

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 18<sup>th</sup> DAY OF JANUARY, 2022.**

On the 18<sup>th</sup> day of January, 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
Lynn Torres	Councilmember, Ward No. 3
Wes Suiter	Councilmember, Ward No. 4
Rocky Thigpen	Councilmember, Ward No. 5
Trent Burfine	Councilmember, Ward No. 6
Bruce Green	City Manager
Erika Neill	City Attorney
Kevin Gee	Assistant City Manager
Gerald Williamson	Assistant City Manager
Kara Andrepont	City Secretary
David Thomas	Police Chief
Buddy Cross	Assistant Police Chief
Jesse Moody	Fire Chief
Ryan Watson	Assistant Fire Chief
Jessica Pebsworth	Communications Director
Belinda Melancon	Finance Director
Eddie Aguilar	Engineering Services Director
Scott Rayburn	Planning Director
Calvin Toups	Building Official
Brant Lee	Convention Services Director
Scott Feaster	IT Director
Aaron Ramsey	Animal Control Director
Jessica Leyva	Utility Collections

being present when the following business was transacted.

**INVOCATION** – The meeting was opened with prayer City Manager Bruce Green.

**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.

**CONSENT AGENDA**

- 1. MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF DECEMBER 21, 2021, AND THE SPECIAL CALLED MEETING OF JANUARY 6<sup>TH</sup>, 2022– APPROVED.**
- 2. SECOND READING OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2021-2022 OPERATING BUDGET (BUDGET AMENDMENT NO. 8) APPROPRIATING FUNDING IN THE AMOUNT OF \$15,989 FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, FISCAL YEAR BULLETPROOF VEST PARTNERSHIP PROGRAM FOR THE LUFKIN POLICE DEPARTMENT– APPROVED.**
- 3. SECOND READING OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2021-2022 OPERATING BUDGET (BUDGET AMENDMENT NO. 9) APPROPRIATING THE FUNDING FOR THE CITY OF LUFKIN FIRE DEPARTMENT STEP PAY PROGRAM AND INCENTIVE PAY POLICIES – APPROVED.**
- 4. RESOLUTION OF THE CITY OF LUFKIN, TEXAS PROVIDING FOR THE CALLING AND ORDERING OF A GENERAL ELECTION FOR THE CITY OF LUFKIN, TEXAS TO BE HELD ON MAY 7, 2022 FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR WARD NO. 1 AND A COUNCILMEMBER FOR WARD NO. 3, PROVIDING FOR THE NECESSARY NOTICES AND FIXING THE DATE – APPROVED.**
- 5. FISCAL YEAR 2022 LUFKIN POLICE DEPARTMENT ANNUAL FORFEITURE BUDGET – APPROVED.**

Councilmember Guessippina Bonner moved to approve all items on the consent agenda as presented. Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

## **BUSINESS AGENDA**

### **6. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE CHANGING THE ZONING FROM “PLANNED UNIT DEVELOPMENT” TO “COMMERCIAL” ON PROPERTY ADDRESSED AS 3406 COLLEGE DRIVE – APPROVED.**

City Manager Bruce Green stated the applicant, Michael G. Parker, representing the Theresa Ann Alexander Estate, had requested a zone change from “Planned Unit Development (PUD)” to “Commercial” for 3406 College Drive. City Manager Green highlighted the location of the property on corresponding maps and provided information on current zoning of neighboring properties. City Manager Green concluded Staff recommended City Council conduct a Public Hearing and consider Second Reading of an Ordinance changing the zoning from “Planned Unit Development (PUD)” to “Commercial” for property addressed as 3406 College Drive.

Mayor Mark Hicks opened the Public Hearing at 5:03 p.m. There being no one who wished to speak; Mayor Hicks closed the Public Hearing and moved to comments from the Council.

Councilmember Guessippina Bonner asked if the property adjacent to the item would be affected by the zone change. City Manager Bruce Green stated the adjacent property would remain residential and would not be affected.

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

### **7. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE CHANGING THE ZONING FROM “APARTMENT” TO “RESIDENTIAL SMALL” ON PROPERTY ADDRESSED AS 1701, 1711, AND 1803 CHAMPIONS – APPROVED.**

City Manager Bruce Green stated the applicant, Michael G. Parker, representing the Crown Colony Country Club, Inc., had requested a zone change from “Apartment” to “Residential Small” for 1701, 1711, and 1803 Champions Dive. City Manager Green highlighted the location of the property on corresponding maps and provided information on current zoning of neighboring properties. City Manager Green furthered the purpose of the zone change was for single-family residential development. City Manager Green concluded Staff recommended City Council conduct a Public Hearing and consider Second Reading of an Ordinance changing the zoning from “Apartment” to “Residential Small” on property addressed as 1701, 1711 and 1803 Champions Drive.

Mayor Mark 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 moved to comments from the Council.

