

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS HELD ON THE 4th DAY OF SEPTEMBER, 2012.**

On the 4TH day of September, 2012, 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 Brown	Mayor
Don Langston	Mayor Pro-Tem
Victor Travis	Councilmember, Ward No. 1
Robert Shankle	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Rufus Duncan	Councilmember, Ward No. 5
Sarah Murray	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Keith Wright	Deputy City Manager
Bruce Green	City Attorney
Kara Atwood	City Secretary
Rodney Ivy	Human Resources Director
Scott Marcotte	Police Chief
Gerald Williamson	Assistant Police Chief
Ted Lovett	Fire Chief
Belinda Southern	Finance Director
Steve Floyd	Public Works Director
Steve Poskey	Street Department Director
Chuck Walker	City Engineer/Public Utilities Director
Michael Akridge	Parks & Recreation Director
Dorothy Wilson	Planning & Zoning Director
Dale Allred	Inspection Services Director
Jim Wehmeier	Economic Development Director
Barbara Thompson	Main Street Director
Gordon Henley	Ellen Trout Zoo Director
Tara Watkins	Lufkin Convention & Visitors Bureau Director

being present when the following business was transacted.

1. The meeting was opened with prayer by Deputy City Manager Keith Wright.
2. Mayor Bob Brown welcomed visitors present.

APPROVAL OF MINUTES

3. Minutes of the Regular Meeting of August 21, 2012 were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember Sarah Murray. A unanimous affirmative vote was recorded to approve the minutes as presented.
4. **PRESENTATION OF A PROCLAMATION DESIGNATING “ANTI BULLYING WEEK” IN THE CITY OF LUFKIN.**

Mayor Bob Brown stated that the first item on the agenda was a presentation of a Proclamation designating “Anti Bullying Week” in the City of Lufkin.

City Manager Paul Parker stated that Mayor Bob Brown had received a request from Esque Walker, State Coordinator for Texas Healthy Workplace Advocates, which is a national initiative aimed at stopping workplace bullying. City Manager Parker stated that a total of nineteen (19) cities in the State of Texas had issued a similar proclamation.

Mayor Brown then read the proclamation that designated the third week in October as “Anti Bullying Week” in the City of Lufkin.

OLD BUSINESS:

5. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, GRANTING A SPECIAL USE PERMIT FOR A SIGN FOR A TRACT OF LAND DESCRIBED AS LOT 2 OF THE FRANK STREET-HILL STREET SUBDIVISION – APPROVED.

Mayor Bob Brown stated that the next item for consideration was to conduct a Public Hearing and consider on Second Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, granting a Special Use Permit for a sign for a tract of land described as Lot 2 of the Frank Street-Hill Street Subdivision.

City Manager Paul Parker stated that this was a request from the property owner, Mark Hicks, for a Special Use Permit for the installation of a billboard at the corner of Frank Street and Hill Street. City Manager Parker stated this billboard would be relocated from its current location at the corner of Angelina Street and First Street. City Manager Parker stated that the proposed sign would be smaller than the existing sign. City Manager Parker stated that City Council had recently approved the request for a Special Use Permit on First Reading and approved the related zone change request during a previous Council meeting. City Manager Parker concluded that Staff and the Planning & Zoning Commission recommended approval of the request.

Mayor Brown opened the Public Hearing at 5:11 p.m. and asked those who wished to speak on the item to please step forward. There being no one who wished to speak, Mayor Brown closed the Public Hearing at 5:12 p.m. and asked for comments or questions from the Council.

Councilmember Rufus Duncan stated that he had previously voted against the relocation of billboards and would continue to do so. Councilmember Duncan then commented on the number of electronic signage and stated that those types of signs were displeasing as well. Councilmember Duncan stated that he was strongly opposed and would vote against this item. Councilmember Victor Travis asked whether the proposed sign would be an electronic sign and if an electronic sign could be installed. City Manager Parker stated an electronic sign could be installed because there were no restrictions against it. City Manager Parker stated that an additional letter of protest had been received against the sign; but the protest did not require the super majority vote. Councilmember Don Langston stated that his concern with the issue was that the proposed location was not really an “Industrial” area. Councilmember Langston stated he was also concerned about the safety of drivers on the street, and should it be lighted, it could affect the nearby residential area. Councilmember Langston continued that signs were beneficial to the traveling public; however, not to the local residents. Councilmember Langston concluded that he would vote with Councilmember Duncan on this item. Councilmember Travis stated that he felt the billboard in the location on Frank Street would be an eyesore and he was concerned about it. Councilmember Sarah Murray asked whether additional adjoining property could be rezoned such as the subject property. City Manager Parker stated it could, but would require City Council approval, but would be easier since the adjoining property was already rezoned. Councilmember Lynn Torres stated that she appreciated Councilmember Duncan’s opinion; however, unless all the offensive signage could be removed in other areas of the City, the prohibition of one specific sign did not make sense. Councilmember Duncan expressed his objection to the signs and the “spot zoning” that allowed them.

