BELT THICKENER PROJECT AT THE WASTEWATER TREATMENT PLANT – APPROVED.

4. SECOND READING OF AN ORDINANCE AUTHORIZING AN ADJUSTMENT TO THE 2021-2022 OPERATING BUDGET (BUDGET AMENDMENT NO. 21) APPROPRIATING FUNDING FOR THE CAPITAL IMPROVEMENT PROGRAM PROJECTS – APPROVED.

5. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE LUFKIN INDEPENDENT SCHOOL DISTRICT FOR THE PURCHASE OF BALLFIELDS AT MORRIS FRANK PARK– APPROVED.

6. **RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS FOR THE CONVEYANCE OF PROPERTY TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR USE AS RIGHTS-OF-WAY – APPROVED.**

Councilmember Robert Shankle asked if the purchase of the ballfields in item number five would include all the ballfields. City Manager Kevin Gee stated the purchase would be for the baseball and softball fields only.

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

BUSINESS AGENDA

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” ON PROPERTY ADDRESSED AS 2318 NORTH TIMBERLAND DRIVE – APPROVED.**

City Manager Kevin Gee stated the applicant, Texas NH Management, LLC, on behalf of Kelby McCall, had requested a zone change from “Residential Large” and “Residential Medium” to a “Commercial” zoning classification for 2318 North Timberland Drive. City Manager Gee concluded Staff recommended City Council conduct a Public Hearing and consider Second Reading of an Ordinance changing the zoning to “Commercial” on property addressed as 2318 North Timberland Drive.

Mayor Mark Hicks opened the Public Hearing at 5:07 p.m. There being no one who wished to speak; Mayor Hicks closed the Public Hearing and moved to comments from the 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.

8. **PUBLIC HEARING CONCERNING THE 2022-2023 CITY OF LUFKIN ANNUAL BUDGET AND SECOND READING OF AN APPROPRIATIONS ORDINANCE ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER1, 2022 AND ENDING SEPTEMBER 30, 2023 – APPROVED.**

City Manager Kevin Gee stated Staff was pleased to present to City Council the 2022-2023 Annual Fiscal Budget for the City of Lufkin. City Manager Gee furthered the proposed budget included a tax rate of 0.524671 which was less than the current rate. City Manager Gee stated some of the items in the proposed budget included an increase in pay for employees, the addition of several positions, an increase in the amount allocated to the street overlay program as well as planned increases for water, sewer and solid waste rates. City Manager Gee concluded Staff recommended City Council conduct a Public Hearing and approve the Second Reading of an appropriations Ordinance adopting a budget for the 2022-2023 Fiscal Year.

Mayor Hicks opened the Public Hearing at 5:09 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 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 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 2022-2023 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE – APPROVED.**

City Manager Kevin 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 \$0.487766 while the current year’s tax rate was \$0.531135. City Manager Gee explained the proposed tax rate of \$0.524671 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 concluded Staff recommended City Council approve the Second Reading of an Ordinance levying taxes for the 2022-2023 Fiscal Year.

Mayor 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 Robert Shankle moved that the property tax rate be increased by the adoption of a tax rate of \$0.524671, which was effectively a 1.22 percent decrease in the tax rate. Councilmember Wes Suiter seconded the motion. The following roll call vote was recorded:

- | | |
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| • Councilmember Wes Suiter | Yes |
| • Councilmember Robert Shankle | Yes |
| • Councilmember Guessippina Bonner | Yes |
| • Councilmember Brent Watkins | Yes |
| • Councilmember Trent Burfine | Yes |
| • Mayor Mark Hicks | Yes |

The motion passed unanimously.

10. **SECOND READING OF AN ORDINANCE ADJUSTING RESIDENTIAL, COMMERCIAL, IRRIGATION, INDUSTRIAL AND WHOLESALE WATER RATES IN THE CITY OF LUFKIN – APPROVED.**

City Manager Kevin Gee stated Staff proposed a four percent (4%) increase in water rates. City Manager Gee furthered the current “minimum” charge for residential water was \$14.08 while the new rate would increase the charge to \$14.64. City Manager Gee concluded Staff recommended City Council consider Second of an Ordinance adjusting water rates within the City of Lufkin.

