

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS HELD ON THE 16th DAY OF OCTOBER, 2012**

On the 16th day of October, 2012, the City Council of the City of Lufkin, Texas convened in a Regular Meeting in the Council Chambers of City Hall with the following members, thereof to wit:

Bob Brown	Mayor
Don Langston	Mayor Pro-Tem
Victor Travis	Councilmember, Ward No. 1
Robert Shankle	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Rufus Duncan	Councilmember, Ward No. 5
Sarah Murray	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Keith Wright	Deputy City Manager
Bruce Green	City Attorney
Kara Atwood	City Secretary
Rodney Ivy	Human Resources Director
Scott Marcotte	Police Chief
Gerald Williamson	Assistant Police Chief
Ted Lovett	Fire Chief
Duane Freeman	Assistant Fire Chief
Belinda Southern	Finance Director
Steve Floyd	Public Works Director
Chuck Walker	City Engineer/Public Utilities Director
Michael Akridge	Parks & Recreation Director
Dorothy Wilson	Planning & Zoning Director
Barbara Thompson	Main Street Director
Dale Allred	Inspection Services Director
Gordon Henley	Ellen Trout Zoo Director

being present when the following business was transacted.

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

APPROVAL OF MINUTES

3. Minutes of the Regular Meeting of October 2nd, 2012 were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember Sarah Murray. A unanimous affirmative vote was recorded to approve the minutes as presented.
4. **CEREMONY TO PROMOTE LUFKIN FIREFIGHTER KEVIN CRAWFORD TO THE RANK OF LIEUTENANT AND ADMINISTER THE OATH OF OFFICE TO LUFKIN FIREFIGHTERS TRAVIS KIRTLEY AND SPENCER WOOD. (MAYOR BOB BROWN)**

Mayor Bob Brown administered the oath of Oath of Office to new Lufkin Firefighters Travis Kirtley and Spencer Wood and promoted Lufkin Firefighter Kevin Crawford to the rank of Lieutenant.

NEW BUSINESS:

5. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, CANCELING THE JANUARY 1, 2013 REGULARLY SCHEDULED CITY COUNCIL MEETING – APPROVED.**

Mayor Bob Brown stated that the next agenda item was the consideration of a Resolution of the City Council of the City of Lufkin, Texas, canceling the January 1, 2013 regularly scheduled City Council meeting.

City Manager Paul Parker stated that the first regularly scheduled Council Meeting in January 2013 would fall on New Year's Day and Staff recommended that City Council cancel that meeting. City Manager Parker stated this would allow ample time for the Planning & Zoning Department to conduct any needed advertising for zoning requests.

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

Councilmember Robert Shankle moved to approve a Resolution of the City Council of the City of Lufkin, Texas, canceling the January 1, 2013 regularly scheduled City Council meeting. Councilmember Lynn Torres seconded the motion and a unanimous vote was recorded.

6. ALL MATTERS INCIDENT AND RELATED TO APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, INCLUDING THE ADOPTION OF A RESOLUTION PERTAINING THERETO – APPROVED.

Mayor Bob Brown stated that the next item on the agenda was the consideration of all matters incident and related to approving and authorizing publication of Notice of Intention to Issue Certificates of Obligation, including the adoption of a Resolution pertaining thereto.

City Manager Paul Parker stated that City Council had completed the process of identifying projects for the 2013 Capital Improvement Program. City Manager Parker stated that the projects included the construction of a new fire station, purchase of a new fire engine, street improvements and parks improvements. City Manager Parker stated that the City Council Finance Committee had met with the City's financial advisor earlier and the rate would be approximately 1.9%, should the City maintain its AA credit rating. City Manager Parker stated that the Resolution before the City Council was required and authorized the publication of the notice of intention to issue Certificates of Obligation and Staff recommended approval. Deputy City Manager Keith Wright noted that the notice needed to be amended to include "and land thereof" under section E regarding the Municipal Court project.

