

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS HELD ON THE 15th DAY OF MAY, 2012.**

On the 15th day of May, 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:

Don Langston	Mayor Pro-Tem
Bob Brown	Mayor Elect
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
Scott Marcotte	Police Chief
Gerald Williamson	Assistant Police Chief
Ted Lovett	Fire Chief
Belinda Southern	Finance Director
Rodney Ivy	Human Resources Director
Steve Floyd	Public Works Director
Steve Poskey	Street Department Director
Dorothy Wilson	Planning Director
Chuck Walker	City Engineer
Jim Wehmeier	Economic Development Director
Barbara Thompson	Main Street Director
Dale Allred	Inspection Services Director
Mike Akridge	Parks & Recreation Director

being present, and

Jack Gorden, Jr.

Mayor

being absent when the following business was transacted.

1. The meeting was opened with prayer by Brother Steve Killam, St. Paul's United Methodist Church.
2. Mayor Pro Tem Don Langston welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of May 1st, 2012, were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember Robert Shankle. A unanimous affirmative vote was recorded.

NEW BUSINESS:

4. **CANVASS OF 2012 CITY OF LUFKIN GENERAL ELECTION AND A RESOLUTION DECLARING THE RESULTS OF THE 2012 CITY OF LUFKIN GENERAL ELECTION – APPROVED.**

Mayor Pro Tem Don Langston stated that the next item for consideration was the Canvass of 2012 City of Lufkin General Election and consideration of a Resolution declaring the results of the 2012 City of Lufkin General Election.

City Secretary Kara Atwood then read the results of the 2012 City of Lufkin General Election as follows:

Canvass of Votes in the Mayor's Race **Bob Brown** **Jack Gorden**

Early Voting

Early Voting Ballots by Mail:	23	10
Early Voting by Personal Appearance:	<u>1031</u>	<u>705</u>

Early Voting Totals: **1054** **715**

Election Day

Ward 1:	27	42
Ward 2:	24	26
Ward 3:	34	32
Ward 4:	131	79
Ward 5:	184	115
Ward 6:	<u>61</u>	<u>52</u>

Election Day Totals: **461** **346**

Total Votes **1515** **1061**

Votes in Ward 4 Councilmember Race **Robert Shankle**

Early Voting

Early Voting Ballots by Mail:	0
Early Voting by Personal Appearance:	<u>92</u>

Early Voting Totals: **92**

Election Day Totals: **40**

Total Votes **132**

Votes in Ward 4 Councilmember Race **Don Langston** **Koshy Alexander**

Early Voting

Early Voting Ballots by Mail:	1	0
Early Voting by Personal Appearance:	<u>333</u>	<u>210</u>

Early Voting Totals: **334** **210**

Election Day Totals: **130** **77**

Total Votes **464** **287**

City Manager Paul Parker stated that after the required canvass of votes Staff recommended Council consider approval of a Resolution confirming the votes and declaring the winners of the 2012 City of Lufkin General Election.

Councilmember Lynn Torres moved to confirm the canvass of votes and approve a Resolution declaring the results of the 2012 City of Lufkin General Election. Councilmember Sarah Murray seconded the motion and a unanimous vote was recorded.

5. OATH OF OFFICE - MAYOR, COUNCILMEMBER WARD NO. 2 AND COUNCILMEMBER WARD NO. 4.

Mayor Pro Tem Don Langston stated that the next item on the agenda was the administration of the Oath of Office to the newly elected Mayor, Councilmember Ward No. 2 and Councilmember Ward No. 4. Mayor Pro Tem Langston continued that the Honorable Judge Paul White of the 159th District Court was present to administer the oaths and thanked him for being present. Judge White then administered the oath of office to Ward No. 2 Councilmember Robert Shankle and Ward No. 4 Councilmember Don Langston. Judge White then administered the oath of office to newly elected Mayor Bob Brown. Mayor Brown expressed his appreciation to those who supported him during the election and thanked Mayor Jack and Mary Jo Gorden for their numerous years of service to the community. Mayor Brown then took his seat at the dais and presided over the meeting.

6. PRESENTATION OF TREE CITY USA CERTIFICATION TO THE CITY OF LUFKIN BY TODD NIGHTINGALE, TEXAS FOREST SERVICE, DISTRICT FORESTER.

