

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS HELD ON THE 19th DAY OF FEBRUARY, 2013.**

On the 19th day of February, 2013, 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
Sarah Murray	Councilmember, Ward No. 6
Keith Wright	Deputy City Manager
Bruce Green	City Attorney
Kara Atwood	City Secretary
Rodney Ivy	Human Resources Director
Scott Marcotte	Police Chief
Gerald Williamson	Assistant Police Chief
Ted Lovett	Fire Chief
Belinda Southern	Finance Director
Dorothy Wilson	Planning Director
Chuck Walker	Public Utilities Director
Steve Floyd	Public Works Director
Steve Poskey	Street Department Director
Mike Akridge	Parks & Recreation Director
Barbara Thompson	Main Street Director
Dale Allred	Inspection Services Director

being present; and

Rufus Duncan	Councilmember, Ward No. 5
Paul L. Parker	City Manager

being absent when the following business was transacted.

1. The meeting was opened with prayer by Deputy City Manager Keith Wright.
2. Mayor Bob Brown welcomed visitors present and recognized the members present from Boy Scout Troop 140.

APPROVAL OF MINUTES

3. Minutes of the Regular Meeting of February 5th, 2013 were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember Sarah Murray. A unanimous affirmative vote was recorded to approve the minutes as presented.

OLD BUSINESS:

4. **SECOND READING OF AN ORDINANCE PROVIDING FOR THE CALLING AND ORDERING OF A GENERAL ELECTION FOR THE CITY OF LUFKIN, TEXAS TO BE HELD AT TWO POLLING PLACES IN LUFKIN, TEXAS ON MAY 11, 2013 BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M. FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR WARD NO. 1 AND COUNCILMEMBER FOR WARD NO. 3; FOR THREE (3) YEARS TERMS; AND PROVIDING FOR THE NECESSARY NOTICES AND FIXING THE DATE – APPROVED.**

Mayor Bob Brown stated the next order of business was to consider on Second Reading an Ordinance providing for the calling and ordering of a General Election for the City of Lufkin, Texas to be held at two polling places in Lufkin, Texas on May 11, 2013 between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of electing a Councilmember for Ward No. 1 and Councilmember for Ward No. 3; for three (3) years terms; and providing for the necessary notices and fixing the date.

Deputy City Manager Keith Wright stated this was simply the second reading of the Ordinance that called for the 2013 City of Lufkin General Election for Councilmembers for Ward No. 1 and Ward No. 3. Deputy City Manager Wright also reminded City Council that this Ordinance moved the polling place for Ward No. 3 from Herty School on Paul Avenue to the old Armory Building, which was a more accessible location.

Councilmember Robert Shankle moved to approve on Second Reading an Ordinance providing for the calling and ordering of a General Election for the City of Lufkin, Texas to be held at two polling places in Lufkin, Texas on May 11, 2013 between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of electing a Councilmember for Ward No. 1 and Councilmember for Ward No. 3; for three (3) years terms; and providing for the necessary notices and fixing the date. Councilmember Victor Travis seconded the motion and a unanimous vote to approve was recorded.

TABLED BUSINESS:

5. RESOLUTION OF THE CITY OF LUFKIN, TEXAS ("CITY") ADOPTING TAX ABATEMENT GUIDELINES GOVERNING TAX ABATEMENT AGREEMENTS FOR PROPERTIES LOCATED IN THE CITY'S ENTERPRISE ZONE – APPROVED.

Mayor Bob Brown stated the next agenda item was to consider a Resolution of the City of Lufkin, Texas ("City") adopting Tax Abatement Guidelines governing tax abatement agreements for properties located in the City's Enterprise Zone.

Deputy City Manager Keith Wright stated that as City Council was aware, this item was previously tabled to allow ample time for Councilmembers to review the guidelines. Deputy City Manager Wright continued that the proposed Resolution adopted guidelines for tax abatements offered by the City of Lufkin and was required by State law. Deputy City Manager Wright briefly reviewed the guidelines and stated that the very complicated point system previously used to establish tax abatements had been eliminated. Deputy City Manager Wright continued that the guidelines established two (2) main criteria and minimum threshold eligibility requirements based on capital investment and job creation. Deputy City Manager Wright stated the guidelines also set tax abatements for different time periods, not ten (10) years as the previous guidelines stated. Deputy City Manager Wright stated Staff would be glad to answer any questions and recommended approval of the Resolution.

