

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 17TH DAY OF JANUARY, 2012**

On the 17th day of January, 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:

Jack Gorden, Jr.	Mayor
Don Langston	Mayor Pro-Tem
Victor Travis	Councilmember, Ward No. 1
Robert Shankle	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Phil Medford	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Keith Wright	Deputy City Manager
Bruce Green	City Attorney
Kara Atwood	Administrative Assistant
Rodney Ivy	Human Resource Director
Scott Marcotte	Police Chief
Ted Lovett	Fire Chief
Belinda Southern	Finance Director
Dorothy Wilson	Planning Director
Steve Floyd	Public Works Director
Chuck Walker	City Engineer
Steve Poskey	Street Department Director
Barbara Thompson	Main Street Director
Dale Allred	Inspection Services Director
Mike Akridge	Parks & Recreation Director

being present, and

Renee Thompson	City Secretary
Rufus Duncan	Councilmember, Ward No. 5

being absent when the following business was transacted.

1. The meeting was opened with prayer by Minister Randy Green, Christ Congregational Church.
2. Mayor Jack Gorden welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of January 3rd, 2012 were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember Victor Travis. A unanimous affirmative vote was recorded.

NEW BUSINESS

7. **CONDUCT A PUBLIC HEARING AND CONSIDER ON FIRST READING AN ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BY CHANGING THE ZONING DESIGNATION OF CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, DESCRIBED AS 2102 SOUTH CHESTNUT STREET AND BEING APPROXIMATELY 1.691 ACRES OF LAND BEING 6836 WINSTON'S FM 58 SUBDIVISION, BLOCK 1, LOT 2 OF THE CITY OF LUFKIN, IN ANGELINA COUNTY, FROM A "RESIDENTIAL LARGE SINGLE FAMILY DWELLING" ZONING DISTRICT TO A "LOCAL BUSINESS" ZONING DISTRICT AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL ZONING MAP AND CHANGE THE DESIGNATION OF THE FUTURE LAND USE PLAN MAP OF THE 2001**

COMPREHENSIVE PLAN FROM "LOW DENSITY RESIDENTIAL" TO "RETAIL".

Mayor Jack Gorden stated that for the convenience of some members of the audience, Item No. 7 on the agenda, a Public Hearing and First Reading of an Ordinance of the City of Lufkin, Texas by changing the zoning designation of certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, described as 2102 South Chestnut Street and being approximately 1.691 acres of land being 6836 Winston's FM 58 Subdivision, Block 1, Lot 2 of the City of Lufkin, in Angelina County, from a "Residential Large Single Family Dwelling" Zoning District to a "Local Business" Zoning District and authorizing the City Planner to make such changes on the Official Zoning Map and change the designation of the Future Land Use Plan Map of the 2001 Comprehensive Plan from "Low Density Residential" to "Retail", would be considered prior to Item No. 4. Mayor Gorden then asked Planning Director Dorothy Wilson, to explain the reason for moving this item to the beginning of the agenda. Planning Director Wilson stated that the owner of the subject property, Keith Green, had asked that the request for rezoning be withdrawn.

Mayor Gorden asked for questions or comments from the Council. There were none.

Councilmember Lynn Torres moved to withdraw Item No. 7, a Public Hearing and First Reading of an Ordinance of the City of Lufkin, Texas, by changing the zoning designation of certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, described as 2102 South Chestnut Street and being approximately 1.691 acres of land being 6836 Winston's FM 58 Subdivision, Block 1, Lot 2 of the City of Lufkin, in Angelina County, from a "Residential Large Single Family Dwelling" Zoning District to a "Local Business" Zoning District and authorizing the City Planner to make such changes on the Official Zoning Map and change the designation of the Future Land Use Plan Map of the 2001 Comprehensive Plan from "Low Density Residential" to "Retail". Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

TABLED BUSINESS:

4. CONSIDER AN ORDINANCE AMENDING THE CODE OF ORDINANCES 26 AND 27 TITLED "ADVERTISING" AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE TITLED "SIGN MAINTENANCE" - TABLED.

Mayor Jack Gorden stated the next item on the agenda was previously tabled in order to allow Staff to revamp the Ordinance. Mayor Gorden stated this agenda item was the consideration of an Ordinance amending the Code of Ordinances 26 and 27 titled "Advertising" and repealing all Ordinances in conflict herewith and establishing an effective date for this Ordinance titled "Sign Maintenance".

City Manager Paul Parker stated as Mayor had requested, Staff had reviewed the Ordinance to make the changes that were requested previously from Council. City Manager Parker furthered that Council had voiced concerns over two portions of the Ordinance in particular; one of which dealt with the feasibility of removing smaller signs by using City forces if the owner so consented and the second being the inclusion of an appeals process. City Manager Parker stated the City's insurance carrier did not recommend that procedure due to the exposure of liability and the question of whether it would be covered by insurance since the signs were on private property. City Manager Parker stated for those reasons, Staff did not recommend adding that provision to the Ordinance. City Manager Parker furthered that City Attorney Bruce Green would explain to Council about the exclusion of the appeals process and the reason it could not be included. City Manager Parker stated this was due to the outcome of a recent court case in Dallas and asked City Attorney Green to explain further. City Attorney Green stated that a recent court decision involving the City of Dallas and an individual by the name of Stewart that dealt mainly with condemnation proceedings, but changed the case law related to any matter that involved the taking of property. City Attorney Green continued that would include condemnation of property, entering property where signs were located or the removal of signs on private property. City Attorney Green stated that the case, Dallas vs. Stewart, was quite different than how these matters are usually handled. City Attorney Green furthered that the Supreme Court of Texas stated the practice