Mayor Bob Brown stated that the next item on the agenda was the presentation of the Tree City USA Certification to the City of Lufkin by Todd Nightingale, Texas Forest Service, District Forester.

Mr. Nightingale stated that he was honored to present the Tree City USA Certification to the City of Lufkin. Mr. Nightingale continued that the City of Lufkin initially applied for this certification twenty-eight (28) years ago and had achieved that recognition for twenty-two (22) years. Mr. Nightingale stated the requirements of achieving the Tree City USA Certification and recognized its supporting organizations. Mr. Nightingale recognized the City of Lufkin Tree Board and Angelina Beautiful Clean for their efforts. Mr. Nightingale then asked members of those organizations present to come forward and assist with the presentation of the Tree City Flag to the City Council. Mayor Brown thanked Mr. Nightingale and Amanda Anderson for their efforts. There was no action required for this item.

7. FIRST READING OF AN ORDINANCE PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT, VACATION, AND CLOSURE OF A CERTAIN TRACT OR PARCEL OF LAND BEING AN UNDEVELOPED ALLEY, LYING AND SITUATED WITHIN BLOCK 16 OF THE HERTY SURVEY, OF THE REAL PROPERTY RECORDS OF THE CITY OF LUFKIN, ANGELINA COUNTY, TEXAS, SAID ALLEY BEING SOUTHEAST OF LOTS 6-9 AND NORTHWEST OF 10-12, BEGINNING AT THE NORTHEAST RIGHT-OF-WAY LINE FOR TRACT 177.1 OF THE L. HOLLOWAY SURVEY ABS 0310; AND PROVIDING FOR THE CITY MANAGER TO CONVEY BY QUIT CLAIM ALL OF THE CITY'S 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 for consideration was the First Reading of an Ordinance providing for the terms and conditions of abandonment, vacation, and closure of a certain tract or parcel of land being an undeveloped alley, lying and situated within Block 16 of the Herty Survey, of the real property records of the City of Lufkin, Angelina County, Texas, said alley being southeast of Lots 6-9 and northwest of 10-12, beginning at the northeast right-of-way line for Tract 177.1 of the L. Holloway Survey Abs 0310; and providing for the City Manager to convey by Quit Claim all of the City's interest in said alley to the abutting property owner, upon payment of fair market value.

City Manager Paul Parker stated that this request had been presented to City Council at the May 1st meeting and was simply the formal passage of the required ordinance to sell the alley to Mr. and Mrs. Chavez. City Manager Parker continued that Mr. and Mrs. Chavez owned all of the property adjoining the alley. City Manager Parker stated that the alley had been surveyed by William J. Lyons & Associates and the fair market value of the alley was one thousand sixty-nine dollars (\$1,069). City Manager Parker continued that the cost of the appraisal was four hundred fifty dollars (\$450), which brought the total cost of the alley to one thousand five hundred nineteen dollars (\$1,519). City Manager Parker stated that Staff recommended Council approve on First Reading an Ordinance authorizing the sale of the alley located on McHale Street to Mr. and Mrs. Chavez.

Councilmember Don Langston moved to approve on First Reading an Ordinance providing for the terms and conditions of abandonment, vacation, and closure of a certain tract or parcel of land being an undeveloped alley, lying and situated within Block 16 of the Herty Survey, of the real property records of the City of Lufkin, Angelina County, Texas, said alley being southeast of Lots 6-9 and northwest of 10-12, beginning at the northeast right-of-way line for Tract 177.1 of the L. Holloway

Survey Abs 0310; and providing for the City Manager to convey by Quit Claim all of the City's 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.

8. **ACCEPTANCE OF A DONATION FROM THE LIONS CLUB Z&OO RAILROAD TO THE PARKS AND RECREATION DEPARTMENT IN THE AMOUNT OF FIVE THOUSAND FIVE HUNDRED DOLLARS (\$5,500) AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO. 23), 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 on the agenda was the consideration of acceptance of a donation from The Lions Club Z&OO Railroad to the Parks and Recreation Department in the amount of five thousand five hundred dollars (\$5,500) and a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No. 23), providing for the supplemental appropriation of funds in the Special Recreation Fund; and providing an effective date.