Mayor Brown re-opened the Public Hearing at 5:18 p.m. and asked those who wished to speak on the item to please step forward. Mr. Mark Hicks spoke in favor of the item and answered Council’s questions regarding the type of signage, the size of the lot, the distance from residential areas and placement of the sign. Councilmember Duncan stated that all the area around the sign was zoned “Retail” and the “Industrial” zoning did not start until further down Frank Street and that he considered that “spot zoning”. Planning Director Dorothy Wilson stated that Planning Staff did not see the request as “spot zoning” because the “Industrial” was in the same area. Discussion continued regarding the issue of spot zoning. Mr. Hicks stated that the City Council had approved the zone change with the knowledge that a billboard would be constructed on the property. Mr. Hicks continued that he had spent considerable time and money on this issue and hoped to see it move forward at the proposed location. Discussion continued regarding the future land use designation of the property. Mr. Michael Parker also spoke in favor of the request. There being no one further who wished to speak on the item, Mayor Brown closed the Public Hearing at 5:30 p.m. and requested comments from the City Council.

Councilmember Lynn Torres moved to approve on Second Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, granting a Special Use Permit for a sign for a tract of land described as Lot 2 of the Frank Street-Hill Street Subdivision. Councilmember Robert Shankle seconded the motion. The motion passed on a four (4) to three (3) vote with Mayor Bob Brown, Councilmember Robert Shankle, Councilmember Lynn Torres and Councilmember Sarah Murray voting to approve the motion; and Councilmember Don Langston, Councilmember Rufus Duncan and Councilmember Victor Travis voting to deny the request.

6. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, GRANTING A SPECIAL USE PERMIT FOR A DRINKING ESTABLISHMENT IN A CENTRAL BUSINESS DISTRICT FOR A TRACT OF LAND DESCRIBED AS 3570 CITY OF LUFKIN, BLOCK 5, LOT 7-14 AND PART OF 15, KNOWN AS 101 WEST SHEPHERD AVENUE – TABLED.

Mayor Bob Brown stated that the next order of business was to conduct a Public Hearing and consider on Second Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, granting a Special Use Permit for a drinking establishment in a Central Business District for a tract of land described as 3570 City of Lufkin, Block 5, Lot 7-14 and part of 15, known as 101 West Shepherd Avenue.

City Manager Paul Parker stated that this was a request for a Special Use Permit for a Drinking Establishment in a “Central Business” zoning district, on property located 101 West Shepherd Avenue, otherwise known as the Angelina Hotel. City Manager Parker continued that the applicant planned to open a wine bar on the ground floor of the Hotel. City Manager Parker stated that the property was surrounded by numerous businesses, some that already served alcohol. City Manager Parker continued that the question had recently been raised regarding the fact that the Christ Church held their weekly services in the nearby Masonic Lodge and would this prohibit the issue of the required permit through the City and the Texas Alcohol and Beverage Commission. City Manager Parker clarified with owner Mark Hicks that the building was used for other purposes, not specifically a church. Mr. Hicks stated that the building was rented for a number of other purposes. City Attorney Bruce Green stated that the City enacted an Ordinance that adopted the requirements of the Texas Alcohol and Beverage Commission, which required a three hundred foot (300’) distance from a church. City Attorney Green continued that the Texas Alcohol and Beverage Commission did not define what constituted a “church”, but indicated that this could become an issue when the applicant submitted for an alcohol permit. City Attorney Green stated that City Council could either grant a variance or make a finding that the building does not have a primary usage of a church. City Attorney Green stated that he had discussed the issue with Texas Alcohol and Beverage Commission and they did not foresee a problem; that it was the decision of the City to make the determination of the primary usage of the building. Councilmember Don Langston asked why the Church would not be asked if they had an issue and if the Church had an office in the building. City Attorney Green stated that the Church did have an office on the second floor of the building. Owner Mark Hicks confirmed that the Church did have an office, but it was his understanding that the Church did not have an issue with the location of the Wine Bar. Mr. Hicks stated that should the Church have an issue, he would not move forward with the Wine Bar. Mr. Hicks continued that the idea of moving the Wine Bar further down the street had already been discussed, which would alleviate the problem and that he would be more than happy to visit with the church regarding the issue. City Attorney Green explained the waiver process and future problems that could arise with the issuance of a waiver.