of City committees or boards reviewing these matters or appeals would no longer be granted and that every decision would have to be judged again through the Court system, no matter what the board or committee decided. City Attorney Green continued that this ruling had raised the question of the effectiveness of any committee, such as the Building Committee that makes these decisions regarding condemnation proceedings. City Attorney Green stated this ruling had caused some cities in Texas to stop their enforcement proceedings regarding condemnation matters and that the matter has been returned to the Supreme Court to be readdressed due to the request of a number of cities and the Texas Municipal League. City Attorney Green stated that in the meantime however, this ruling meant that if committees heard and ruled on matters such as condemnations, their proceedings would be as if they never happened and the matter would still have to be brought before a judicial officer. City Attorney Green continued that as a result this Ordinance stated that before any kind of action could be taken, a judicial review would be necessary, which was effectively the same action as a committee appeals process in that it would still be reviewed and that the party against whom action was taken would have their day in court. City Attorney Green furthered that it was effectively one step above the appeal process and reiterated that the Ordinance did not include the appeals process that Council is familiar with, but the provision of requiring the matter to be heard by a judicial officer effectively results in the same thing. City Attorney Green continued that hopefully the Dallas vs. Stewart case would not affect other proceedings. City Manager Parker then asked Dale Allred, Building Official, to show Council a few more slides of the type of signage that the Ordinance dealt with. Mr. Allred stated that even with the addition of the requirement of the court order, the notification process including letters and citations was still included, but the Inspections Department would not remove any signs without a court order. Mr. Allred then showed a Power Point presentation that showed a number of signs the proposed Ordinance would address. Mr. Allred also pointed out that some of the cost of removal could be recouped by the sale of the sign materials for salvage. Mayor Gorden asked Mr. Allred to clarify what could be salvaged and what the fairly reasonable cost of removal for a sign would be. Mr. Allred stated that he did not know an exact cost, but during conversation with a local sign contractor, the contractor stated that if the owner would contact them, they might remove the sign for a small cost and the material. Mr. Allred stated that a lot of the signs shown in the Power Point could be easily fixed and reused. Councilmember Don Langston stated that the Construction Committee encouraged City Staff to look for ways to enhance the City of Lufkin, simplify the development process and clean up existing ordinances. Councilmember Langston furthered that he was concerned about the case law City Attorney Green spoke about. Councilmember Langston continued that he was not a proponent of not having an appeals process that would cause the case to be onerous to both the property owner and the City. Councilmember Langston stated that anytime a case went to court, the property owner would have to hire legal counsel and incur other expenses, and he did not feel the intent of the Ordinance was to create unnecessary expense on the City and the property owner to remedy an unsightly condition. Councilmember Langston stated that although he commended the Staff for the hard work put in to enhance the appearance of the City, with the change in the law regarding the appeals process, he had a problem with the Ordinance. Councilmember Langston stated that citizens should have the right to an appeal process and not have to go to court first and that requirement made it difficult for him to support the Ordinance. Mayor Gorden stated the City had a similar situation with dilapidated houses and he wasn't sure of the appeal process for that issue. City Manager Parker stated before this case law, the City had an appeal process prior to the issue going before a court and the difference between housing condemnation and signage was that signage was more an aesthetic problem. City Manager Parker stated that if this case law stands, it will slow down processes for cities but the City will still proceed with condemnation of houses, even though it will be a more lengthy process than in the past. Mayor Gorden asked whether the condemnation process used for houses could be used for signs. City Manager Parker stated that yes, but now they would also have to go before a court, just as houses will. Mayor Gorden questioned whether the housing ordinance could be changed to also address the worst of signage problems. City Attorney Green stated the process would be the same with signs or houses because the court's decision stated that if the City did not have the ruling of the court prior to proceeding with the removal of signs or houses, the City opened itself to "takings claims", or unconstitutional taking, without compensating the individual. City Attorney Green stated that when the judicial court rules, the City does not have the risk of these claims. City Attorney Green furthered the statute of limitations on these claims is ten (10) years, and cities are concerned that cases may be filed on past condemnations. Councilmember Lynn Torres