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

### **8. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE CHANGING THE ZONING FROM “RESIDENTIAL SMALL” TO “MANUFACTURED DWELLING” ON PROPERTY ADDRESSED AS 2201 CAIRO STREET – APPROVED.**

City Manager Bruce Green stated the applicants, Brian and Jana Bass had requested a zone change from “Residential Small” to “Manufactured Dwelling” for property currently vacant located at 2201 Cairo Street. City Manager Green highlighted the location of the property on corresponding maps and provided information on current zoning of neighboring properties. City Manager Green stated the request was unanimously approved during the Planning and Zoning Commission meeting of December 13, 2021, however, due to signed opposition of twenty percent (20%) of the area of required notification, a “super majority” vote of at least three-fourths (six out of seven) of all City Council members was required per Chapter 211.006 of the Local Government Code. City Manager Green concluded Staff recommended City Council conduct a Public Hearing and consider Second Reading of an Ordinance changing the zoning to “Manufactured Dwelling” on property addressed as 2201 Cairo Street.

Mayor Mark 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 moved to comments from the Council.

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

**9. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE CHANGING THE ZONING FROM “RESIDENTIAL LARGE” AND “COMMERCIAL” TO “COMMERCIAL” AND GRANTING A SPECIAL USE PERMIT FOR A VETERINARY HOSPITAL ON PROPERTY ADDRESSED AS 700 NORTH JOHN REDDITT DRIVE – APPROVED.**

City Manager Bruce Green stated the applicant, Dr. Brian Hafernicks, on behalf of the owner, the Cecil James Haley, Jr and the Sara Haley Berry Trust, had requested a zone change for the property from “Residential Large” and “Commercial” to a single “Commercial” zoning district and had also requested approval for a Special Use Permit for a Veterinary Hospital. City Manager Green highlighted the location of the property on corresponding maps and provided information on current zoning of neighboring properties. City Manager Green stated both the request for the zone change and Special Use Permit were unanimously approved during the Planning and Zoning Commission meeting of December 13, 2021. City Manager Green concluded Staff recommended City Council conduct a Public Hearing and consider Second Reading of an Ordinance changing the zoning from “Residential Large” and “Commercial” to “Commercial” and granting a Special Use Permit for a Veterinary Hospital on property addressed as 700 North John Redditt Drive.

Mayor Mark 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 moved to comments from the Council.

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

**10. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE CHANGING THE ZONING FROM “RESIDENTIAL MEDIUM” TO “LOCAL BUSINESS” ON PROPERTY ADDRESSED AS 619 WEST FRANK AVENUE – APPROVED.**

City Manager Bruce Green stated the applicant, Donna Dorman, was requesting a zone change from “Residential Medium” to “Local Business” for 619 West Frank Ave. City Manager Green furthered the property was currently zoned “Residential Medium” and was vacant. City Manager Green stated the purpose of the zone change was for future commercial development. City Manager Green highlighted the location of the property on corresponding maps and provided information on current zoning of neighboring properties. City Manager Green concluded Staff recommended City Council conduct a Public Hearing and consider First Reading of an Ordinance changing the zoning from “Residential Medium” to “Local Business” on property addressed as 619 W. Frank Avenue.

Mayor Mark 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 moved to comments from the Council.

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

**11. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PROHIBITING THE TETHERING OF DOGS; REPEALING ALL INCONSISTENT ORDINANCES; DECLARING A PENALTY AND PROVIDING AN EFFECTIVE DATE – APPROVED.**

City Manager Bruce Green stated the State of Texas had recently enacted a statute that would go into effect this month limiting how and when a dog can be tethered. City Manager Green furthered the statute created several exceptions to the prohibition of tethering which would make enforcement of the statute extremely difficult for Animal Control or the Lufkin Police Department. City Manager Green stated to provide for better enforcement and for the safety of the dogs, an Ordinance prohibiting tethering had been prepared. City Manager Green furthered the only exception to tethering would be when the animal is in the immediate possession of and accompanied by the owner. City Manager Green stated the Ordinance was penal and any violation of the Ordinance would be a Class C misdemeanor and punishable by a fine not to exceed five hundred dollars (\$500.00). City Manager Green concluded Staff recommended City Council conduct a Public Hearing and consider First Reading of an Ordinance prohibiting the tethering of dogs within the City of Lufkin.

Mayor Mark Hicks opened the Public Hearing at 5:16 p.m. Ms. Molly James, a member of the Kurth Animal Shelter Advocates, spoke in support of the Ordinance. There being no one else who wished to speak; Mayor Hicks closed the Public Hearing and moved to comments from the Council.



Councilmember Guessippina Bonner asked for clarification regarding the exceptions to the State of Texas tethering law. City Manager Bruce Green addressed the question. Councilmember Trent Burfine asked for clarification regarding the definition of immediate possession. City Manager Bruce Green addressed the question and discussion ensued.

Councilmember Trent Burfine moved to approve the Ordinance as presented. Councilmember Lynn Torres seconded the motion and the motion passed with a six (6) to one (1) vote, with Councilmember Guessippina Bonner voting against the ordinance.