City Manager Paul Parker stated that the Lions Club Z&OO Railroad had graciously donated five thousand five hundred dollars (\$5,500) to the Parks and Recreation Department for continued improvements at Morris Frank Park. City Manager Parker continued that Staff anticipated using this funding to purchase a large fiberglass portable pitching mound and complete improvements to the batting cages. City Manager Parker stated that this pitching mound would allow all ages to have a pitching mound instead of just flat ground. City Manager Parker continued that Staff recommended Council accept the donation and approve Budget Amendment No. 23. City Manager Parker furthered that Staff also requested that Council express their appreciation to the Z&OO Railroad for this generous donation.

Councilmember Don Langston moved to approve the acceptance of a donation from The Lions Club Z&OO Railroad to the Parks and Recreation Department in the amount of five thousand five hundred dollars (\$5,500) and a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No. 23), providing for the supplemental appropriation of funds in the Special Recreation Fund; and providing an effective date. Councilmember Lynn Torres seconded the motion. A unanimous vote was recorded. Mayor Brown then expressed his appreciation to the Lions Club for their service to the community.

9. **REQUEST FOR WAIVER OF PAST DUE TAXES ON PROPERTY LOCATED AT 223 LEACH STREET FOR THE NON-PROFIT SARAH'S HOPE CHARITABLE AND EDUCATION FOUNDATION, INC. - APPROVED.**

Mayor Bob Brown stated that the next item on the agenda was the consideration of a request for waiver of past due taxes on property located at 223 Leach Street for the non-profit Sarah's Hope Charitable and Education Foundation, Inc.

City Manager Paul Parker stated that the non-profit Sarah's Hope and Charitable and Education Foundation, Inc. requested that City Council consider the waiver of past due taxes that had accumulated since 1991 on property located at 223 Leach Street. City Manager Parker stated that as Council was aware, this was the old Masonic Lodge property and when the Lodge ceased to function, the taxes were no longer paid. City Manager Parker stated that the Sarah's Hope Foundation had been deeded the property. City Manager Parker continued that the Foundation was now asking the various taxing entities to waive the past due taxes on the property. City Manager Parker then stated that City Attorney Bruce Green had reviewed the request to ensure that it met the requirements of donations by a City. City Attorney Green stated that these requirements included that the donation could not be of any value and if was of value, the donation would be used as a community use facility. City Attorney Green continued that the Texas Constitution prohibited anything of value be donated by a municipality and donations must be used for a public purpose. Councilmember Rufus Duncan questioned whether a City could donate City owned property to a non-profit organization. City Attorney Green answered that the Constitution stated that if the property was of value, the City could not give it away unless it was used for a public purpose. City Manager Parker stated that the City has given property to Habitat for Humanity under this statute in the past. Councilmember Victor Travis questioned whether the building was going to be restored. Ms. Guessippina Bonner stated that she was the Executive Director for the Sarah's Hope Charitable

and Education Foundation, Inc. Ms. Bonner stated it was the intent of the Foundation to restore the building. Ms. Bonner continued that when the group initially looked at the building she asked Mr. Rodney Moore, a local developer and contractor, to inspect the building to see if it could be restored. Ms. Bonner continued that Mr. Moore determined the building could be restored and had great historical value. Ms. Bonner stated that the Foundation wished to share the building with community and the children to promote its history. Ms. Bonner stated she also had a plan to restore the building and had also spoken to Mr. Dale Allred, City of Lufkin Building Official, in regard to the code requirements for the building.

Councilmember Victor Travis moved to approve the request for a waiver of past due taxes on property located at 223 Leach Street for Sarah's Hope Charitable and Education Foundation, Inc. Councilmember Robert Shankle seconded the motion and a unanimous vote was recorded.

10. **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 no need for an Executive Session and moved on to the next item.

11. **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 reminded Council of the upcoming Budget Retreat on Thursday at Kurth Lake. City Manager Parker also highlighted the Lufkin Convention and Visitors Bureau meeting and the 4B Meeting on Thursday as well. City Manager Parker highlighted the upcoming Summerfest event on Saturday, the Texas Annual Forest Country Partnership Luncheon and the DETCOG Annual Meeting. City Manager Parker also noted that the Main Street Flag Day would be held AT 5:30 p.m. on June 14th, 2012. City Manager Parker also stated that the City of Lufkin had once again received the Gold Circle Leadership award for financial transparency from the State of Texas Comptroller's office and commended the Finance Department for achieving this recognition.

12. There being no further business, the meeting adjourned at 5:35 p.m.



Bob F. Brown, Mayor



Kara Atwood, City Secretary