

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 19th DAY OF SEPTEMBER, 2017.**

On the 19th 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
Mark Hicks
Guessippina Bonner
Robert Shankle
Lynn Torres
Rocky Thigpen
Sarah Murray
Keith Wright
Steve Floyd
Bruce Green
Kara Atwood
Gerald Williamson
David Thomas
Belinda Southern
Dorothy Wilson
Steve Poskey
Mike Akridge
Barbara Thompson
Brant Lee
Jason Arnold
Dale Allred
Sid Munlin
Chuck Walker
Kent Havard
Tara Watkins

Mayor
Mayor Pro Tem
Councilmember, Ward No. 1
Councilmember, Ward No. 2
Councilmember, Ward No. 3
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
Assistant City Manager
City Attorney
City Secretary
Police Chief
Assistant Police Chief
Finance Director
Planning & Zoning Director
Street Department Director
Parks & Recreation Director
Main Street Director
Civic Center Director
Water & Sewer Director
Inspection Services Director
IT Director
Public Works Director
Solid Waste Director
LCVB Director

being present when the following business was transacted.

1. The meeting was opened with a moment of silence for Alonso Guillen and Tomas Carreon followed by prayer by Reverend William Ricks First Missionary Baptist Church.
2. Mayor Bob F. Brown welcomed Leadership Lufkin participants and visitors present.
3. **MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
SEPTEMBER 15, 2017 – APPROVED**

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

OLD BUSINESS

4. **SECOND 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 the proposed budget included the effective tax rate of 0.531135.

City Manager Wright furthered that significant changes in the 2017-2018 annual budget were included in the Council Packet. City Manager Wright stated Staff recommended City Council approve the Second Reading of an appropriations Ordinance adopting a budget for the 2017-2018 Fiscal Year.

Councilmember Hicks moved to approve the second and final reading as presented. Councilmember Shankle seconded the motion and a unanimous vote to approve was recorded.

5. SECOND 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 FISCAL YEAR 2018 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE - APPROVED

City Manager Wright stated that the effective tax rate was the total tax 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; however, this did not include new properties and new values (reappraisals).

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

Councilmember Hicks moved to approve the second and final reading as presented. Councilmember Murray seconded the motion and a unanimous vote to approve was recorded.

6. SECOND 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 THEREWITH; AND PROVIDING AN 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 based on the information provided by the study and direction provided by City Council, Solid Wastes 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 stated 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 approve the second reading of an Ordinance increasing the residential garbage collection rate to \$16.48 per month for residential collection.

Councilmember Shankle moved to approve the second and final reading as presented. Councilmember 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, BY 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., 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

that the owner has stated that the zone change would create one unified zone of “Commercial.”

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 stated that property to the east and across Renfro Drive were single-family homes.

City Manager Wright stated that the Planning and Zoning Commission unanimously approved this request during the meeting of August 28, 2017. City Manager Wright stated therefore Staff recommended City Council conduct a Public Hearing and consider on Second Reading an Ordinance changing the zoning and Future Land Use Map designated to “Commercial” on property known as 1008 and 1106 South Medford Drive and 1001 Renfro Drive.

Mayor Brown opened the Public Hearing at 5:10 p.m. Councilmember Mark Hicks recused from discussion and voting on this Item due to his interest in this property. Mayor Brown Closed the Public Hearing at 5:11 p.m. and requested comments from the Council.

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

8. PUBLIC HEARING AND SECOND READING OF AN APPROPRIATIONS ORDINANCE AMENDING THE PLANNED UNIT DEVELOPMENT (PUD) ZONING FOR 109 SHADY BEND TO REPEAL THE DESIGNATION OF COMMON FACILITIES AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICAL MAP - APPROVED

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

City Manager Wright stated in 2016, Keith and Donna Green purchased the subject property. City Manager Wright furthered the subject property was a log cabin style community center for the Timber Cove Subdivision with amenities designed for an activity center. City Manager Wright stated a concrete walking path and pond are also present. City Manager Wright stated the subject property was surrounded on all sides by single family dwellings in the Timber Cove Subdivision. City Manager Wright furthered that previously in 2014, the Homeowner Association removed the “Common Area and Activity Center” designation from this property as well as designated it as a “Lot” in their Deed Restrictions and Covenants in order for this property to be utilized as a residence.

City Manager Wright stated that both Staff and the Planning and Zoning Commission recommended approval of this request. City Manager Wright furthered that Staff recommended City Council conduct a Public Hearing and consider approval of the second reading of an Ordinance amending the Planned Unit Development zoning for property known as 109 Shady Springs Bend.

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

Councilmember Torres moved to approve the Second Reading of Ordinance as presented. Councilmember Murray seconded the motion and a unanimous vote to approve was recorded.