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. **SECOND READING OF AN ORDINANCE ADJUSTING SEWER RATES IN THE CITY OF LUFKIN – APPROVED.**

City Manager Kevin Gee stated Staff was proposing a four percent (4%) increase for sanitary sewer service which would increase the minimum charge for sewer service from \$12.72 to \$13.23. City Manager Gee concluded Staff recommended City Council consider Second Reading of an Ordinance adjusting sewer rates in the City of Lufkin.

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

12. **SECOND READING OF AN ORDINANCE ADJUSTING SOLID WASTE RATES IN THE CITY OF LUFKIN – APPROVED.**

City Manager Kevin Gee stated the last significant increase in Solid Waste rates was implemented in 1998. City Manager Gee furthered equipment and vehicle costs had increased thirty percent (30%) during the past year as well as the maintenance expenses of an aging fleet and elevated fuel costs. City Manager Gee stated a proposed ten percent (10%) increase in Solid Waste rates was included in the proposed budget which would increase the average charge for residential service from \$17.84 to \$19.63. City Manager Gee concluded Staff recommended City Council consider Second Reading of an Ordinance adjusting Solid Waste rates in the City of Lufkin.

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

13. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS ALLOWING FOR REVISED**

BUILDING LINES WITHIN A PLANNED UNIT DEVELOPMENT ON PROPERTY ADDRESSED AS 109 SHIREY LANE – APPROVED.

City Manager Kevin Gee stated the applicant was requesting to amend the zoning for the property from the existing “Planned Unit Development (PUD)” to allow for revised front building lines on the property located at 109 Shirey Lane. City Manager Gee furthered the purpose of the amendment was to allow the change of the front building lines from the currently required thirty feet (30’) to the proposed twenty feet (20’). City Manager Gee explained all provisions from the original Planned Unit Development would remain the same. City Manager Gee stated the Planning and Zoning Commission approved the preliminary plat for the development of a residential subdivision with a proposed forty-six (46) single-family residential home lots. City Manager Gee highlighted the location of the property and surrounding uses. City Manager Gee stated Staff found the proposed amendment allowing the modification of the front building lines consistent with the current area zoning, existing area uses, and proposed uses. City Manager Gee concluded Staff recommended City Council conduct a Public Hearing and consider First Reading of an Ordinance allowing for revised building lines within a Planned Unit Development on property addressed as 109 Shirey Lane.

Mayor Hicks opened the Public Hearing at 5:17 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 the Planned Unit Development zoning classification would change to Residential Large or Residential Medium after the amendment to the zoning. Planning Director Scott Rayburn stated no, the zoning classification would remain the same. Discussion ensued.

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

14. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS CHANGING THE ZONING TO “LOCAL BUSINESS” ON PROPERTY ADDRESSED AS 1200 SOUTH FIRST STREET – APPROVED.

City Manager Kevin Gee stated the applicant had requested a zone change from “Neighborhood Retail” to “Local Business” for 1200 South First Street. City Manager Gee furthered the property was currently occupied by A Stitch In Time and Bravo Hair Salon. City Manager Gee stated the purpose of the zone change was to increase the opportunities for commercial development. to make the property more marketable. City Manager Gee highlighted the location of the property and surrounding uses. City Manager Gee stated the request had been unanimously approved by the Planning and Zoning Commission. City Manager Gee concluded Staff recommended City Council conduct a Public Hearing and consider First Reading of an Ordinance changing the zoning to “Local Business” on property addressed as 1200 South First Street.

Mayor Hicks opened the Public Hearing at 5:22 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 moved to approve the Ordinance as presented. Councilmember Wes Suiter seconded the motion and a unanimous vote to approve was recorded.

15. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS CHANGING THE ZONING TO “COMMERCIAL” ON PROPERTY ADDRESSED AS 1600 – 1608 SOUTH FIRST STREET – APPROVED.

City Manager Kevin Gee stated the applicant had requested a zone change from “Residential Large” to “Commercial” for 1600-1608 South First Street. City Manager Gee furthered the purpose of the zone change was to create the most beneficial use of the land. City Manager Gee highlighted the location of the property and surrounding uses. City Manager Gee stated the request had been unanimously approved by the Planning and Zoning Commission. City Manager Gee concluded Staff recommended City Council conduct a Public Hearing and consider First Reading of an Ordinance changing the zoning to “Commercial” on property addressed as 1600-1608 South First Street.

Mayor Hicks opened the Public Hearing at 5:24 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.