Councilmember Victor Travis confirmed that the church only rented the property. Mr. Hicks stated that the building was rented to the Church and stated that the business would be a very low-key place. Councilmember Langston stated that the simplest solution would be to discuss with the church and/or move the location in order to avoid upsetting anyone involved. Councilmember Travis questioned when the church was planning to move to their new location. Mr. Hicks stated that it would be more than a year. City Manager Parker recommended that the item be tabled until Mr. Hicks could speak with the church and/or research moving the location. Mr. Hicks stated that he had already considered moving the Wine Bar further down the street to take advantage of the courtyard and avoid any issue with the church. Planning Director Dorothy Wilson stated that the Special Use Permit could be modified with a new site plan for the Second reading.

Due to recent issues regarding distances for the required Texas Alcohol and Beverage Commission permit and City Council requested further information, Councilmember Lynn Torres moved to table

the consider on Second Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, granting a Special Use Permit for a drinking establishment in a Central Business District for a tract of land described as 3570 City of Lufkin, Block 5, Lot 7-14 and part of 15, known as 101 West Shepherd Avenue. Councilmember Don Langston seconded the motion and a unanimous vote to table Item No. 6 was recorded.

NEW BUSINESS:

7. FIRST READING OF AN APPROPRIATIONS ORDINANCE ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013 – APPROVED.

Mayor Bob Brown stated that the next item for consideration was the First Reading of an Appropriations Ordinance adopting a Budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013.

City Manager Paul Parker stated that City Council was very aware of the details of the proposed budget; however, he wished to reiterate that the tax rate had been lowered to 0.5038, which was a tax reduction to the citizens of one cent (.01). City Manager Parker stated that the tax rate had been lowered 9.8% since 2006. City Manager Parker stated that the planned six percent (6%) water rate increase, which was initially approved for repayment of the Abitibi purchase and the issuance of Water and Sewer Bonds, was postponed under the direction of City Council. City Manager Parker continued that there would be no Solid Waste rate increase. City Manager Parker stated that the budget included a 2.5% Cost of Living Adjustment for employees and a six hundred thousand dollar (\$600,000) infusion to the Health Insurance Fund. City Manager Parker highlighted the Hotel/Motel Tax Fund and the Special Recreation Fund, and stated that both of these funds were below the recommended reserve. City Manager Parker stated that by approving the budget, City Council would be acknowledging that these funds were below the recommended reserve. City Manager Parker stated that he would be glad to answer any questions and that Staff recommended City Council approve the budget as proposed.

Councilmember Rufus Duncan moved to approve the First Reading of an Appropriations Ordinance adopting a Budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013. Councilmember Lynn Torres seconded the motion and a unanimous vote was recorded.

8. FIRST 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 2013 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE – APPROVED.

Mayor Bob Brown stated that the next item on the agenda was to consider on First Reading 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 2013 and apportioning each levy for the specific purpose.

City Manager Paul Parker stated that the proposed tax rate was 0.5038, which is one cent (.01) below the current tax rate, and also below the effective tax rate. City Manager Parker commended the City Employees and Department Heads for their management of their departmental budgets, which heavily contributed to the tax rate reduction. City Manager Parker stated that Staff recommended approval of the proposed tax rate of 0.5038.

Mayor Brown asked for questions or comments from the Council.

Councilmember Lynn Torres mentioned that the fact the tax rate had been reduced 9.8% since 2006 was very important.

Councilmember Lynn Torres moved to approve the First 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 2013 and apportioning each levy for the specific purpose. Councilmember Don Langston seconded the motion and a unanimous vote to approve was recorded.

9. PURCHASE OF EQUIPMENT AND FURNISHINGS FOR FIRE STATION NO. 3 AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO. 31), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE 2010 CAPITAL IMPROVEMENTS FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.

Mayor Bob Brown stated that the next item for consideration was the approval of the purchase of equipment and furnishings for Fire Station No. 3 and a Resolution authorizing an amendment to the 2011/2012 operating budget (Budget Amendment No. 31), providing for the supplemental appropriation of funds in the 2010 Capital Improvements Fund; and providing an effective date.