NEW BUSINESS

9. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 13 "UTILITIES", ARTICLE 13.03, "WATER SERVICE", OF THE CODE OF ORDINANCES OF THE CITY OF LUFKIN, TEXAS, ESTABLISHING A ROADWAY MAINTENANCE FEE - APPROVED

City Manager Wright stated that 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. City Manager Wright stated there are a number of Texas cities that currently have such a fee in place.

City Manager Wright stated 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 it includes a proposed rate of \$ 3.50 per month for single family and multifamily residences, which would be \$42.00 annually per residence. City Manager Wright furthered commercial customers would be charged \$5.50 per month resulting in an annual cost of \$66.00 per business.

City Manager Wright stated that during the City Council meeting of September 5th, a work session was held to discuss the proposed Ordinance in order to allow for input from Councilmembers. City Manager Wright following this discussion, Staff conducted further research regarding exemptions for commercial users such as churches and governmental entities. City Manager Wright stated it was determined that most cities do not exempt such users. City Manager Wright stated additional concern was raised in regard to whether exempting such entities would violate the Texas Constitution. City Manager Wright stated therefore, the proposed Ordinance does not include exemptions for any users. City Manager Wright stated the Ordinance specifically defines residential and commercial users. City Manager Wright concluded that Staff recommends City Council consider approval of an Ordinance implementing a Roadway Maintenance Fee.

Councilmember Hicks questioned whether the fee would be per apartment unit. City Manager Wright stated it would be charged per unit. Councilmember Bonner stated she was very concerned about charging churches this fee; however, funds were needed in order to maintain our streets at the level expected. Councilmember Bonner continued that she felt churches should be excluded and would be opposing the ordinance for that reason specifically; not due to the fact that she didn't see the need for funds for the street maintenance. Councilmember Murray questioned that there were no cities listed that were near Lufkin or similar in type. City Manager Wright stated that Lufkin was unique in its placement and needs. Councilmember Thigpen questioned needed guidelines regarding exempting churches. City Manager Wright stated he felt like it would complicate the matter and open the door for further issues and that all drove on city streets. Councilmember Bonner stated that there were many variations of the fees per the cities listed. City Manager Wright stated that the other fees were much higher than Staff was proposing. Councilmember Bonner stated she understood, but felt strongly that the church provided a community service and should not be made to pay. Councilmember Hicks stated that the City has controlled expenditures and raising fees or taxes was not easy.

Councilmember Hicks moved to approve the Ordinance as presented. Councilmember Torres seconded the motion. The Ordinance was approved on a 4-3 vote with Councilmembers Mark Hicks, Lynn Torres, Rocky Thigpen and Mayor Brown voting to approve the Roadway Maintenance Ordinance as presented and Councilmembers Guessippina Bonner, Robert Shankle, Sarah Murray voting against.

10. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 3, "BUILDING REGULATIONS", DIVISION 4, "ELECTRICAL CODE", OF THE CODE OF ORDINANCES OF THE CITY OF LUFKIN, TEXAS - APPROVED

City Manager Wright stated that Item No. 10 and 11 were two proposed Ordinances regarding amendments to the Electrical Code and Building Permit and Inspection Fee

Schedule Ordinances. City manager Wright stated the first Ordinance would adopt the 2017 National Electrical Code, which was adopted by the Texas Department of Licensing and Regulation with an effective date of September 15, 2017. City Manager Wright stated that this adoption would bring the City in compliance with the State Code. City Manager Wright furthered Major changes would include State testing and licensing of electricians as well as prohibiting municipalities from charging for electrical permits. City Manager Wright stated that the state would still require or inspection fees can be charged.

City Manager Wright furthered in order to compensate for lost revenue from the changes above; Staff also recommended that City Council adopted an Ordinance (Item No. 11) increasing Building Permit fees. City Manager Wright stated that building permit fees have not been increased since 1999. Building Official Dale Allred provided further information regarding Building Permit Fee.

City Manager Wright stated Staff recommended City Council approve the First Reading of an Ordinance amending the City of Lufkin Building Permit Fee Schedule.

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

11. FIRST READING OF AN ORDINANCE AMENDING “FEE SCHEDULE”, ARTICLE 5.000, “BUILDING AND INSPECTION FEES”, SECTIONS 5.001 (INSPECTION FEES) AND 5.002 (BUILDING PERMIT FEE SCHEDULE) OF THE CODE OF ORDINANCES OF THE CITY OF LUFKIN, TEXAS – APPROVED

City Manager Wright stated that as stated above, this proposed Ordinance would offset the loss of revenue from the adoption of the 2017 National Electrical Code which would prohibit municipalities from charging fees for electrical permitting and inspections within the City of Lufkin. City Manager Wright stated that the fee increase was detailed in the proposed Ordinance included in the packet.

Building Official Dale Allred provided information regarding fee’s for Building Permits.