asked what court jurisdiction the condemnation proceedings would be heard in, either a Municipal Court or County Court. City Attorney Green stated that was a key question, because currently it is being interpreted as District Court; however, it is somewhat unclear under the decision. City Attorney Green stated that it must be heard by a full time judicial officer of a court of record. City Attorney Green continued that should a city have a court of record with a full time judicial officer, that direction could be taken. Councilmember Victor Travis stated Mr. Allred indicated that contractors who would remove signage would be willing to work with owners and some signs were made of valuable material. Councilmember Travis continued maybe that approach should be taken with owners to give them some options and incentive to remove the signage. Councilmember Langston concurred and stated that as the buildings where signage is located are remodeled or repurposed, the permit process could include stipulations to repair or remove the unsafe signage and there were a number of ways to deal with the issue other than taking the issue to a court. Councilmember Langston stated as far as he knew the City had never abused the appeal process associated with City Ordinances and committees were always comprised of members who were a cross section of the community and taken their role seriously; however, it was his opinion that it was an absolute necessity for an appeals process prior to the issue going to court. Councilmember Langston stated that he did not want the City to take the position of bypassing that procedure and cost citizens money to protect their interests. Mayor Gorden agreed with Councilmember Langston, but stated that at this point there was no way around the issue going before a court. Councilmember Langston stated yes, Mayor was correct, should the City choose to pass an Ordinance such as this one. Mayor Gorden stated he did not want to see the City stop pursuing dilapidated housing condemnations, but he understood the process would slow down. Councilmember Langston stated that housing fell into a different area and that the City had a mission for a long time to address dilapidated housing in neighborhoods and he would hate to see it abandoned, but with this sign issue, maybe other avenues should be investigated to deal with the signage. Councilmember Langston continued that now the City had no choice but to take the issue to court. City Attorney Green stated that yes, Section 1.8 of the Ordinance stated enforcement would have to be through the court, but other remedies such as communication, etc. could be used. Mayor Gorden asked whether there were any other options to address this. City Manager Parker stated no, the court ruling left no other option for enforcement other than taking the issue to court. City Manager Parker stated that however, should a sign be a danger, the City could take emergency action to remove it, but most signs the Ordinance would address were not structurally dangerous, just dilapidated. Mayor Gorden asked what the odds were the ruling would be overturned. City Attorney Green stated that since it was a five (5) to four (4) decision and given the large outcry from numerous cities, Staff was hopeful it would be overturned. Mayor Gorden stated he proposed the Ordinance be withdrawn until such time the court ruling was overturned.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to withdraw on First Reading an Ordinance amending the Code of Ordinances 26 and 27 titled "Advertising". Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

TABLED BUSINESS:

5. PRESENTATION BY MARK DUNN OF THE LUFKIN LANDSCAPE TASK FORCE

Mayor Jack Gorden stated the next item on the Agenda was a presentation by Mark Dunn, representative of the Lufkin Landscape Task Force, in regard to the planned improvements in Bronaugh Park. Mayor Gorden also welcomed Genie Flournoy and Joann Tatum, members of the Lufkin Landscape Task Force and expressed his appreciation to the Task Force for their work.

City Manager Parker stated Council was well aware of the work the Task Force had completed in the City, including the landscaping on Gaslight Boulevard and Chamber Park and Rock House renovations. City Manager Parker continued that approximately two (2) years ago, the Task Force approached the City with plans to enhance Bronaugh Park which conceptually included an amphitheater. City Manager Parker furthered that the Task Force had held fundraisers for the project and worked with City Staff on the design and logistics of

the project. City Manager Parker stated the project was ready for detailed plans which would require spending a large amount funding and the Task Force did not want to proceed without Council's approval of the project. City Manager Parker stated Mark Dunn was present to update the Council on the design change and receive approval that the project would be allowed to move forward.

Mark Dunn stated the Task Force had been working for a long time on this and fundraising had been done to assist the project. Mr. Dunn highlighted some of the additional projects completed by the Task Force and stated the avenue of flags, statue of former Mayor Bronaugh and the planting of trees were the first phase of the enhancement plans for Bronaugh Park. Mr. Dunn continued the next phase for Bronaugh Park was the construction of the amphitheater. Mr. Dunn stated the design had changed from the initial concave in-ground structure due to the land and drainage in the park not being suitable for that type of construction. Mr. Dunn stated the plans had been changed to have a grassy knoll built up for seating as shown in the drawings that Council had before them, as well as the installation of sun sail coverings. Mr. Dunn stated he hoped for the plans to mirror the design of City Hall and that the intent of the park and amphitheater was for it to be used as a passive park. Mr. Dunn continued that the Angelina Rotary Club would be partnering with the Task Force to install picnic tables and trash receptacles so City Employees and citizens could enjoy the park. Mr. Dunn stated the Task Force vision for the amphitheater was for it to be used for gatherings and ceremonies such as National Day of Prayer or Flag Day. Mr. Dunn continued that the amphitheater would have a concrete stage area, with wing walls on the rear made of some type of stone. Mr. Dunn furthered that should the Task Force find a partner or receive a large donation, some type of mural similar to those downtown would be painted on the wing walls. Mr. Dunn stated he was not before Council to present an absolute concrete plan of the facility, but to share the basic intent and receive approval to move forward with stage, wing walls and sun sails. Mr. Dunn stated he would be glad to answer any questions. Mayor Gorden asked Mr. Dunn for clarification as to what he was asking for from Council. Mr. Dunn answered that the Task Force was asking for approval to move forward with the construction of the amphitheater. Councilmember Lynn Torres asked Mr. Dunn if there were any services from the City the Task Force would need to move forward with the project. Mr. Dunn stated that the Task Force would need minor engineering services such as the City had provided in the past; including staking the amphitheater location and grading plans and guidance regarding utilities, but the Task Force would not be asking for crews or equipment unless offered. Mr. Dunn continued that the Task Force was actively seeking partners in the community to assist. City Manager Parker stated the Task Force's next step would be to have the engineering and design completed for the footings which would require a significant expenditure of funds, and the Task Force did not want to spend that money without assurance that the City Council would allow the project to move forward. Mr. Dunn also stated if there was enough of the rock left that was reclaimed from the forestry wall, the Task Force intended to use it to maintain the same look as the rest of the park. Councilmember Sarah Murray asked who would be responsible for the maintenance of the park. Mr. Dunn replied the City Parks and Recreation Department would be due to the park being a City property and the design had been presented to the Parks Board and they were unanimously in favor of the project. Mayor Gorden asked whether or not water would drain from the amphitheater. Mr. Dunn replied that yes, it would, and that was the reason for the change in design from the original poured in place concrete benches. Mr. Dunn continued it would be similar in design to Hermann Park and the grassy knoll would slope to provide adequate drainage. Mayor Gorden stated that in the beginning there were plans for restroom facilities but that the cost of those was very steep. Mr. Dunn replied that yes, that there were initial plans for restrooms, but the cost was not within reach of the Task Force and when events were held, portable restrooms would be provided. Mr. Dunn continued that several fundraisers had been held and the Task Force had just under six figures to move forward with the amphitheater and a new donor had talked of joining forces with the Task Force or the possibility of the completion of his own project. Councilmember Travis confirmed the Task Force was asking for approval to move forward and a little "hands-on" help from the City. Mr. Dunn concurred. Councilmember Langston stated it was a wonderful effort and undertaking by the Task Force and expressed appreciation to the City Staff for assisting the Task Force. Councilmember Langston continued his only fear was the Task Force disband and leave the project incomplete. Mr. Dunn assured him the Task Force would not allow that to happen.