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

Councilmember Lynn Torres moved to approve all matters incident and related to approving and authorizing publication of Notice of Intention to Issue Certificates of Obligation, including the adoption of a Resolution pertaining thereto with the adjustment noted. Councilmember Robert Shankle seconded the motion. The motion was approved on a six (6) to one (1) vote with Mayor Bob Brown, Councilmember Victor Travis, Councilmember Robert Shankle, Councilmember Sarah Murray, Councilmember Lynn Torres and Councilmember Rufus Duncan voting to approve and Councilmember Don Langston voting to deny the motion

7. ALL MATTERS INCIDENT AND RELATED TO DECLARING THE EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT, INCLUDING THE ADOPTION OF A RESOLUTION PERTAINING THERETO – APPROVED.

Mayor Bob Brown stated that the next agenda item was to consider all matters incident and related to declaring the expectation to reimburse expenditures with proceeds of future debt, including the adoption of a Resolution pertaining thereto.

City Manager Paul Parker stated that Staff had outlined the projects to be included in the Capital Improvement Program and staff would answer any questions City Council may have. City Manager Parker stated that this bond program could move forward without any increase in tax rates and with the tax rate reduction for this year. City Manager Parker stated that this Resolution would allow the City to move forward with projects prior to receiving bond funds. City Manager Parker stated that Staff recommended approval.

Councilmember Victor Travis moved to approve all matters incident and related to declaring the expectation to reimburse expenditures with proceeds of future debt, including the adoption of a Resolution pertaining thereto. Councilmember Robert Shankle seconded the motion. The motion was approved on a six (6) to one (1) vote with Mayor Bob Brown, Councilmember Victor Travis, Councilmember Robert Shankle, Councilmember Sarah Murray, Councilmember Lynn Torres and Councilmember Rufus Duncan voting to approve and Councilmember Don Langston voting to deny the motion

8. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2012/2013 OPERATING BUDGET (BUDGET AMENDMENT NO. 5), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE ELLEN TROUT ZOO BUILDING FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.

Mayor Bob Brown stated that the next item for consideration was a Resolution authorizing an amendment to the 2012/2013 Operating Budget (Budget Amendment No. 5), providing for the supplemental appropriation of funds in the Ellen Trout Zoo Building Fund; and providing an effective date.

City Manager Paul Parker stated that during the discussion of the Capital Improvement Program, City Council determined that the Zoo Commissary project should be constructed through the Ellen Trout Zoo Building Fund. City Manager Parker continued that this Budget Amendment simply appropriated funding from the Ellen Trout Zoo Building Fund for this project.

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

Councilmember Don Langston moved to approve a Resolution authorizing an amendment to the 2012/2013 Operating Budget (Budget Amendment No. 5), providing for the supplemental appropriation of funds in the Ellen Trout Zoo Building Fund; and providing an effective date. Councilmember Rufus Duncan seconded the motion and a unanimous vote to approve was recorded.

9. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2012/2013 OPERATING BUDGET (BUDGET AMENDMENT NO. 7), PROVIDING FOR SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE 2012 CAPITAL IMPROVEMENT PROGRAM AND THE WATER & WASTEWATER DEPRECIATION FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.

Mayor Bob Brown stated that the next item was the consideration of a Resolution authorizing an amendment to the 2012/2013 Operating Budget (Budget Amendment No. 7), providing for supplemental appropriation of funds in the 2012 Capital Improvement Program and the Water & Wastewater depreciation fund; and providing an effective date.

City Manager Paul Parker stated that this was an item also associated with the Capital Improvement Program. City Manager Parker stated that additional water and sewer funding would be required in the reconstruction of streets. City Manager Parker continued that this Budget Amendment appropriated not only the funding from the Water and Wastewater Fund for water and sewer improvements, but also set up the remainder of the budgets for the Capital Improvement Program projects. City Manager Parker concluded that Staff recommended approval of Budget Amendment No. 7.