Mayor Bob Brown asked for questions or comments from the City Council.

Councilmember Lynn Torres stated these guidelines had been reviewed by the 4B Board, and the Board unanimously recommended that City Council approve the Resolution that adopted the proposed Tax Abatement Guidelines.

Councilmember Don Langston moved to approve a Resolution of the City of Lufkin, Texas ("City") adopting Tax Abatement Guidelines governing tax abatement agreements for properties located in the City's Enterprise Zone. Councilmember Lynn Torres seconded the motion. A unanimous vote to approve was recorded.

NEW BUSINESS:

6. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BY GRANTING A SPECIAL USE PERMIT FOR INDOOR COMMERCIAL RECREATION AND ENTERTAINMENT WITHIN A CENTRAL BUSINESS DISTRICT FOR PROPERTY DESCRIBED AS 3800 DENMAN W.C., BLOCK 2, LOT 1.7 AND PART OF 1.1 OF BLOCK 3, AND MORE COMMONLY KNOWN AS 113 WEST DENMAN AVENUE – APPROVED.

Mayor Bob Brown stated that the next item on the agenda 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 Indoor Commercial Recreation and Entertainment within a Central Business District for property described as 3800 Denman W.C., Block 2, Lot 1.7 and part of 1.1 of Block 3, and more commonly known as 113 West Denman Avenue.

Deputy City Manager Keith Wright stated the applicants, Larry Hunt and Modesta Coronado requested a Special Use Permit for Indoor Commercial Recreation and Entertainment at 113 West Denman Avenue for a sports training center for youth baseball and football training. Deputy City

Manager Wright continued that the property had a "Central Business" zoning designation and was located adjacent to Commercial Bank of East Texas. Deputy City Manager Wright furthered that the owners planned to open the training center to the general public and the facility was approximately five thousand (5,000) square feet in size. Deputy City Manager Wright stated that off street parking was not required; however, the site did provide parking spaces. Deputy City Manager Wright concluded that both Staff and the Planning & Zoning Commission recommended approval of the request for a Special Use Permit.

Mayor Brown opened the Public Hearing at 5:08 p.m. Mr. Larry Hunt, owner of the proposed business stated he would be glad to answer any questions Council might have regarding the business. Councilmember Victor Travis asked if there would be an age limit on patrons. Mr. Hunt stated there would not be an age limit; the business would be open to all ages. Councilmember Travis then asked what the hours of operation would be. Mr. Hunt stated the facility would be open from 4:00 p.m. to 9:00 p.m. on weekdays and from 9:00 a.m. to 7:00 p.m. on weekends. Mr. Hunt stated his intent was to provide the youth of the community a place to receive sports training. There being no one else who wished to speak, Mayor Brown closed the Public Hearing and asked for comments or questions from City Council.

Councilmember Victor Travis stated this would provide a good opportunity for the youth of the community and moved to approve the First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a Special Use Permit for Indoor Commercial Recreation and Entertainment within a Central Business District for property described as 3800 Denman W.C., Block 2, Lot 1.7 and part of 1.1 of Block 3, and more commonly known as 113 West Denman Avenue. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded. Mayor Brown then wished Mr. Hunt good luck in his business endeavor.

7. PRESENTATION ON INTERSTATE 69 PROJECT BY DEPUTY CITY MANAGER KEITH WRIGHT.

Mayor Bob Brown stated the next agenda item was a presentation by Deputy City Manager Keith Wright on the Interstate 69 Project.