Councilmember Langston moved to approve the Lufkin Landscape Task Force to move forward with the construction of the amphitheater in Bronaugh Park. Councilmember Murray seconded the motion. A unanimous vote was recorded.

6. **CONDUCT A PUBLIC HEARING AND CONSIDER ON FIRST READING AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS BY GRANTING A SPECIAL USE PERMIT FOR A PUBLIC BUILDING- CITY, COUNTY, STATE OR FEDERAL GOVERNMENT WITHIN A "RESIDENTIAL SMALL SINGLE FAMILY DWELLING" ZONING DISTRICT ON A CERTAIN TRACT OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, BEING 1400 LUFKIN AVENUE, 0040 QUINALTY J. L. , TRACT 41, CHEROKEE MH PK AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL ZONING MAP AND CHANGE THE DESIGNATION OF THE FUTURE LAND USE PLAN MAP OF THE 2001 COMPREHENSIVE PLAN TO "PUBLIC/SEMI-PUBLIC" - APPROVED.**

Mayor Jack Gorden stated the next item for consideration was to conduct a Public Hearing and consider on First Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a Special Use Permit for a Public Building- City, County, State or Federal Government within a "Residential Small Single Family Dwelling" Zoning District on a certain tract of land within the corporate limits of the City of Lufkin, Texas, being 1400 Lufkin Avenue, 0040 Quinalty J. L. , Tract 41, Cherokee MH PK and authorizing the City Planner to make such changes on the Official Zoning Map and change the designation of the Future Land Use Plan Map of the 2001 Comprehensive Plan to "Public/Semi-Public".

City Manager Paul Parker stated Council was aware that this was the location for the new Central Fire Station and it required a Special Use Permit prior to construction. City Manager Parker continued that the Planning and Zoning Commission and City Staff recommended approval of this request for a Special Use Permit as well as a change in the Future Land Use Plan Map from "Low Density Residential" to "Public/Semi-Public".

Mayor Gorden opened the Public Hearing at 5:53 p.m. and asked anyone who wished to speak on the item to please step forward. There appearing to be no one who wished to speak, Mayor Gorden closed the Public Hearing at 5:54 p.m.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Sarah Murray moved to approve on First Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a Special Use Permit for a Public Building- City, County, State or Federal Government within a "Residential Small Single Family Dwelling" Zoning District on a certain tract of land within the corporate limits of the City of Lufkin, Texas, being 1400 Lufkin Avenue, 0040 Quinalty J. L. , Tract 41, Cherokee MH PK and authorizing the City Planner to make such changes on the Official Zoning Map and change the designation of the Future Land Use Plan Map of the 2001 Comprehensive Plan to "Public/Semi-Public". Councilmember Victor Travis seconded the motion. A unanimous vote was recorded.

8. **CONDUCT A PUBLIC HEARING AND CONSIDER ON FIRST READING AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BEING ORDINANCE 3368, BY AMENDING ARTICLE III, DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT, SECTION 3 – AREA REGULATIONS, 1 FRONT YARD IN THE "CENTRAL BUSINESS", "COMMERCIAL", "LIGHT MANUFACTURING" AND "HEAVY MANUFACTURING" ZONING DISTRICTS; AND PROVIDING AN EFFECTIVE DATE - APPROVED.**

Mayor Jack Gorden stated the next item for consideration was to conduct a Public Hearing and consider on First Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance 3368, by amending Article III, Districts and Specific Requirements pertaining to Each District, Section 3 – Area Regulations, 1 Front Yard in the "Central Business", "Commercial", "Light Manufacturing" and "Heavy Manufacturing" Zoning Districts; and providing an effective date.

City Manager Parker stated that this was another ordinance the Construction Committee, consisting of Mayor Gorden and Councilmembers Langston and Duncan, worked on with Staff to simplify development in the City of Lufkin. City Manager Parker continued that under the present ordinance in both "Central Business" and "Commercial" Zoning Districts, there is no front yard setback required unless a zoning district having a required front yard is located on the same side of the street between intersecting streets and this condition causes a required twenty feet (20') front yard setback. City Manager Parker stated this has caused numerous different setbacks for these zones and this Ordinance would establish a minimum twenty feet (20') front yard setback in "Commercial", "Light Manufacturing", and "Heavy Manufacturing" Zoning Districts and no front yard setback for "Central Business" Zoning Districts. City Manager Parker stated this would make setback requirements more uniform.