**12. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PROHIBITING THE DRIVING OR RIDING OF LIVESTOCK ON PUBLIC PROPERTY; ALLOWING FOR THE DRIVING OR RIDING OF EQUINES ON UNIMPROVED OR UNPAVED PUBLIC RIGHTS-OF-WAY; DECLARING A PENALTY AND PROVIDING AN EFFECTIVE DATE – APPROVED.**

City Manager Bruce Green stated there had been an increase in people horseback riding in the city limits of Lufkin. City Manager Green furthered the use of horses on the roadways created traffic safety issues and the use of horses on the sidewalks and walking paths also created pedestrian safety issues as well as health concerns. City Manager Green stated to prevent and correct the issues an ordinance had been drafted to limit the riding and driving of equines to only unimproved, unpaved public rights-of-way. City Manager Green furthered the ordinance was penal, and any violation of the ordinance would be a Class C misdemeanor and punishable by a fine not to exceed five hundred dollars (\$500.00). City Manager Green concluded Staff recommended City Council conduct a Public Hearing and consider First Reading of an Ordinance addressing issues with equines (horses) within the City of Lufkin.

Mayor Mark 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 moved to comments from the 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. Councilmember Trent Burfine asked if the trail rides that came through Lufkin would still be allowed. City Attorney Erika Neill stated the Chief of Police could authorize a permit for this.

**13. RESOLUTION AUTHORIZING A LEASE PURCHASE AGREEMENT WITH FIRST SECURITY FINANCE, INC. FOR THE ACQUISITION OF EQUIPMENT FOR THE ENERGY CONSERVATION PROJECT WITH PERFORMANCE SERVICES, INC. – APPROVED.**

City Manager Bruce Green stated this was a project that had previously been approved by Council and was being brought back for funding. City Manager Green furthered the Resolution would authorize the City to enter into a Public Property Finance Act Lease Purchase Agreement with First Security Finance, Inc. City Manager Green stated the agreement was for a 15-year term at 2.44% fixed interest with the first payment being due July, 2023 after an 18-month construction period. City Manager Green concluded Staff recommended City Council approve a Resolution authorizing a lease purchase agreement with First Security Finance, Inc. for the acquisition of equipment for the energy conservation project with Performance Services, Inc.

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

**14. AGREEMENT WITH THE BOYS AND GIRLS CLUB OF DEEP EAST TEXAS REGARDING THE INDOOR SWIMMING FACILITY – APPROVED.**

City Manager Bruce Green stated the proposed Agreement before City Council was a modification of the previous agreement with the Boys and Girls Club to provide hours of swimming pool use for City of Lufkin residents. City Manager Green furthered the contribution by the City for public use under the Agreement will be \$35,000 per year, paid quarterly. City Manager Green stated on a related matter, Staff intended to bring another proposed agreement for City Council's review and possible approval of a separate contract with the Boys and Girls Club for management of the Jones Park Pool during the summer of 2022. City Manager Green concluded Staff recommended City Council consider approval of an agreement with the Boys and Girls Club of Deep East Texas regarding the indoor swimming facility.

Councilmember Guessippina Bonner asked if the City would definitely be moving forward with an agreement with the Boys and Girls Club for the management of the Jones Park pool. City Manager Bruce Green addressed the question and discussion ensued.

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

**15. SELECTION OF AN ENGINEERING FIRM FOR THE AMERICAN RESCUE PLAN ACT FUNDING PROJECTS – APPROVED.**

City Manager Bruce Green stated as previously presented to City Council, American Rescue Plan Act (ARPA) funds would be utilized for projects and funding related to four categories:

- Water and Sewer Infrastructure
- Outdoor Spaces
- Police Department Communications Equipment
- Fire Dept/EMS Reimbursement

City Manager Green furthered while a significant portion of the funds would be used to purchase equipment, some of the work would require professional engineering services. City Manager Green stated notice was published in the newspaper and a request for qualifications (RFQ) was sent to multiple engineering firms. City Manager Green stated Staff received statements of qualifications (SOQ) from seven engineering firms and had evaluated and ranked the SOQs with Goodwin-Lasiter-Strong receiving the highest ranking. City Manager Green concluded Staff recommended City Council approve the selection of Goodwin-Lasiter-Strong as the engineering firm for needed services for upcoming ARPA Projects.

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

**16. PRESENTATION OF CITY OF LUFKIN FINANCE COMMITTEE REPORT**

Finance Director Belinda Melancon presented the City of Lufkin Quarterly Finance Committee Report.

**17. FINANCIAL STATUS REPORT**

City Manager Bruce Green offered to answer any questions. There were none.

Mayor Mark Hicks introduced Eddie Aguilar, the new Director of Engineering Services. Mayor Hicks also thanked City Manager Bruce Green for his hard work and service to the City of Lufkin during his term as City Manager.

There being no further business, Mayor Mark Hicks adjourned the meeting at 5:48 p.m.

  
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Mark Hicks, Mayor

ATTEST:

  
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Kara Andrepont, City Secretary