

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
LUFKIN, TEXAS HELD ON THE 21<sup>st</sup> DAY OF AUGUST, 2012.**

On the 21<sup>st</sup> day of August, 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
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
Lance Moore	Civic Center Director

being present when the following business was transacted.

1. The meeting was opened with prayer by Pastor Randy Brown, Calvary Baptist Church.
2. Mayor Bob Brown welcomed visitors present.

**APPROVAL OF MINUTES**

3. Minutes of the Regular Meeting of August 7, 2012 were approved on a motion by Councilmember Sarah Murray and seconded by Councilmember Lynn Torres. A unanimous affirmative vote was recorded to approve the minutes as presented.

**4. RECOGNITION OF THE LUFKIN LITTLE LEAGUE MAJORS ALL-STAR TEAM.**

Mayor Bob Brown awarded Certificates of Recognition to the Lufkin Little League Majors All-Star Team players, coaches and manager. Mayor Brown commended the team for their achievements and their representation of our community.

**OLD BUSINESS:**

5. **SECOND READING OF AN ORDINANCE PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT, VACATION, AND CLOSURE OF A CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF THE ALLEY THAT LIES IN BLOCK NO. 3 OF THE ANGELINA COUNTY LUMBER CO. ADDITION, HAVING AN ADDRESS OF 811 N. RAGUET STREET, LUFKIN, ANGELINA COUNTY, TEXAS; AND PROVIDING FOR THE CITY MANAGER TO CONVEY BY QUIT CLAIM ALL OF THE CITY'S SAID INTEREST IN SAID ALLEY TO THE ABUTTING PROPERTY OWNER, UPON PAYMENT OF FAIR MARKET VALUE – APPROVED.**

Mayor Bob Brown stated that the next item was to consider on Second Reading an Ordinance providing for the terms and conditions of abandonment, vacation, and closure of a certain tract or parcel of land being a portion of the alley that lies in Block No. 3 of the Angelina County Lumber Co. Addition, having an address of 811 N. Raguet Street, Lufkin, Angelina County, Texas; and providing for the City Manager to convey by quit claim all of the City's said interest in said alley to the abutting property owner, upon payment of fair market value.

City Manager Paul Parker stated that this was the second reading of an Ordinance that would sell a portion of the alley at 811 N. Raguet Street to the abutting property owner, Mr. Ruben Ramos. City Manager Parker continued that the alley had been appraised in accordance with City policy and would be sold to Mr. Ramos for one thousand nine hundred forty-two dollars and eighty-five cents (\$1,942.85). City Manager Parker stated that Staff recommended approval of the sale of the alley to Mr. Ramos.

Councilmember Lynn Torres moved to approve the Second Reading of an Ordinance providing for the terms and conditions of abandonment, vacation, and closure of a certain tract or parcel of land being a portion of the alley that lies in Block No. 3 of the Angelina County Lumber Co. Addition, having an address of 811 N. Raguet Street, Lufkin, Angelina County, Texas; and providing for the City Manager to convey by quit claim all of the City's said interest in said alley to the abutting property owner, upon payment of fair market value. Councilmember Sarah Murray seconded the motion and a unanimous vote was recorded to approve.

**6. SECOND READING OF AN ORDINANCE PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT, VACATION, AND CLOSURE OF A CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF THE ALLEY THAT LIES IN BLOCK NO. 3 OF THE ANGELINA COUNTY LUMBER CO. ADDITION, HAVING AN ADDRESS OF 1108 WEINER STREET, LUFKIN, ANGELINA COUNTY; AND PROVIDING FOR THE CITY MANAGER TO CONVEY BY QUIT CLAIM ALL OF THE CITY'S SAID INTEREST IN SAID ALLEY TO THE ABUTTING PROPERTY OWNER, UPON PAYMENT OF FAIR MARKET VALUE – APPROVED.**

Mayor Bob Brown stated that the next item on the agenda was to consider on Second Reading an Ordinance providing for the terms and conditions of abandonment, vacation, and closure of a certain tract or parcel of land being a portion of the alley that lies in Block No. 3 of the Angelina County Lumber Co. Addition, having an address of 1108 Weiner Street, Lufkin, Angelina County; and providing for the City Manager to convey by quit claim all of the City's said interest in said alley to the abutting property owner, upon payment of fair market value.