Mayor Gorden opened the Public Hearing at 5:56 p.m. and asked anyone who wished to speak on the item to please step forward. Michael Parker, with Everett Griffith and Associates, spoke in favor of the Ordinance. There being no one further, Mayor Gorden closed the Public Hearing at 5:58 p.m.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve on First Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance 3368, by amending Article III, Districts and Specific Requirements pertaining to Each District, Section 3 – Area Regulations, 1 Front Yard in the "Central Business", "Commercial", "Light Manufacturing" and "Heavy Manufacturing" Zoning Districts; and providing an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

9. **CONDUCT A PUBLIC HEARING AND CONSIDER ON FIRST READING AN ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BEING ORDINANCE NO. 3368, BY AMENDING ARTICLE XX, "EXCEPTIONS", 4. "ACCESSORY BUILDINGS" AND AMENDING ARTICLE XXVII "DEFINITIONS"; REPEALING CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE - APPROVED.**

Mayor Jack Gorden stated the next item for consideration was to conduct a Public Hearing and consider on First Reading an Ordinance of the City of Lufkin, Texas, being Ordinance No. 3368, by amending Article XX, "Exceptions", 4. "Accessory Buildings" and amending Article XXVII "Definitions"; repealing conflicting provisions; and providing an effective date.

City Manager Paul Parker stated this was an additional development ordinance that came from the Construction Committee that dealt with accessory buildings on adjoining lots. City Manager Parker stated that currently if a person owned two (2) adjoining lots with a residence on one, and wished to construct an accessory building on the adjoining lot, the property owner would have to re-plat the two (2) lots to remove the lot line and combine the lots into one property. City Manager Parker furthered this Ordinance would allow for the construction of an accessory building on an adjoining lot of the main residence that is owned by the resident and would not require the lot to be re-platted. City Manager Parker stated this occurred frequently when residents constructed pool houses. City Manager Parker furthered that the Ordinance did state the accessory building could not have separate utilities to prevent these buildings from becoming businesses or living quarters.

Mayor Gorden opened the Public Hearing at 5:59 p.m. and asked anyone who wished to speak on the item to please step forward. Michael Parker, with Everett Griffith and Associates, spoke in favor of the Ordinance. There being no one further, Mayor Gorden closed the Public Hearing at 6:01 p.m.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve on First Reading an Ordinance of the City of Lufkin, Texas, being Ordinance No. 3368, by amending Article XX, "Exceptions", 4.

“Accessory Buildings” and amending Article XXVII “Definitions”; repealing conflicting provisions; and providing an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

10. CONDUCT A PUBLIC HEARING AND CONSIDER ON FIRST READING AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BEING ORDINANCE 3368, BY DELETING OF THE CURRENT ARTICLE XXII AND BY ADOPTING A NEW “ARTICLE XXII – OFF STREET PARKING AND LOADING REQUIREMENTS”; AND PROVIDING FOR AN EFFECTIVE DATE - APPROVED.

Mayor Jack Gorden stated the next item for consideration was to conduct a Public Hearing and consider on First Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance 3368, by deleting of the current Article XXII and by adopting a new “Article XXII – Off Street Parking and Loading Requirements”; and providing for an effective date.

City Manager Paul Parker stated this Ordinance was designed for shared parking lots in order for commercial businesses to meet parking requirements and the present Ordinance allowed for shared parking, but was very cumbersome in determining what is allowed. City Manager Parker furthered this Ordinance also allowed for the use of landscape stones instead of impervious surfaces for parking areas and both Staff and the Planning and Zoning Commission recommended approval.

Mayor Gorden opened the Public Hearing at 6:02 p.m. and asked anyone who wished to speak on the item to please step forward. There being no one who wished to speak, Mayor Gorden closed the Public Hearing at 6:03 p.m.

Councilmember Lynn Torres moved to approve on First Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance 3368, by deleting of the current Article XXII and by adopting a new “Article XXII – Off Street Parking and Loading Requirements”; and providing for an effective date. Councilmember Victor Travis seconded the motion. A unanimous affirmative vote was recorded.

11. CONDUCT A PUBLIC HEARING AND CONSIDER ON FIRST READING AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BEING ORDINANCE 3368, BY AMENDING ARTICLE III, “DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT”, IN THE “RESIDENTIAL LARGE SINGLE FAMILY DWELLING” ZONING DISTRICT, SECTION 3, “AREA REGULATIONS” WITH THE ADDITION OF “8. GARAGE”; AND PROVIDING FOR AN EFFECTIVE DATE - TABLED.

Mayor Jack Gorden stated the next item for consideration was to conduct a Public Hearing and consider on First Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance 3368, by amending Article III, “Districts and Specific Requirements Pertaining to Each District”, in the “Residential Large Single Family Dwelling” Zoning District, Section 3, “Area Regulations” with the addition of “8. Garage”; and providing for an effective date.

City Manager Paul Parker stated that the essence of this Ordinance would require the construction of a detached or attached garage for all residences constructed in the “Residential Large Single Family Dwelling” Zone. City Manager Parker stated since this was a change to the Zoning Ordinance, the Planning and Zoning Commission considered this Ordinance and subsequently recommended denial of this Ordinance. City Manager Parker continued that it has been the practice of the Council when an Ordinance is denied by the Planning and Zoning Commission and a super majority vote of the Council, six (6) of seven (7) Councilmembers, is required for passage of the Ordinance, the Ordinance has been tabled should not all seven (7) Councilmembers be present. City Manager Parker continued that it was unfortunate that Councilmember Rufus Duncan was unable to be present due to a meeting out of town and it would be the decision of the Council to either table or move forward with the item.