City Manager Paul Parker stated that the new Central Fire Station was nearing completion; however, the construction contract with Timberline Constructors did not include the furnishings and equipment for the Fire Station. City Manager Parker stated that a list of needed equipment and furnishings was included in the packet, and the largest expenditure in the amount of eleven thousand dollars (\$11,000) was for the Gear Grid locker system, to store Fire personnel's bunker gear. City Manager Parker stated that these lockers allowed the equipment to breathe, which reduced odor and prolonged the life of the gear. City Manager Parker stated that the total purchase price for all equipment was thirty-six thousand nine hundred eighty-two dollars (\$36,982); and that funding was available in the 2010 Capital Improvement Program Fund. City Manager Parker concluded that Staff recommended City Council approve the purchases and approve Budget Amendment No. 31.

Mayor Brown then asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the purchase of equipment and furnishings for Fire Station No. 3 and a Resolution authorizing an amendment to the 2011/2012 operating budget (Budget Amendment No. 31), providing for the supplemental appropriation of funds in the 2010 Capital Improvements Fund; and providing an effective date. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

10. ACCEPTANCE OF A DONATION FROM ACADEMY SPORTING GOODS TO THE PARKS AND RECREATION DEPARTMENT IN THE AMOUNT OF EIGHT HUNDRED DOLLARS (\$800) AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO. 32), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE SPECIAL RECREATION FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.

Mayor Bob Brown stated that the next item for consideration was the acceptance of a donation from Academy Sporting Goods to the Parks and Recreation Department in the amount of eight hundred dollars (\$800) and a Resolution authorizing an amendment to the 2011/2012 operating budget (Budget Amendment No. 32), providing for the supplemental appropriation of funds in the Special Recreation Fund; and providing an effective date.

City Manager Paul Parker stated that the Parks and Recreation Department had received a donation in the amount of eight hundred dollars (\$800) for improvements. City Manager Parker stated that Staff requested the funds be appropriated for improvements to the batting cages at Morris Frank Park Baseball Complex. City Manager Parker concluded that Staff recommended City Council accept the donation and approve Budget Amendment No. 32, which appropriated the funding.

Councilmember Lynn Torres moved to approve the acceptance of a donation from Academy Sporting Goods to the Parks and Recreation Department in the amount of eight hundred dollars (\$800) and a Resolution authorizing an amendment to the 2011/2012 operating budget (Budget Amendment No. 32), providing for the supplemental appropriation of funds in the Special Recreation Fund; and providing an effective date. Councilmember Robert Shankle seconded the motion and a unanimous vote was recorded.

11. AWARD OF BID TO E.F. JOHNSON TECHNOLOGIES FOR THE PURCHASE OF DIGITAL RADIO EQUIPMENT FOR THE CITY OF LUFKIN FIRE, POLICE AND PUBLIC WORKS DEPARTMENTS IN THE AMOUNT OF FOUR HUNDRED THIRTY THOUSAND FIVE HUNDRED DOLLARS (\$430,500) AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO. 33), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF

FUNDS IN THE WATER AND WASTEWATER DEPRECIATION FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.

Mayor Bob Brown stated that Item No. 10 on the agenda was the consideration of an award of bid to E.F. Johnson Technologies for the purchase of digital radio equipment for the City of Lufkin Fire, Police and Public Works Departments in the amount of four hundred thirty thousand five hundred dollars (\$430,500) and a Resolution authorizing an amendment to the 2011/2012 operating budget (Budget Amendment No. 33), providing for the supplemental appropriation of funds in the Water and Wastewater Depreciation Fund; and providing an effective date.