Deputy City Manager Keith Wright stated that as City Council was aware, a committee had been recently created in regard to the Interstate 69 Project. Deputy City Manager Wright stated this committee consisted of ten (10) members from the City and Angelina County and was created in order to provide input on the location of I-69, traffic issues and economic values. Deputy City Manager Wright continued that one of the committee's goals was to receive as much input as possible on the project from citizens. Deputy City Manager Wright stated this presentation was for the purpose of providing input and to get the word out to local residents. Deputy City Manager Wright continued that I-69 was a proposed Interstate that included eight (8) states and began in south Texas and continued all the way to Michigan. Deputy City Manager Wright furthered that recently the Federal Highway Administration made a change in guidelines which allowed for portions of highways to be classified as I-69, rather than the whole route being completed prior to Interstate designation. Deputy City Manager Wright stated there were already segments that had received I-69 designation. Deputy City Manager Wright encouraged those present to pick up the provided handouts, which explained the history behind the project and the proposed routes. Deputy City Manager Wright stated that the section through Lufkin/Angelina County, US Highway 59, did not currently meet interstate standards; however the section under construction at US Highway 59 and Loop 287 was being constructed to those standards. Deputy City Manager Wright furthered that there were currently two (2) options for the route through Lufkin/Angelina County; the first to upgrade the existing US 59 corridor, and the second to provide a new route that would skirt the Lufkin area. Deputy City Manager Wright explained the routes on the maps and discussed the pros and cons for each route. Deputy City Manager Wright stated the route that skirted the area could cause a loss of economic development due to it bypassing the area. Deputy City Manager Wright continued that the concerns for the route that followed the existing US Highway 59 included the cost to the City, which would be ten percent (10%) of the cost to purchase rights-of way, the relocation of utilities and the potential loss of retailers. Deputy City Manager Wright stated there were pros and cons to each route and perhaps the best route would be a combination of the two, and route determination was one of the committee's goals. Deputy City Manager Wright stated there would be open house meetings conducted by the Texas Department of Transportation and the dates and times would be published. Deputy City Manager Wright stated there was also a survey on the web and encouraged citizens to go online and take the survey. Deputy City Manager Wright then introduced Kelly Morrison with the Texas Department of Transportation and thanked her for putting together

the presentation. Deputy City Manager Wright then stated he would be glad to answer any questions. Deputy City Manager Wright stated the timeline for the project was an estimated fifteen (15) years; however, no funding had been allocated for the project.

8. FY 2012-2013 STREET RECONSTRUCTION LIST – APPROVED.

Mayor Bob Brown stated the next item on the agenda was to consider approval of the Fiscal Year 2012-2013 Street Reconstruction List.

Deputy City Manager Keith Wright stated that City Council allocated funding each year for the Street Reconstruction Program and streets were reviewed to determine which streets were most in need of repair. Deputy City Manager Wright stated that the Pavement Condition Index (PCI), traffic and citizen complaints were all considered in the determination of which streets in each Ward would be reconstructed. Deputy City Manager Wright stated that Steve Poskey, Street Department Director, would give a presentation of the proposed Street Reconstruction List. Street Department Director Steve Poskey stated that he would highlight the proposed list and reminded City Council that any changes they desired could be made to the program. Director Poskey explained the cost estimate for the program and listed the streets that were proposed for Ward No. 1, which included Paul, Howe, Jackson, Rhodes and Andrews. Councilmember Victor Travis asked how changes to the program would be made. Director Poskey stated that he would be glad to discuss any changes to the program and then process of adding and/or removing streets could be started. Director Poskey listed the streets for the remainder of the Wards in the City. Councilmember Don Langston confirmed that streets in Crown colony would be addressed through the Capital Improvement Program. Director Poskey stated that was correct. Councilmember Sarah Murray questioned when the improvements on Pershing would be completed. Director Poskey stated that the construction on Pershing should be completed within the next few weeks. Councilmember Murray questioned why Schuller Street was not included; that it was almost impassable. Director Poskey stated he would look into the condition of Schuller Street. Director Poskey then asked for comments or questions. Mayor Brown thanked Director Poskey for his presentation.

9. FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF LUFKIN, TEXAS, AMENDING THE ORDINANCE ADOPTING A CLASSIFICATION PLAN FOR THE POLICE DEPARTMENT OF THE CITY OF LUFKIN, TEXAS (ORDINANCE 3312), ESTABLISHING CLASSIFICATIONS AND SETTING THE NUMBER OF AUTHORIZED CIVIL SERVICE POSITIONS, BY INCREASING THE CLASSIFICATION “POLICE OFFICER” (INCLUDING TRAINEES AND PROBATIONARY OFFICERS) BY FIVE (5) POSITIONS, INCREASING THE CLASSIFICATION “SERGEANT” BY ONE (1) POSITION, IN THE POLICE DEPARTMENT; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE – APPROVED.