Councilmember Lynn Torres moved to table on First Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance 3368, by amending Article III, "Districts and Specific Requirements Pertaining to Each District", in the "Residential Large Single Family Dwelling" Zoning District, Section 3, "Area Regulations" with the addition of "8. Garage"; and providing for an effective date. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

12. CONSIDER A TWELVE (12) MONTH AGREEMENT WITH COOK TIRE FOR HEAVY DUTY TRUCK/TRACTOR TIRE SERVICES AS WELL AS PASSENGER CAR AND LIGHT TRUCK SERVICES FOR THE CITY OF LUFKIN FLEET - APPROVED.

Mayor Jack Gorden stated the next agenda item for consideration was a twelve (12) month Agreement with Cook Tire for Heavy Duty Truck/Tractor tire services as well as Passenger Car and Light Truck services for the City of Lufkin Fleet.

City Manager Paul Parker stated for several years, the Fleet Maintenance Department had looked at the possibility of saving money for the City by using one (1) supplier for the City's truck and light duty tire purchases. City Manager Parker stated presently each department made the decision as to where to purchase tires and related services for the vehicles in their department. City Manager Parker stated Staff prepared and hand delivered a request for proposal for tires and related services to all tire companies in the City, as well as placed ads in the newspapers. City Manager Parker stated only one (1) response was received to the request from Cook Tire Company and this would also allow the City to purchase tires through the Texas Multiple Award Schedule (TXMAS), a State awarded contract available to governmental entities. City Manager Parker stated this contract would also allow for more consolidated record keeping on vehicle service and maintenance and Cook Tire would also provide services such as mounting, balancing, flat repair and road service calls. City Manager Parker continued that the City used over one hundred (100) different types of tires. City Manager Parker furthered that Staff recommended Council enter into an agreement with Cook Tire to provide both heavy duty, light truck and passenger car tires and services for the City of Lufkin for a period of one (1) year, with the option to renew the agreement for an additional year should Council and Cook Tire desire.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Lynn Torres move to approve a twelve (12) month Agreement with Cook Tire for Heavy Duty Truck/Tractor tire services as well as Passenger Car and Light Truck tire services for the City of Lufkin Fleet. Councilmember Don Langston seconded the motion. A unanimous vote was recorded.

13. CONSIDER A BID FROM LAYNE CHRISTENSEN COMPANY FOR THE REPLACEMENT OF THE PUMP, MOTOR AND CLEANING FOR WATER WELL NO. 3 IN THE AMOUNT OF ONE HUNDRED EIGHTY-FOUR THOUSAND TWO HUNDRED EIGHTY-SEVEN DOLLARS (\$184,287) AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO. 5), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE WATER AND WASTEWATER DEPRECIATION FUND; AND PROVIDING AN EFFECTIVE DATE - APPROVED.

Mayor Jack Gorden stated the next agenda item for consideration was a bid from Layne Christensen Company for the replacement of the pump, motor and cleaning for Water Well No. 3 in the amount of one hundred eighty-four thousand two hundred eighty-seven dollars (\$184,287) and a Resolution authorizing an Amendment to the 2011/2012 Operating Budget (Budget Amendment No. 5), providing for the supplemental appropriation of funds in the Water and Wastewater Depreciation Fund; and providing an effective date.

City Manager Paul Parker stated the City had recently experienced trouble with Water Well No. 3 and Layne Christensen Company had pulled the pump and determined that the pump and motor needed to be replaced. City Manager Parker continued the pump and motor failed due to the screens in the well being eighty percent (80%) to one hundred percent (100%)

plugged along with suction problems. City Manager Parker furthered once the pump was pulled, it was determined the repair would be well over fifty thousand dollars (\$50,000) and was not an emergency, so the project was bid out. City Manager Parker stated that only one (1) bid was received from Layne Christensen Company in the amount of one hundred eighty-four thousand two hundred eighty-seven dollars (\$184,287) and Staff recommended approval of the bid along with approval of Budget Amendment No. 5, which appropriated funding for the repair of Water Well No. 3. Mayor Gorden asked where funding would come from for this repair. City Manager Parker stated the funding would come from the Water and Sewer Fund Balance. Councilmember Lynn Torres stated after the drought and hot summer the City experienced, she was surprised the City's wells did not experience more problems. Councilmember Victor Travis questioned whether there was any way to determine when the screens were plugged. City Manager Parker stated since the wells were very deep and the screens were in the bottom, there was no way to effectively monitor the condition of the screens other than telescoping the well, which required removal of the pump. Deputy City Manager Keith Wright stated the removal of the pump required a large crane and rig and was expensive. Councilmember Travis then questioned if the flow of water could be monitored to determine if the screens were plugged. Deputy City Manager Wright stated even when the screens were plugged, the well would continue to pump at the same volume, by drawing a higher amount of water through a smaller area, and the only way to monitor the screens without pulling the pump would be to strictly monitor the amperage of the motor on the pump which would still be hard to determine. Councilmember Travis asked how often the screens would get plugged and cause a problem. Deputy City Manager Wright stated that every fifteen (15) to twenty (20) years a well would experience problems. Mayor Gorden asked if any other companies had bid on well repairs. Deputy City Manager Wright stated there was one (1) other company in the past; however, he was not sure if they were still in business. Deputy City Manager Wright continued that the problem with the repair of these wells was they required a very large rig to pull the pump and very few companies had the necessary equipment.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Victor Travis moved to approve a bid from Layne Christensen Company for the replacement of the pump, motor and cleaning for Water Well No. 3 in the amount of one hundred eighty-four thousand two hundred eighty-seven dollars (\$184,287) and a Resolution authorizing an Amendment to the 2011/2012 Operating Budget (Budget Amendment No. 5), providing for the supplemental appropriation of funds in the Water and Wastewater Depreciation Fund; and providing an effective date. Councilmember Lynn Torres seconded the motion. A unanimous vote was recorded.