City Manager Paul Parker stated that previously Council allocated three hundred ninety-eight thousand dollars (\$398,000) for the City to move from wide band to narrow band, or digital radios. City Manager Parker stated this was a federal mandate required by 2013. City Manager Parker stated that a Staff committee headed by Deputy City Manager Keith Wright had researched the needs of each department and equipment. City Manager Parker stated that the committee determined that the current Police digital radios were not performing as needed, therefore, those radios would be moved to the Public Works Departments, and new radios purchased for the Police Department. City Manager Parker stated that was the reason for a portion of the funding being from a Police Department grant and Police Department operating funds. City Manager Parker stated that the previous allocation in next year's budget of seventeen thousand dollars (\$17,000) in the Water and Sewer Department for the purchase of radios was being moved to the current fiscal year for this purchase. City Manager Parker stated that E.F. Johnson was selected as the best provider of the radios and equipment, and would also provide trade-in of existing equipment as well as a significant discount, if ordered before the end of the fiscal year. City Manager Parker stated that the original bid of six hundred fifteen thousand one hundred thirty-four dollars and sixteen cents (\$615,134.16) was reduced by discounts and trade-in allowance to four hundred thirty thousand five hundred dollars (\$430,500). City Manager Parker continued that the action on this item would be to approve the purchase of the radios and equipment along with the corresponding Budget Amendment No. 33. City Manager Parker stated that the second portion of the proposed Budget Amendment was for funding that was needed to repair the pneumatic tube system at the Utility Collection drive thru. City Manager Parker stated that funding in the amount of nine thousand two hundred dollars (\$9,200) was included in the Budget Amendment for the repair of the pneumatic tube system in the Utility Collection drive thru.

Mayor Brown then asked for questions or comments from the Council.

Councilmember Don Langston moved to approve an award of bid to E.F. Johnson Technologies for the purchase of digital radio equipment for the City of Lufkin Fire, Police and Public Works Departments in the amount of four hundred thirty thousand five hundred dollars (\$430,500) and a Resolution authorizing an amendment to the 2011/2012 operating budget (Budget Amendment No. 33), providing for the supplemental appropriation of funds in the Water and Wastewater Depreciation Fund; and providing an effective date. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

12. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO. 34), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND, WATER/WASTEWATER FUND, SOLID WASTE FUND, HOTEL/MOTEL TAX FUND, ECONOMIC DEVELOPMENT FUND, LUFKIN CONVENTION & VISITORS BUREAU FUND, AND THE GROUP HEALTH INSURANCE FUND FOR ACTIVE EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE – APPROVED.

Mayor Bob Brown stated that the next item was consideration of a Resolution authorizing an amendment to the 2011/2012 operating budget (Budget Amendment No. 34), providing for the supplemental appropriation of funds in the General Fund, Water/Wastewater Fund, Solid Waste Fund, Hotel/Motel Tax Fund, Economic Development Fund, Lufkin Convention & Visitors Bureau Fund, and the Group Health Insurance Fund for active employees; and providing an effective date.

City Manager Paul Parker stated that as Council was aware, the City's Health Insurance Fund was experiencing a very poor year due to several significant employee illnesses that have caused the City's insurance costs to escalate. City Manager Parker continued that City Council had previously allocated a six hundred thousand dollar (\$600,000) infusion to the Health Fund in the 2012/2013

Fiscal Year; however, this fiscal year the Health Fund was estimated to end with a deficit of approximately two hundred fifty thousand dollars (\$250,000). City Manager Parker continued that Staff had met with the City Council Health Insurance Committee and it was the recommendation of both Staff and the Committee that Council infuse the Health Fund this fiscal year by two hundred fifty thousand dollars (\$250,000). City Manager Parker explained that the proposed Budget Amendment was broken down by the various department funds. City Manager Parker concluded that Staff and the Health Insurance Committee recommend City Council approve Budget Amendment No. 34, which allocated two hundred fifty thousand dollars (\$250,000) to the City's Health Insurance Fund.

Councilmember Lynn Torres moved to approve a Resolution authorizing an amendment to the 2011/2012 operating budget (Budget Amendment No. 34), providing for the supplemental appropriation of funds in the General Fund, Water/Wastewater Fund, Solid Waste Fund, Hotel/Motel Tax Fund, Economic Development Fund, Lufkin Convention & Visitors Bureau Fund, and the Group Health Insurance Fund for active employees; and providing an effective date. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

13. NOMINATION OF DR. JOE ARISCO TO THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL BOARD OF TRUSTEES FOR REGION 16 – APPROVED.

Mayor Bob Brown stated that the next item for business was to consider approval of a nomination to the Texas Municipal League Intergovernmental Employee Benefits Pool Board of Trustees for Region 16.

City Manager Parker stated that the City recently received a ballot from the Texas Municipal League Intergovernmental Employee Benefits Pool Board for Region 16, which the City was a member of. City Manager Parker continued that Dr. Joe Arisco from the City of Groves was the only candidate running for this position and he had served on the board for several years. City Manager Parker stated that Staff recommended City Council approve the nomination of Dr. Joe Arisco as a trustee for Region 16 on the Texas Municipal League Intergovernmental Employee Benefits Pool Board.