16. PUBLIC HEARING AND RESOLUTION AUTHORIZING THE LUFKIN POLICE DEPARTMENT TO APPLY FOR A BULLET SHIELD GRANT PROGRAM THROUGH THE OFFICE OF THE GOVERNOR – APPROVED.

City Manager Gee stated the Lufkin Police Department was requesting authorization to apply for the Bullet Resistant Shield Program grant funding through the Office of the Governor. City Manager Gee furthered the Department would apply for \$27,499.50 in funding to be used to purchase fifty (50) bullet resistant shields. City Manager Gee stated the grant required a period of Public Comment and a Resolution authorizing the application. City Manager Gee concluded Staff recommended City Council conduct a Public Hearing and approve a Resolution authorizing the application.

Mayor Hicks opened the Public Hearing at 5:25 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 Resolution as presented. Councilmember Wes Suiter seconded the motion and a unanimous vote to approve was recorded.

17. RESOLUTION AUTHORIZING THE APPOINTMENT OF A MUNICIPAL COURT JUDGE – APPROVED.

City Manager Kevin Gee stated the City of Lufkin Charter provided that the municipal judge be selected by the City Manager and approved by a majority vote of the City Council. City Manager Gee furthered Texas Government Code stated that the judge of a municipal court serves for a term of office of two years unless the municipality provides for a longer term. City Manager Gee stated the City of Lufkin had not provided for a longer term so therefore the municipal court judge would have to be reappointed every two years. City Manager Gee explained the current Judge, April Earley, no longer lived in Angelina County and was ineligible to continue serving. City Manager Gee thanked Judge Earley for her service and handling of municipal court since October 2011. City Manager Gee stated Staff had interviewed three (3) candidates for the position and had chosen Chad Vier for appointment. City Manager Gee furthered the proposed Resolution formally approves the City Manager's appointment of Judge Chad Vier. City Manager Gee concluded Staff recommended City Council approve a Resolution concurring with the City Manager's selection of municipal court judge.

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

18. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER AN AGREEMENT WITH THE BURKE CENTER FOR AN APPRENTICESHIP PROGRAM – APPROVED.

City Manager Gee stated Staff had been approached by the Burke Center to participate in an apprenticeship program funded by the Texas Health and Human Services Department. City Manager Gee explained the Burke Center clients would function as independent contractors through the Burke Center, who would provide coaching, transportation and insurance for participants. City Manager Gee furthered the City would incur no liability or costs through this program. City Manager Gee concluded Staff recommended City Council approve a Resolution authorizing the City Manager to execute a contract with the Burke Center for an apprenticeship program.

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

19. MEET AND CONFER AGREEMENT BETWEEN THE CITY OF LUFKIN AND THE LUFKIN POLICE ASSOCIATION – APPROVED.

City Manager Gee stated the Texas Meet and Confer law permitted police and fire groups to meet with designated management teams to discuss employment matters such as wages, benefits, and working conditions. City Manager Gee furthered the City of Lufkin and the Lufkin Police Association were currently under a Meet and Confer Agreement which expired September 30, 2022. City Manager Gee stated the proposed Meet & Confer Agreement had been negotiated between the City Manager and the Lufkin Police Association representatives, and overwhelmingly passed by the members in their recent vote. City Manager Gee noted changes to the agreement were detailed in the City Council packet.

Staff recommends City Council approve a Meet and Confer Agreement between the City of Lufkin and the Lufkin Police Association.

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

20. APPOINTMENT TO THE ANGELINA ARTS ALLIANCE – APPROVED.

City Manager Gee stated the Angelina Arts Alliance had created a position on their board for a City Council representative with the position being for a term of two (2) years and carried full voting rights. City Manager Gee furthered Mayor Mark Hicks had recommended Councilmember Guessippina Bonner be appointed to the position. City Manager Gee concluded Staff recommended City Council consider an appointment to the Angelina Arts Alliance Board.

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

21. FINANCIAL STATUS REPORT

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

Councilmember Guessippina Bonner thanked members of the Lufkin Police Department and Lufkin Fire Department for participation in community events.

Councilmember Robert Shankle thanked Staff members for attending the townhall meeting and answering questions.

There being no further business, Mayor Mark Hicks adjourned the meeting at 5:33p.m.



Mark Hicks, Mayor

Kara Andrepont, City Secretary