14. CONSIDER APPROVAL OF THE REPAIR OF WATER WELL NO. 6 IN THE AMOUNT OF ONE HUNDRED THIRTY-ONE THOUSAND TWO HUNDRED FIFTY-SEVEN DOLLARS (\$131,257) TO LAYNE CHRISTENSEN COMPANY AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO. 13), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE WATER AND WASTEWATER DEPRECIATION FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.

Mayor Gorden stated the next item for consideration was the approval of the repair of Water Well No. 6 in the amount of one hundred thirty-one thousand two hundred fifty-seven dollars (\$131,257) to Layne Christensen Company and a Resolution authorizing an Amendment to the 2011/2012 Operating Budget (Budget Amendment No. 13), providing for the supplemental appropriation of funds in the Water and Wastewater Depreciation Fund; and providing an effective date.

City Manager Paul Parker stated this was the emergency well repair that was brought to Council for approval during last summer and that ninety thousand dollars (\$90,000) was allocated for the repair based on the estimate at that time. City Manager Parker continued that the actual repair cost was one hundred thirty-one thousand two hundred fifty-seven dollars (\$131,257) and Staff recommended approval of Budget Amendment No. 13 which would allocate an additional forty-one thousand two hundred fifty-seven dollars (\$41,257) in

funding to finalize payment to Layne Christensen Company for the emergency repair of Water Well No. 6.

Councilmember Lynn Torres moved to approve the repair of Water Well No. 6 in the amount of one hundred thirty-one thousand two hundred fifty-seven dollars (\$131,257) to Layne Christensen Company and a Resolution authorizing an Amendment to the 2011/2012 Operating Budget (Budget Amendment No. 13), providing for the supplemental appropriation of funds in the Water and Wastewater Depreciation Fund; and providing an effective date. Councilmember Robert Shankle seconded the motion. A unanimous vote was recorded.

15. CONSIDER PURCHASES FROM THE POLICE DEPARTMENT'S FORFEITED FUNDS BUDGET 2012 IN THE AMOUNT OF SIXTY-TWO THOUSAND DOLLARS (\$62,000) – APPROVED.

Mayor Jack Gorden stated the next item for consideration was the approval of purchases from the Police Department's Forfeited Funds Budget 2012 in the amount of sixty-two thousand dollars (\$62,000).

City Manager Paul Parker stated this item would be related to Item No. 14 on the agenda. City Manager Parker stated the Police Department Forfeiture Budget stands alone and is comprised of funds from drug seizures and forfeitures. City Manager Parker stated that State Law provided the Police Chief determined the use of the funding with the approval of City Council and each year the Police Chief presented a budget for Council approval. City Manager Parker continued the funding is used to supplement the Police Department budget for training and equipment. City Manager Parker stated the proposed forfeiture budget included twelve thousand dollars (\$12,000) for payment of seized vehicles, forty thousand dollars (\$40,000) for police equipment and ten thousand (\$10,000) for training. City Manager Parker furthered that the funding for equipment would be used in the next item on the agenda for the purchase of a pickup for the Narcotics Division and an upgrade to the Chevy Impalas. City Manager Parker continued that those were the only planned expenditures and Police Chief Scott Marcotte would use the remainder of funding as needed. City Manager Parker stated Staff recommended approval of the Police Forfeiture Budget in the amount of sixty-two thousand dollars (\$62,000) as presented.

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

Councilmember Lynn Torres moved to approve the purchases from the Police Department's Forfeited Funds Budget 2012 in the amount of sixty-two thousand dollars (\$62,000). Councilmember Robert Shankle seconded the motion. A unanimous vote was recorded.

16. CONSIDER PURCHASING TWELVE (12) 2012 CHEVROLET IMPALAS IN THE AMOUNT OF TWO HUNDRED TWENTY-FIVE THOUSAND EIGHT HUNDRED NINETY-TWO DOLLARS (\$225,892) AND ONE (1) CHEVROLET 1500 SILVERADO PICKUP IN THE AMOUNT OF NINETEEN THOUSAND NINE HUNDRED EIGHTY-ONE DOLLARS (\$19,981) FROM CALDWELL COUNTRY THROUGH BUYBOARD - APPROVED.

Mayor Gorden stated the next item for consideration was the purchase of twelve (12) 2012 Chevrolet Impalas in the amount of two hundred twenty-five thousand eight hundred ninety-two dollars (\$225,892) and one (1) Chevrolet 1500 Silverado Pickup in the amount of nineteen thousand nine hundred eighty-one dollars (\$19,981) from Caldwell Country through the Buy Board.