Councilmember Rufus Duncan moved to approve the nomination of Dr. Joe Arisco to the Texas Municipal League Intergovernmental Employee Benefits Pool Board of Trustees for Region 16. Councilmember Don Langston seconded the motion. A unanimous vote to approve the motion was recorded.

14. NOMINATIONS TO THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES (GREG INGHAM, PLACE 11; LARRY GILLEY, PLACE 12; BYRON BLACK, PLACE 13; AND PAT NORRISS, PLACE 14) – APPROVED.

Mayor Bob Brown stated that the next item for consideration was the approval of nominations to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

City Manager Paul Parker stated that he had served on this Board for a number of years. City Manager Parker stated that currently Places 11, 12, 13, and 14 were currently up for election and there were a number of individuals running for each place. City Manager Parker stated that he had worked with the incumbents on this board and stated that their knowledge was essential for the board. City Manager Parker recommended City Council approve the nomination of the current incumbent Board Members which included Greg Ingham, Place 11; Larry Gilley, Place 12; Byron Black, Place 13; and Pat Norriss, Place 14 on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

Councilmember Don Langston moved to approve the nominations as recommended to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees. Councilmember Rufus Duncan seconded the motion and a unanimous vote to approve was recorded.

15. PRESENTATION AND CONSIDER APPROVAL OF THE PROPOSED 2012/2013 GENERAL FUND CAPITAL IMPROVEMENT PROGRAM – TABLED.

Mayor Bob Brown stated that the next item was the presentation and consideration of the proposed 2012/2013 General Fund Capital Improvement Program.

City Manager Paul Parker stated that this program had been previously presented to City Council; however, the project list did not have to be approved at this meeting. City Manager Parker stated that Staff requested City Council approve moving forward with the bond issue. City Manager Parker highlighted the spreadsheet that showed the results of the two (2) proposed bond issues and their effect on the fund balance. Councilmember Don Langston questioned the fund balance calculations. City Manager Parker explained that these numbers included a two percent (2%) assumed growth factor and the payment of existing debt. City Manager Parker explained the additions and changes to the project options that were not included in the packet. City Manager Parker also explained the term of street “reconditioning”. Deputy City Manager Keith Wright then presented a Power Point of all the proposed projects by Ward. Projects for Ward No. 1 included renovations to Brandon Park, reconditioning of Atkinson Drive, Third Street and a new Municipal Court Building. Deputy City Manager Wright stated that the new Municipal Court would be built next to the Fire Administration Building. Councilmember Don Langston commented that Council needed to see an existing inventory of City owned properties, to be able to consider all options before building a new facility. Councilmember Langston stated that all factors needed to be considered prior to constructing a new building.

Ward No. 2 projects included the construction of a new Fire Station No. 5, construction of a Zoo Commissary, reconditioning of Moffett Road, Knight Street reconstruction, reconstruction of Spence Street and the construction of the Zoo Walking Trail. Councilmember Rufus Duncan questioned the reason for the Fire Station being less than the previous station. City Manager Parker explained it was a smaller station with less square footage. Deputy City Manager Wright stated the walking trail would be crushed granite. Councilmember Langston asked who would maintain the trail. Deputy City Manager Wright stated that the Parks and Recreation Department would maintain the trail.

Deputy City Manager Wright stated that Ward No. 3 projects included the construction of a Skate Park at the existing Kiwanis Park tennis courts. Deputy City Manager Wright stated that there was a lot of skate board activity in the City that was detrimental to buildings and landscapes. Deputy City Manager Wright stated that this park would provide a place for skateboarders, thereby keeping them off other property. Councilmember Victor Travis questioned whether the City would be liable for injuries that occurred at the Skate Park. City Manager Parker stated that the City would be no more liable than at any other park in the City. Councilmember Langston stated that he did not understand why this project was on the list when it derived from one individual speaking about it at a meeting and was ranked last on the previous Capital Improvement Program sheets. Councilmember Langston stated he would like to see real support for the project before spending the funding. Deputy City Manager Wright highlighted the remainder of projects in Ward No. 3, which included Third Street and Jones Street.