City Manager Paul Parker stated that this item was in conjunction with the previous item. City Manager Parker stated this was the remaining portion of the alley mentioned previously. City Manager Parker stated that Mr. Esteban Garcia wished to purchase this property which was adjacent to his property located at 1108 Weiner Street. City Manager Parker stated that the alley costs were split based on square footage and the amount for this portion of the alley was four hundred seventeen dollars and fifty cents (\$417.50). City Manager Parker furthered that Staff recommended Council approve the sale of the portion of the alley to Mr. Garcia.

Councilmember Robert Shankle moved to approve on Second Reading an Ordinance providing for the terms and conditions of abandonment, vacation, and closure of a certain tract or parcel of land being a portion of the alley that lies in Block No. 3 of the Angelina County Lumber Co. Addition, having an address of 1108 Weiner Street, Lufkin, Angelina County; and providing for the City Manager to convey by quit claim all of the City's said interest in said alley to the abutting property owner, upon payment of fair market value. Councilmember Lynn Torres seconded the motion and a unanimous vote was recorded.

**NEW BUSINESS:**

**7. PUBLIC HEARING AND FIRST 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 order of business was to conduct a Public Hearing and consider on First 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 as Council would recall, this tract of land was previously rezoned to relocate a billboard currently located in the downtown area. City Manager Parker stated that this Special Use Permit was being requested in order to place a billboard on the property. City Manager Parker stated that both the Planning & Zoning Commission and Staff recommended approval of the request.

Mayor Brown opened the Public Hearing at 5:15 p.m. and asked anyone who wished to speak to please step forward. There being no one who wished to speak, Mayor Brown closed the Public Hearing and asked for questions or comments from the Council.

Councilmember Lynn Torres moved to approve the First 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. Councilmember Sarah Murray seconded the motion. The motion passed on a six (6) to one (1) vote. Councilmember Rufus Duncan opposed the motion.

**8. PUBLIC HEARING AND FIRST 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 – APPROVED.**

Mayor Bob Brown stated that the next item was to conduct a Public Hearing and Consider on First 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 by Mark Hicks for a Special Use Permit for a wine bar to be located on the first floor of the Angelina Hotel. City Manager Parker continued that there a number of similar businesses located in the downtown area. City Manager Parker furthered that both Staff and the Planning & Zoning Commission recommended approval of the Special Use Permit.

Mayor Brown opened the Public Hearing at 5:18 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 Brown closed the Public Hearing and asked for comments or questions from the Council.

Councilmember Rufus Duncan moved to approve on First 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 Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

**9. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN TEXAS, AUTHORIZING THE CITY OF LUFKIN TO NOMINATE WOODLAND HEIGHTS MEDICAL CENTER L.L.C., TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM (“OOGEDT”) THROUGH THE ECONOMIC DEVELOPMENT BANK (“BANK”) AS AN ENTERPRISE PROJECT (“PROJECT”) – WITHDRAWN.**

Mayor Bob Brown stated that the next item of business was to consider a Resolution of the City Council of the City of Lufkin Texas, authorizing the City of Lufkin to nominate Woodland Heights Medical Center L.L.C., to the Office of the Governor, Economic Development and Tourism (“OOGEDT”) through the Economic Development bank (“BANK”) as an Enterprise Project (“PROJECT”).

Mayor Brown stated that this item had been withdrawn at the request of Woodland Heights and moved to the next item on the agenda.

#### **10. DISCUSSION OF THE FISCAL YEAR 2012-2013 TAX RATE.**

Mayor Bob Brown stated that the next agenda item was the discussion of the Fiscal Year 2012-2013 Tax Rate.

City Manager Paul Parker stated that under the direction of the City Council, Staff prepared the 2012-2013 annual budget with a proposed tax rate of 0.5038; which would be one cent less than the present rate of 0.5138 per one hundred dollar (\$100) valuation. City Manager Parker stated that the City of Lufkin's effective tax rate for this year was 0.509106, which was more than the proposed tax rate. City Manager Parker stated that the effective tax rate was the rate that would generate the same amount of revenue from property tax as the previous year. City Manager Parker then highlighted previous year's tax rates and stated that the 2012 proposed rate would be lower than the 2002 tax rate. City Manager Parker stated that Staff recommended City Council hold a discussion as required by State Law regarding the proposed 2012-2013 tax rate.

Mayor Brown stated that the proposed rate said a lot about the City of Lufkin's management of the tax payer money and commended Staff for their work to lower the tax rate. Councilmember Don Langston stated that City Manager Parker and Staff had drafted honest budgets for the last ten (10) years that truly represented cost and would accomplish all the needs of the citizens. Councilmember Langston also expressed his appreciation to the Staff and City Manager for their efforts. Councilmember Lynn Torres stated that the City of Lufkin was one of the few cities in a position to lower the tax rate and it should be commended. Mayor Brown also commended City Manager Parker and Staff for their efforts.