City Manager Paul Parker stated these vehicles were for the Police Detectives and Staff requested to purchase twelve (12) 2012 Chevrolet Impalas that would replace the current 2004 Ford Fusions. City Manager Parker continued the purchase of these vehicles had been in the Amortization Schedule for replacement for the last two (2) years, however Staff determined that these vehicles could still be used and pushed the purchase of new vehicles back. City Manager Parker continued that the cost of the 2012 Chevrolet Impalas was eighteen thousand seven hundred ninety one dollars (\$18,791) per unit for a total of two

hundred twenty-five thousand four hundred ninety-two dollars (\$225,492), plus a four hundred dollar (\$400) Buy Board Fee. City Manager Parker furthered that part of the total included one hundred ninety-five dollars (\$195) per unit to move the shift control from the floor to the steering column to make the installation of police equipment easier and this upgrade would be paid for from the Police Forfeiture Budget. City Manager Parker stated that Staff also requested approval for the purchase of a 2012 Chevrolet Silverado Pickup for the Narcotics Division in the amount of nineteen thousand nine hundred eighty-one dollars (\$19,981) and this purchase would also be from the Police Forfeiture Budget.

Councilmember Lynn Torres asked if the current vehicles would be disposed of through the auction process. City Manager Parker stated that yes, they would be auctioned. Mayor Gorden asked if the Department had considered looking at models that would have a better resale value. City Manager Parker stated Staff looked more at the life of the vehicle and dependability since the cars were used for seven (7) or eight (8) years before being replaced.

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

Councilmember Lynn Torres moved to approve the purchase of twelve (12) 2012 Chevrolet Impalas in the amount of two hundred twenty-five thousand eight hundred ninety-two dollars (\$225,892) and one (1) Chevrolet 1500 Silverado Pickup in the amount of nineteen thousand nine hundred eighty-one dollars (\$19,981) from Caldwell Country through the Buy Board. Councilmember Robert Shankle seconded the motion. A unanimous vote was recorded.

17. CONSIDER A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO. 14), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE 2010 CAPITAL IMPROVEMENTS FUND AND WATER AND WASTEWATER DEPRECIATION FUND; AND PROVIDING AN EFFECTIVE DATE - APPROVED.

Mayor Gorden stated the next item for consideration was a Resolution authorizing an Amendment to the 2011/2012 Operating Budget (Budget Amendment No. 14), providing for the supplemental appropriation of funds in the 2010 Capital Improvements Fund and Water and Wastewater Depreciation Fund; and providing an effective date.

City Manager Parker stated that as projects close out during the year, it is necessary to adjust budgets to close or realign those projects. City Manager Parker stated the Columbine Storm Sewer Drainage Improvement Project was completed and the project was under budget by forty-six thousand five hundred one dollars (\$46,501) and those funds would be returned to the Fund Balance. City Manager Parker continued that the Morris Frank Park Parking Lot project was also completed; however, it was over budget by twenty thousand six hundred thirteen dollars (\$20,613) and would decrease the Fund Balance by that amount. City Manager Parker stated the net effect of these transactions would increase the Fund Balance by twenty-five thousand eight hundred eighty-eight dollars (\$25,888). City Manager Parker stated in the Water and Wastewater Depreciation Fund 380, after Staff reviewed the two (2) grants received for the Abitibi Wells, it was determined that the grant match amount was set up incorrectly and the project was over budgeted by one hundred fifty-nine thousand nine hundred fifty-five dollars (\$159,955), and this amount would be returned to the Fund Balance. City Manager Parker furthered that the Abitibi Electrical project in Nacogdoches County had incurred additional expenses in the amount of one hundred eighteen thousand dollars (\$118,000) and would decrease the Fund Balance by that amount. City Manager Parker continued that neither the second EPA grant in the amount of four hundred thousand dollars (\$400,000) awarded for the construction of Water Plant No. 3 at Abitibi, nor the required match for this grant in the amount of three hundred twenty-eight thousand dollars (\$328,000) had been budgeted, and this amendment would set up both the revenue and expenditure budgets for the project. City Manager Parker continued that this transaction would decrease the Fund Balance by three hundred twenty-eight thousand dollars (\$328,000). City Manager Parker continued that the net effect of these transactions would decrease the Fund Balance by two hundred eighty-six thousand forty-five dollars (\$286,045) and Staff recommended approval of Budget Amendment No. 14.

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

Councilmember Victor Travis moved to approve an Amendment to the 2011/2012 Operating Budget (Budget Amendment No. 14), providing for the supplemental appropriation of funds in the 2010 Capital Improvements Fund and Water and Wastewater Depreciation Fund; and providing an effective date. Councilmember Don Langston seconded the motion. A unanimous vote was recorded.

18. CITY MANAGER'S REPORT

Mayor Gorden stated the next item on the Agenda was the City Manager's Report. City Manager Parker stated that due to the Holidays, Council had received this report at the last Council meeting and the only significant update was the increase in Sales Tax in the amount of 2.4%. City Manager Parker stated unless Council had specific questions regarding the report, he would not go into detail on the report and that financially the City was in good shape and all projects were moving forward as scheduled.

19. Mayor Jack Gorden recessed the Regular Session at 6:25 p.m. to enter into Executive Session.

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 Jack Gorden reconvened the Regular Session at 6:40 p.m.

20. 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

Mayor Gorden stated that the next item for consideration was the 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 Parker stated that Council had the calendar of upcoming events before them and reminded them of the upcoming Chamber Banquet. City Manager Parker also announced the hiring of Kara Atwood as City Secretary and reminded Council of the retirement reception planned for current City Secretary Renee Thompson on Tuesday, January 31st at 2:00 p.m. in the Atrium of City Hall.

21. There being no further business for consideration, the meeting adjourned at 6:45 p.m.



Jack Gorden, Mayor



Kara Atwood, City Secretary