Mayor Bob Brown stated the next item for consideration was the First Reading of an Ordinance of the City Council of Lufkin, Texas, amending the ordinance adopting a classification plan for the Police Department of the City of Lufkin, Texas (Ordinance 3312), establishing classifications and setting the number of authorized Civil Service positions, by increasing the classification “Police Officer” (including trainees and probationary officers) by five (5) positions, increasing the classification “Sergeant” by one (1) position, in the Police Department; providing for a repealer clause; providing for a severability clause; and establishing an effective date.

Deputy City Manager Keith Wright stated that Items No. 9 and No. 10 were ordinances that were required under Civil Service Chapter 143 of the Texas Local Government Code. Deputy City Manager Wright stated these ordinances simply identified and classified positions in both departments and these were not new positions, only existing positions. Deputy City Manager Wright stated Staff recommended approval of both Ordinances for both departments.

Mayor Bob Brown then asked for questions or comments from City Council.

Councilmember Victor Travis moved to approve on First Reading an Ordinance of the City Council of Lufkin, Texas, amending the ordinance adopting a classification plan for the Police Department of the City of Lufkin, Texas (Ordinance 3312), establishing classifications and setting the number of authorized Civil Service positions, by increasing the classification “Police Officer” (including trainees and probationary officers) by five (5) positions, increasing the classification “Sergeant” by one (1) position, in the Police Department; providing for a repealer clause; providing for a

severability clause; and establishing an effective date. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

10. FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF LUFKIN, TEXAS, AMENDING THE ORDINANCE ADOPTING A CLASSIFICATION PLAN FOR THE FIRE DEPARTMENT OF THE CITY OF LUFKIN, TEXAS (ORDINANCE 2872), ESTABLISHING CLASSIFICATIONS AND SETTING THE NUMBER OF AUTHORIZED CIVIL SERVICE POSITIONS, BY DELETING THE CLASSIFICATION "DRIVER ENGINEER" WITH FIFTEEN (15) POSITIONS, REPLACING IT WITH THE CLASSIFICATION "LIEUTENANT" AND TWENTY-ONE (21) POSITIONS, ADDING A CLASSIFICATION OF "FIRE FIGHTER: TRAINEE PROBATIONARY"; ADDING NINE (9) "FIRE FIGHTER" POSITIONS AND THREE (3) "CAPTAIN" POSITIONS IN THE FIRE DEPARTMENT; PROVIDING FOR A REPEALER CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE – APPROVED.

Mayor Bob Brown stated the next item was to consider on First Reading an Ordinance of the City Council of Lufkin, Texas, amending the ordinance adopting a classification plan for the Police Department of the City of Lufkin, Texas (Ordinance 3312), establishing classifications and setting the number of authorized Civil Service positions, by increasing the classification "Police Officer" (including trainees and probationary officers) by five (5) positions, increasing the classification "Sergeant" by one (1) position, in the Police Department; providing for a repealer clause; providing for a severability clause; and establishing an effective date.

Deputy City Manager Keith Wright stated this was a similar ordinance for the Fire Department as was discussed in Item No. 9.

Mayor Bob Brown then asked for questions or comments from City Council.

Councilmember Lynn Torres moved to approve the First Reading of an Ordinance of the City Council of Lufkin, Texas, amending the ordinance adopting a classification plan for the Police Department of the City of Lufkin, Texas (Ordinance 3312), establishing classifications and setting the number of authorized Civil Service positions, by increasing the classification "Police Officer" (including trainees and probationary officers) by five (5) positions, increasing the classification "Sergeant" by one (1) position, in the Police Department; providing for a repealer clause; providing for a severability clause; and establishing an effective date. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

Mayor Brown then commended the Lufkin Fire Department for honoring the fallen firefighters from Bryan, Texas by lowering the City's flags to half-staff.

Mayor Brown then stated that City Council failed to take action on Item No. 8, which was approval of the Fiscal Year 2012-2013 Street Reconstruction List.

Councilmember Don Langston moved to approve the Fiscal Year 2012-2013 Street Reconstruction List as previously presented. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

11. AWARD OF BID TO N.G. PAINTING, L.P., IN THE AMOUNT OF SEVEN HUNDRED FORTY-SEVEN THOUSAND THREE HUNDRED EIGHTY DOLLARS (\$747,380) FOR THE REHABILITATION OF TWO (2) 2.1 MILLION GALLON GROUND WATER STORAGE TANKS IN CONJUNCTION WITH THE EPA WATER QUALITY PROTECTION GRANT PROGRAM AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2012/2013 OPERATING BUDGET (BUDGET AMENDMENT NO. 11), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE WATER AND WASTEWATER DEPRECIATION FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.

