MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 6th DAY OF DECEMBER, 2022.

On the 6th day of December, 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
Adriana Thomasee	Human Resources
David Thomas	Police Chief
Buddy Cross	Assistant Police Chief
Jesse Moody	Fire Chief
Jessica Pebsworth	Communications Director
Belinda Melancon	Finance Director
Eddie Aguilar	Engineering Services Director
Scott Rayburn	Planning Director
Albert Duffield	Utilities Director

being present when the following business was transacted.

INVOCATION – The meeting was opened with prayer by Assistant City Manager Gerald Williamson.

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 – Kurth Memorial Library Board member Lin Lentz presented the Kurth Memorial Library's Annual Report.

CONSENT AGENDA - APPROVED

1. **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF NOVEMER 15TH, 2022 - APPROVED.**

2. **SECOND READING OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2022-2023 OPERATING BUDGET (BUDGET AMENDMENT NO. 4) PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND, CONVENTION SERVICES FUND, SPECIAL RECREATION FUND, ELLEN TROUT ZOO BUILDING FUND, TOURISM AND MARKETING FUND, WATER & WASTEWATER FUND AND THE EQUIPMENT ACQUISITION AND REPLACEMENT FUND – APPROVED.**

3. **SECOND READING OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2022-2023 OPERATING BUDGET (BUDGET AMENDMENT NO. 5) APPROPRIATING THE FUNDING FOR THE WATER PLANT NO. 1, 2 & 3 CHLORINATION SYSTEM IMPROVEMENTS PROJECT – APPROVED.**

4. **RESOLUTION ADOPTING TAX ABATEMENT GUIDELINES GOVERNING TAX ABATEMENT AGREEMENTS FOR PROPERTIES LOCATED IN THE CITY'S ENTERPRISE, REVITALIZATION AND REINVESTMENT ZONES – APPROVED.**

5. **RESOLUTION APPOINTING COUNCILMEMBER GUESSIPPINA BONNER AS THE CITY OF LUFKIN REPRESENTATIVE ON THE ANGELINA COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS – APPROVED.**

6. **APPOINTMENT OF CITY MANAGER KEVIN GEE TO THE PINEYWOODS GROUNDWATER CONSERVATION DISTRICT BOARD OF DIRECTORS – APPROVED.**

7. **PURCHASE OF FIVE (5) 2023 CHEVROLET TAHOE PATROL VEHICLES FOR THE LUFKIN POLICE DEPARTMENT – APPROVED.**

Councilmember Guessippina Bonner moved to approve all items on the Consent Agenda as presented. Councilmember Wes Suiter seconded the motion and a unanimous vote to approve was recorded.

BUSINESS AGENDA

8. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE RELATING TO METAL RECYCLERS AND SECONDHAND RESELLERS REGARDING CATALYTIC CONVERTERS IN THE CITY OF LUFKIN – APPROVED.**

City Manager Kevin Gee stated the National Insurance Crime Bureau had reported that the claims of catalytic converter thefts rose nationwide from a little over 3,000 in 2019 to over 14,000 in 2020. City Manager Gee furthered in 2021 the Lufkin Police Department investigated 80 incidents where catalytic converters were stolen and in 2022 they had investigated 62 thefts including one where 27 were stolen from a fleet of delivery vehicles. City Manager Gee explained along with the inconvenience and cost to citizens, catalytic converter thefts were sometimes associated with violent crimes including aggravated assaults and robberies. City Manager Gee stated catalytic converter investigations were limited to only the metal recycling entity and didn't allow for the prosecution of the person in possession unless they were caught in the act of cutting it off of a vehicle. City Manager Gee furthered it was the desire of the Police Department to outlaw the possession of severed catalytic converters without the appropriate documentation and requiring documentation for all sells of catalytic converters. City Manager Gee concluded Staff recommended City Council conduct a Public Hearing and consider approval on Second Reading of an Ordinance relating to metal recyclers and secondhand resellers regarding catalytic converters.

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 asked how the Ordinance would be enforced. Police Chief David Thomas addressed the question and discussion ensued.

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

9. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AN ELECTRIC SUBSTATION ON PROPERTY ADDRESSED AS 2208 BRENTWOOD DRIVE – APPROVED.**

City Manager Kevin Gee stated the applicant, HEN Infrastructure LLC had requested a Special Use Permit for an Electric Substation at 2208 Brentwood Drive. City Manager Gee furthered the applicant's intent was to construct a distributed generation system with a battery energy storage system (BASS). City Manager Gee highlighted the location of the property and surrounding uses. City Manager Gee stated the subject property was across from an ONCOR Electric Substation along existing electrical high lines and the proposed battery energy storage system (BASS) would work in conjunction with the existing ONCOR Electric Substation. City Manager Gee furthered the request was recommended for approval by a six (6) to one (1) vote by the Planning and Zoning Commission at its regular meeting on November 28, 2022. City Manager Gee stated the approval was made with the provision that the applicant would be present at the City Council meeting in order to provide further information regarding the electric substation and a representative was present. City Manager Gee concluded Staff recommended City Council conduct a Public Hearing and consider approval of the First Reading of an Ordinance granting a Special Use Permit for an electric substation on property addressed as 2208 Brentwood Drive.

Mayor Hicks opened the Public Hearing at 5:15 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 Guessippina Bonner seconded the motion and a unanimous vote to approve was recorded.