#### **11. PRESENTATION OF THE CITY OF LUFKIN 2012-2013 DRAFT BUDGET AND PUBLIC HEARING CONCERNING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013 – APPROVED.**

Mayor Bob Brown stated that the next item was the presentation of the City of Lufkin 2012-2013 Draft Budget and a Public Hearing concerning the Budget for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013.

City Manager Paul Parker stated that the proposed budget was prepared with a tax rate of 0.5038, which had been lowered by 9.8% since 2006. City Manager Parker stated that the budget did not include any increase for Solid Waste Rates or Water/Wastewater Rates. City Manager Parker stated that as Council was aware, this year was the fourth year of a planned six percent (6%) water rate increase to pay for the purchase of the Abitibi Water Rights and Water and Sewer Bonds. City Manager Parker stated that under the direction of City Council, the City began to complete the majority of water and sewer construction in house, which has shown a tremendous savings. City Manager Parker stated that therefore, there was no need to issue bonds to complete water and sewer projects. City Manager Parker stated that should these savings continue and proposed industries move into the City, there may not be a need for the increase in the next year.

City Manager Parker stated that the City of Lufkin had excellent personnel and accomplished much more with fewer employees. City Manager Parker continued that Council directed Staff to include a 2.5% cost of living pay increase for all employees as well as fund the Health Insurance Plan for employees with a one-time payment of six hundred thousand dollars (\$600,000). City Manager Parker stated that the significant changes to the proposed budget were highlighted in the Council Packet and he would be glad to answer any questions Council may have. City Manager Parker commended the Staff for their efforts in completing the budget.

Mayor Brown opened the Public Hearing at 5:29 p.m. and asked anyone who wished to speak to please step forward. There being no one who wished to speak, Mayor Brown closed the Public Hearing and asked for comments or motions of the Council.

Councilmember Don Langston moved to accept the 2012-2013 City of Lufkin Annual Budget as presented as well as the proposed tax rate of 0.5038. Councilmember Robert Shankle seconded the motion and a unanimous vote was recorded.

Mayor Brown also commended Staff and Administration for their work on the preparation of the budget.

**12. CONSIDER APPROVAL OF THE RENEWAL OF A WASTEWATER TREATMENT CONTRACT WITH ANGELINA COUNTY – APPROVED.**

Mayor Bob Brown stated that the next item was to consider approval of the renewal of a Wastewater Treatment Contract with Angelina County.

City Manager Paul Parker stated that this was a continuation of an existing agreement that the City of Lufkin presently had with the County to treat the leachate from the County landfill through the City's Wastewater Treatment Plant. City Manager Parker continued that the contract allowed the City to modify the price should events necessitate. City Manager Parker concluded that Staff recommended approval of the renewal of the contract.

Councilmember Rufus Duncan moved to approve the renewal of a Wastewater Treatment Contract with Angelina County. Councilmember Lynn Torres seconded the motion and a unanimous vote was recorded to approve the motion.

**13. ACCEPTANCE OF A GRANT FROM THE DEEP EAST TEXAS REGIONAL ADVISORY COUNCIL (DETRAC) TO THE LUFKIN FIRE DEPARTMENT IN THE AMOUNT OF FIVE THOUSAND EIGHT HUNDRED TWENTY-SIX DOLLARS AND SIXTY CENTS (\$5,826.60) AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO. 30), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.**

Mayor Bob Brown stated that the next item on the agenda was to Consider acceptance of a grant from the Deep East Texas Regional Advisory Council (DETRAC) to the Lufkin Fire Department in the amount of five thousand eight hundred twenty-six dollars and sixty cents (\$5,826.60) and a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No. 30), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date.

City Manager Paul Parker stated that the Lufkin Fire Department had recently received funding from the Deep East Texas Regional Advisory Council (DETRAC) in the amount of five thousand eight hundred twenty-six dollars and sixty cents (\$5,826.60). City Manager Parker furthered that Staff recommended City Council accept the donation for the use of purchasing Smart Battery Systems for the Stryker hydraulic stretchers used by Fire Department personnel to transport citizens. City Manager Parker stated these stretchers allowed for easy transport of citizens and minimized injuries to personnel. City Manager Parker concluded that Staff also recommended the approval of Budget Amendment No. 30.