City Manager Wright Staff recommended City Council approve on First Reading an Ordinance amending the City of Lufkin Building Permit Fee Schedule.

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

12. PERFORMANCE AGREEMENT BETWEEN THE CITY OF LUFKIN 4B CORPORATION AND ANGELINA COLLEGE REGARDING THE HIGH DEMAND JOB TRAINING PROGRAM – APPROVED

City Manager Wright stated 4B Staff has been in contact with Tim Ditoro, Dean of Community Services, and Janice Huffman, Workforce Development Coordinator, with Angelina College regarding a request for one hundred thousand dollars (\$100,000.00) matching grant funds to support a Texas Workforce Commission High Demand Job Training Program. City Manager Wright stated only 4A & 4B Corporations were eligible to participate in this particular training program.

City Manager Wright stated the funding would be used for the purchase of classroom heavy equipment simulators for Classroom Training for Heavy Equipment Certificate in Community Service. City Manager Wright stated that simulators would include training for bulldozer, excavator and motor grader. City Manager Wright stated a fifty hour internship component consisted of loading, rigging, and operating in different environments.

City Manager Wright stated the High Demand Job Training Program was intended to support Boards in partnering with local EDC's that use their local economic development sales taxes for high-demand job training. City Manager Wright stated to achieve that purpose, TWC wanted to enable Boards to collaborate with local EDC's and match their local economic development sales tax funds to jointly support the provision of such training.

City Manager Wright stated it was the desire of the City of Lufkin and the Lufkin Economic Development Corporation to establish and collaborate with "partners" to stimulate and promote job creation, address skill gaps and ensure a talent pipeline to address industry needs.

City Manager Wright stated Staff recommended City Council consider approval of the proposed Performance Agreement between the City of Lufkin and Angelina College, which provided matching grant funding in the amount of \$100,000 for the High Demand Job Training Program.

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

13. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2016-2017 OPERATING BUDGET (BUDGET AMENDMENT NO. 30) APPROPRIATING FUNDING IN THE BOND DEBT SERVICE FUND AND THE WATER & WASTEWATER RENEWAL AND REPLACEMENT FUND - APPROVED

City Manager Wright stated that in 1955, the Revenue Bond Debt Service Fund was established for payment of Revenue Bonds by Ordinance No. 907. City Manager Wright stated a reserve account was established as a part of this fund providing for one year's average requirements for the payment of principal and interest on Revenue Bonds to be used. City Manager Wright stated there were not sufficient funds available in the equity/retained earnings of the fund. City Manager Wright stated this Ordinance also allows for excess revenues in the fund to be used for the redemption of Bonds or additional Bonds, or any other purpose in connection with the Waterworks and Sewer System now or hereafter permitted by law.

City Manager Wright stated currently the City had no outstanding Revenue Bonds; therefore there were no reserve requirements for this Fund. City Manager Wright stated that the City has determined a need for a new Chlorine Contact Basin to be constructed at the Wastewater Treatment Plant and this Resolution established a budget for the construction of the project.

City Manager Wright stated Staff recommended City Council approve a Resolution authorizing Budget Amendment No. 30 transferring reserve funding for the completion of the Chlorine Contact Basin project.

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

14. GRANT IN THE AMOUNT OF \$2,212 FROM THE DEEP EAST TEXAS REGIONAL ADVISORY COUNCIL (DETRAC) TO THE LUFKIN FIRE DEPARTMENT AND APPROVE AN RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2016-2017 OPERATING BUDGET (BUDGET AMENDMENT NO. 31) APPROPRIATING THE FUNDING - APPROVED

City Manager Wright stated the Lufkin Fire Department recently received a distribution of funding from the Deep East Texas Regional Advisory Council (DETRAC) in the amount of \$2,212 and this funding would be utilized to reimburse costs for EMS Equipment.

City Manager Wright stated Staff recommended City Council accept grant funding in the amount of \$2,212 from DETRAC and approve a Resolution authorizing budget Amendment No. 31 appropriating the funding.

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

15. CITY MANAGER REPORT

City Manager Wright stated the information he covered was presented to Council in their packets. City Manager Wright highlighted revenues and expenditures from the major accounts and concluded that he would be happy to answer any questions about the report. There were none.

16. 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.

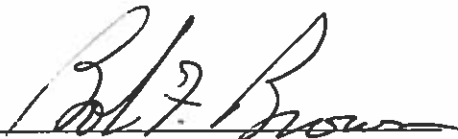
Mayor Brown convened Executive Session at 5:54 p.m. Mayor Brown reconvened Regular Session at 6:08 p.m.

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

City Manager Wright highlighted events and upcoming meeting on the Calendar.

18. There being no further business, Mayor Brown adjourned the meeting at 6:13 p.m.




Bob F. Brown, Mayor

ATTEST:


Kara Atwood, City Secretary