10. APPROVAL OF THE RENEWAL OF THE INDUSTRIAL DISTRICT AGREEMENT WITH VERDANT INDUSTRIES, LLC. – APPROVED.

City Manager Kevin Gee stated in 2013, the City of Lufkin and Verdant Industries, LLC, entered into an industrial district agreement creating Industrial District No. 1 for the property formerly operated as a paper mill along State Highway 103. City Manager Gee furthered the agreement was set to expire at the end of the year and would result in the annexation of the property. City Manager Gee explained an industrial district agreement contractually protects companies located in the designated district from annexation and City requirements such as permitting and platting in exchange for a Payment in Lieu of Taxes (PILOT). City Manager Gee stated the City also agreed to provide firefighting services for the property and throughout the agreement, the company would conduct business in strict compliance with all State and Federal, air, water, and pollution control standards. City Manager Gee furthered City management and the property owner desire to renew the agreement for another ten (10) year term. City Manager Gee concluded Staff recommended City Council consider approval of the renewal of the Industrial District Agreement with Verdant Industries, LLC.

Councilmember Trent Burfine requested additional information regarding this item and moved to postpone the item until the next City Council meeting. Councilmember Guessippina Bonner seconded the motion and the following roll call vote to postpone was recorded:

- Councilmember Wes Suiter — No
- Councilmember Rocky Thigpen — No
- Councilmember Robert Shankle — No
- Councilmember Guessippina Bonner — Yes
- Councilmember Brent Watkins — No
- Councilmember Trent Burfine — Yes
- Mayor Mark Hicks — No

The motion failed.

Councilmember Rocky Thigpen moved to approve the agreement and Councilmember Wes Suiter seconded the motion. The following roll call vote was recorded.

- Councilmember Wes Suiter — Yes
- Councilmember Rocky Thigpen — Yes
- Councilmember Robert Shankle — Yes
- Councilmember Guessippina Bonner — No
- Councilmember Brent Watkins — Yes
- Councilmember Trent Burfine — No
- Mayor Mark Hicks — Yes

The motion passed to approve the agreement with a vote of five (5) in favor and two (2) opposed.

11. APPOINTMENT TO THE FIREMAN'S PENSION BOARD OF TRUSTEES – APPROVED.

City Manager Kevin Gee stated the Texas Local Fire Fighters' Retirement Act (TLFFRA), Art. 6243e. of Vernon's Texas Civil Statutes, was the governing statute for the Lufkin Fire Department retirement system. City Manager Gee furthered TLFFRA systems can set their own member contribution rates, benefit levels and other plan provisions on a local basis. City Manager Gee explained Lufkin's TLFFRA system was governed by a local board of trustees consisting of: (1) the mayor or the mayor's designated representative; (2) the chief financial officer of the City; (3) three members of the Lufkin Fire Department elected by participating members of the retirement system; and (4) two persons who reside in the state, who are not officers or employees of the City or other political subdivision, and who are elected by a majority vote of the members of the board of trustees. City Manager Gee stated the members served two (2) year terms. City Manager Gee furthered both Administration and the Board felt it would be beneficial to all parties to appoint a City Councilmember to serve as the Mayor's designated representative. City Manager Gee concluded Staff recommended City Council consider the appointment of Councilmember Brent Watkins to serve on the Fireman's Pension Board of Trustees.

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

12. APPOINTMENT TO THE CIVIL SERVICE COMMISSION – APPROVED.

City Manager Kevin Gee stated Commission member Todd Kassaw had submitted his resignation due to his election as 159th District Court Judge. City Manager Gee furthered the Civil Service Commission was governed by the Texas Civil Service Act which delineated the following requirements for members: Members must be of good moral character; be a United States citizen; a resident of the municipality for more than three (3) years; be over twenty-five (25) years of age; and have not held public office within the preceding three (3) years. City Manager Gee stated Attorney Erika Neill had applied and was recommended for appointment to the Civil Service Commission. City Manager Gee concluded Staff recommended City Council consider the appointment of Erika Neill to serve on the City of Lufkin Civil Service Commission for a term of three (3) years.

Councilmember Guessippina Bonner expressed concern with all sections of the City not being represented on the Commission. Guessippina Bonner asked if there was a limit to the number of people on the Civil Service Commission and could the Commission be enlarged. City Manager Gee stated Staff would look at the by-laws of the Commission regarding Councilmember Bonner's request.

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

13. APPOINTMENTS TO THE KURTH MEMORIAL LIBRARY BOARD OF DIRECTORS – APPROVED.

City Manager Kevin Gee stated nominations for appointment to the Kurth Memorial Library Board must originate with the Library Board. City Manager Gee furthered Dr. Manda Rosser had recently resigned from the Board and the Board also had an additional vacant position. City Manager Gee stated the Board recently selected and recommended Allanah Ceasar and Benita Bennett to fill those positions. City Manager Gee concluded Staff recommended City Council approve the recommended appointments of Allanah Ceasar and Benita Bennet to the Kurth Memorial Library Board of Directors.

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

There being no further business, Mayor Mark Hicks adjourned the meeting at 5:15 p.m.

THE CITY OF LUFKIN TEXAS

Mark Hicks, Mayor

ATTEST:

Kara Andrepont, City Secretary