Councilmember Lynn Torres moved to accept a grant from the Deep East Texas Regional Advisory Council (DETRAC) to the Lufkin Fire Department in the amount of five thousand eight hundred twenty-six dollars and sixty cents (\$5,826.60) and a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No. 30), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date. Councilmember Sarah Murray seconded the motion and a unanimous vote was recorded.

**14. RESOLUTION OF THE CITY OF LUFKIN, TEXAS, ESTABLISHING RENTAL RATES FOR USE OF THE PITSER GARRISON CONVENTION CENTER, EFFECTIVE JANUARY 1, 2013 – APPROVED.**

Mayor Bob Brown stated that the next item for consideration was a Resolution of the City of Lufkin, Texas, establishing rental rates for use of the Pitser Garrison Convention Center, effective January 1, 2013.

City Manager Paul Parker stated that a chart had been provided to Council with the various proposed rates for the Convention Center, along with the existing rate schedule. City Manager Parker stated that the Construction Committee had recently reviewed and approved the proposed rate schedule for the Convention Center. City Manager Parker stated he would be glad to explain the rate schedule in

detail should Council desire. City Manager Parker continued that the proposed deposit schedule was higher due to increasing damage to the facility by renters. City Manager Parker stated the City would honor the existing rates for any event that had been previously booked. City Manager Parker furthered that Staff recommended approval of the rate schedule as proposed.

Mayor Brown asked for comments or questions from the Council. Mayor Brown stated that Staff had done considerable research on the rate schedule.

Councilmember Victor Travis moved to approve a Resolution of the City of Lufkin, Texas, establishing rental rates for use of the Pitser Garrison Convention Center, effective January 1, 2013. Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

**15. RESOLUTION OF THE CITY OF LUFKIN, TEXAS, ESTABLISHING RENTAL RATES FOR USE OF THE PINES THEATER – APPROVED.**

Mayor Bob Brown stated that the next item for consideration was a Resolution of the City of Lufkin, Texas, establishing rental rates for the use of the Pines Theater.

City Manager Paul Parker stated the City would host a series in conjunction with the Lufkin Convention & Visitors Bureau in the Pines Theater; however, when the Theater was not in use, it would be available for rental to both profit and non-profit entities. City Manager Parker stated that the proposed rate schedule was the result of research by Staff. City Manager Parker concluded that Staff recommended approval of the rate schedule as presented.

Councilmember Lynn Torres moved to approve a Resolution establishing rental rates for the use of the Pines Theater. Councilmember Don Langston seconded the motion and a unanimous vote to approve was recorded.

**16. RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, APPOINTING THE MAYOR, CITY MANAGER, AND CITY SECRETARY AS THE AUTHORIZED SIGNATORIES FOR PAYMENT REQUESTS TO THE TEXAS GENERAL LAND OFFICE FOR HURRICANE IKE ROUND 2.2 GRANT FUNDING – APPROVED.**

Mayor Bob Brown stated that the next item was to consider a Resolution by the City Council of the City of Lufkin, Texas, appointing the Mayor, City Manager, and City Secretary as the authorized signatories for payment requests to the Texas General Land Office for Hurricane Ike Round 2.2 Grant Funding.

City Manager Paul Parker stated that this grant funding had not been received; however, grant requirements stated that a Resolution that designated signatories for grant paperwork be approved by the City Council. City Manager Parker stated that this grant funding would be used for the Denman Avenue Drainage Project and the installation of an emergency generator for Water Plant No. 2. City Manager Parker stated that Staff recommended approval of the Resolution.

Mayor Brown asked for comments or questions from the Council.

Councilmember Don Langston moved to approve a Resolution by the City Council of the City of Lufkin, Texas, appointing the Mayor, City Manager, and City Secretary as the authorized signatories for payment requests to the Texas General Land Office for Hurricane Ike Round 2.2 Grant Funding. Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

**17. CITY MANAGER REPORT**

Mayor Bob Brown stated that the next item on the agenda was the City Manager's Report.

City Manager Paul Parker highlighted the Financial Status Report, Capital Improvement Program Status Report and Project Status Report. City Manager Parker highlighted the construction of the Pines Theater; Fire Station No. 3 and the Convention Center. City Manager Parker stated that he would be glad to answer any questions Council might have regarding the reports.

**18. 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 stated that there was not a need to hold an Executive Session and moved to the next item.

**19. 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 the calendar for the upcoming weeks and noted upcoming events such as the Lufkin Bistro and TML Convention.

**20.** There being no further business for discussion, the meeting adjourned at 5:25 p.m.

  
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Bob F. Brown, Mayor

  
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Kara Atwood, City Secretary

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