Deputy City Manager Wright stated that the projects for Ward No. 4 included the total reconstruction of Joyce Lane. Deputy City Manager Wright stated that an alternate of this project was also provided in lieu of total reconstruction which would save around one million dollars (\$1,000,000). Councilmember Langston questioned both proposed projects on Joyce Lane; and stated that he had not seen any increase in normal traffic, only bus traffic during the school year. Councilmember Langston stated that he had heard concerns that if the City reconstructed and widened Joyce Lane, traffic would increase due to the street becoming a cut through from Highway 69 South. Deputy City Manager Wright then highlighted the Champions Drive project in Ward No. 4.

Deputy City Manager Wright then highlighted the projects for Ward No. 5 which included the North Brentwood Drive extension. Deputy City Manager Wright stated that all property and easements needed would be donated by the property owners; the cost was for the construction of the road only. Councilmember Torres confirmed that the project did include a bridge. Deputy City Manager Wright stated that there would be either a bridge or large culvert. Deputy City Manager Wright explained the remainder of the projects in Ward No. 5 that included the repair of Carriage Drive in the Settlement, repair of Tom Temple Boulevard and the repair of Pershing Avenue.

Deputy City Manager Wright continued to explain the projects for Ward No. 6 that included Windsor Drive repairs and repairs to Hill Street. City Manager Parker stated that Staff would stand ready to answer any questions. City Manager Parker continued that Option No. 3 would allow the inclusion of all streets identified; however, City Council could recommend other streets or projects.

City Manager Parker stated that Staff would ask that Council provide direction on how to proceed. Councilmember Langston stated that some of these projects seemed to be new and some that were needed from the previous ranking were not included. Councilmember Langston stated that he could not make a decision on the program without having more information and questioned whether bonds needed to be issued at all. Councilmember Langston stated that reserve funds needed to be looked at along with the funding for the street overlay program. Councilmember Sarah Murray stated that there was too much information to be able to make a decision on the Capital Improvement Program in one meeting. Councilmember Duncan stated that bonds should only be issued if necessary, and he would rather see funds used to repave roads in the City, than unnecessary projects completed. City Manager Parker stated that overlay funds had been reduced to six hundred thousand dollars (\$600,000) over the years, but overlay could not be done out of bond funds, only reconstruction. Councilmember Duncan stated that funding for street projects could be derived from lowering the debt portion of the tax rate and adding that reduction back to the operation and maintenance portion next year. Councilmember Langston stated that should the City have more road maintenance than allotted for in the General Fund; then the General Fund needed to be altered to accommodate the needed road maintenance.

Councilmember Lynn Torres moved to table approval of the 2012/2013 Capital Improvement Program. Councilmember Robert Shankle seconded the motion and a unanimous vote to table the item was recorded.

Councilmember Duncan requested that a list of city streets by ward and their condition be provided to Council. Deputy City Manager Wright stated that it would be provided.

Mayor Bob Brown recessed the regular session at 7:09 p.m. to enter into Executive Session.

16. **EXECUTIVE SESSION:** In accordance with the Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Regular Session Agenda item requiring confidential, attorney/client advices necessitated by the deliberation or discussion of said items (as needed), and real estate, demolition of buildings, or appointments to boards and personnel may be discussed.

Mayor Bob Brown reconvened the regular session at 8:10 p.m.

17. **INCENTIVES FOR PROJECT DOLPHIN- APPROVED.**


Mayor Bob Brown stated that the next item was to consider approval of incentives for Project Dolphin.

Councilmember Lynn Torres moved to approve the incentives for Project Dolphin as discussed in Executive Session. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

18. **DISCUSSION OF ITEMS OF COMMUNITY INTEREST, INCLUDING EXPRESSIONS OF THANKS, CONGRATULATIONS OR CONDOLENCE; INFORMATION REGARDING HOLIDAY SCHEDULES; HONORARY RECOGNITIONS OF CITY OFFICIALS, EMPLOYEES OR OTHER CITIZENS; REMINDERS ABOUT UPCOMING EVENTS SPONSORED BY THE CITY OR OTHER ENTITY THAT IS SCHEDULED TO BE ATTENDED BY CITY OFFICIALS OR EMPLOYEES; AND ANNOUNCEMENTS INVOLVING IMMINENT THREATS TO THE PUBLIC HEALTH AND SAFETY OF THE CITY.**

City Manager Paul Parker highlighted upcoming meeting and events on the calendar.

19. There being no further business for consideration, the meeting adjourned at 8:15 p.m.



Bob F. Brown, Mayor

Kara Atwood
Kara Atwood, City Secretary

SEAL