Mayor Bob Brown stated the next order of business was to consider an award of bid to N.G. Painting, L.P., in the amount of seven hundred forty-seven thousand three hundred eighty dollars (\$747,380) for the rehabilitation of two (2) 2.1 million gallon ground water storage tanks in conjunction with the EPA Water Quality Protection Grant Program and a Resolution authorizing an amendment to the 2012/2013 Operating Budget (Budget Amendment No. 11), providing for the

supplemental appropriation of funds in the Water and Wastewater Depreciation Fund; and providing an effective date.

Deputy City Manager Keith Wright stated that in 2009, the City received two (2) grants from the Environmental Protection Agency (EPA) Water Quality Protection Program in the total amount of eight hundred twenty-five thousand dollars (\$825,000). Deputy City Manager Wright stated this grant required a forty-five percent (45%) match in the amount of six hundred seventy-five thousand dollars (\$675,000). Deputy City Manager Wright stated this grant funding was allocated for the renovation of the two (2) existing 2.1 million gallon water tanks and construction of a water plant at the old Abitibi site. Deputy City Manager Wright stated the repair of the tanks was the first portion of the project. Deputy City Manager Wright stated the low bid on this portion of the project was in the amount of seven hundred forty-seven thousand three hundred eighty dollars (\$747,380) from N.G. Painting, L.P., however, this amount was above the construction estimate. Deputy City Manager Wright stated that Staff felt the shortfall would be made up during the remainder of the project; but if not, Staff would request additional funds if needed from Fund 380. Deputy City Manager Wright continued that Staff also requested City Council approve Budget Amendment No. 11, which combined the two (2) grants into one project. Councilmember Don Langston questioned how many bids were received on the project. Deputy City Manager Wright stated that two (2) bids were received on the project. Councilmember Langston asked how much over budget the project was. Deputy City Manager Wright stated that the project was approximately forty-nine thousand dollars (\$49,000) over budget.

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

Councilmember Robert Shankle moved to approve an award of bid to N.G. Painting, L.P., in the amount of seven hundred forty-seven thousand three hundred eighty dollars (\$747,380) for the rehabilitation of two (2) 2.1 million gallon ground water storage tanks in conjunction with the EPA Water Quality Protection Grant Program and a Resolution authorizing an amendment to the 2012/2013 Operating Budget (Budget Amendment No. 11), providing for the supplemental appropriation of funds in the Water and Wastewater Depreciation Fund; and providing an effective date. Councilmember Don Langston seconded the motion and a unanimous vote to approve was recorded.

12. CITY MANAGER REPORT

Deputy City Manager Keith Wright reviewed the Financial Status Report and highlighted several revenue and expenditure funds and stated the City was in good financial condition. Deputy City Manager Wright reviewed the Project Status Report and stated the Convention Center should be completed soon and highlighted the Capital Improvement Program projects that were underway.

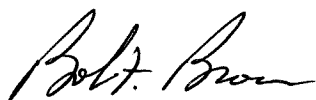
13. EXECUTIVE SESSION

Mayor Bob Brown stated there was no need for City Council to recess into Executive Session and moved to Item No. 14.

14. 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 Bob Brown congratulated Main Street Director on her continued success with the Main Street program. Councilmember Victor Travis thanked the Lufkin Police Department and Detective Jamie Jenkins for their efforts in locating his stolen 4-wheeler which was essential to the community garden he oversees. Councilmember Sarah Murray requested an update on City Manager Paul Parker. Deputy City Manager Keith Wright stated City Manager Parker was doing great and looking forward to being discharged from the hospital and that the prayers for City Manager Parker had been answered. Deputy City Manager Wright then highlighted upcoming events on the calendar that included the NAACP Banquet, Firemen's Pension Board Meeting and the DETCOG meeting.

15. There being no further business for consideration, the meeting adjourned at 5:44 p.m.



Bob F. Brown, Mayor



Kara Atwood, City Secretary