Councilmember Robert Shankle moved to approve a Resolution authorizing an amendment to the 2012/2013 Operating Budget (Budget Amendment No. 7), providing for supplemental appropriation of funds in the 2012 Capital Improvement Program and the Water & Wastewater depreciation fund; and providing an effective date. Councilmember Rufus Duncan seconded the motion. The motion was approved on a six (6) to one (1) vote with Mayor Bob Brown, Councilmember Victor Travis, Councilmember Robert Shankle, Councilmember Sarah Murray, Councilmember Lynn Torres and Councilmember Rufus Duncan voting to approve and Councilmember Don Langston voting to deny the motion

10. ACCEPTANCE OF A GRANT FROM THE TEXAS INTRASTATE FIRE MUTUAL AID SYSTEM (TIFMAS) TO THE LUFKIN FIRE DEPARTMENT IN THE AMOUNT OF ONE THOUSAND SIX HUNDRED FIFTY DOLLARS (\$1,650) AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2012/2013 OPERATING BUDGET (BUDGET AMENDMENT NO. 4), 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 was the consideration of the acceptance of a grant from the Texas Intrastate Fire Mutual Aid System (TIFMAS) to the Lufkin Fire Department in the amount of one thousand six hundred fifty dollars (\$1,650) and a Resolution authorizing an amendment to the

2012/2013 Operating Budget (Budget Amendment No. 4), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date.

City Manager Paul Parker stated that the City of Lufkin Fire Department had received funding through the Texas Intrastate Fire Mutual Aid System (TIFMAS) in the amount of one thousand six hundred fifty dollars (\$1,650) to be utilized for tuition reimbursement for fire personnel. City Manager Parker stated Staff recommended approval of Budget Amendment No. 4.

Councilmember Robert Shankle moved to approve the acceptance of a grant from the Texas Intrastate Fire Mutual Aid System (TIFMAS) to the Lufkin Fire Department in the amount of one thousand six hundred fifty dollars (\$1,650) and a Resolution authorizing an amendment to the 2012/2013 Operating Budget (Budget Amendment No. 4), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date. Councilmember Rufus Duncan seconded the motion and a unanimous vote to approve was recorded.

11. ACCEPTANCE OF A DONATION FROM LUFKIN COCA-COLA/SPRITE AND BROOKSHIRE BROTHERS TO THE PARKS AND RECREATION DEPARTMENT IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000) AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2012/2013 OPERATING BUDGET (BUDGET AMENDMENT NO. 6) PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.

Mayor Bob Brown stated the next item was to consider the acceptance of a donation from Lufkin Coca-Cola/Sprite and Brookshire Brothers to the Parks and Recreation Department in the amount of ten thousand dollars (\$10,000) and a Resolution authorizing an amendment to the 2012/2013 Operating Budget (Budget Amendment No. 6) providing for the supplemental appropriation of funds in the General Fund; and providing an effective date.

City Manager Paul Parker stated two leading local corporate sponsors had teamed up with the City of Lufkin to renovate the basketball courts in Brandon Park. City Manager Parker stated that Lufkin Coca-Cola/Sprite and Brookshire Brothers had each donated five thousand dollars (\$5,000) towards the renovation of these courts. City Manager Parker stated that Staff requested that City Council express appreciation to both donors for their generous donations and approve Budget Amendment No. 6 which appropriated the funding.

Councilmember Lynn Torres moved to approve the acceptance of a donation from Lufkin Coca-Cola/Sprite and Brookshire Brothers to the Parks and Recreation Department in the amount of ten thousand dollars (\$10,000) and a Resolution authorizing an amendment to the 2012/2013 Operating Budget (Budget Amendment No. 6) 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 to approve was recorded.

12. AWARD OF BID FOR THE SALE OF REAL PROPERTY LOCATED AT 408 SOUTHPARK DRIVE, LUFKIN, ANGELINA COUNTY, TEXAS – APPROVED.

Mayor Bob Brown stated that the next item on the agenda was the consideration of an award of bid for the sale of real property located at 408 Southpark Drive, Lufkin, Angelina County, Texas.

City Manager Paul Parker stated that during Hurricane Rita, it became apparent that the City of Lufkin lacked the necessary infrastructure to provide fuel for our City fleet during an emergency. City Manager Parker stated that fortunately, Polk Oil Co. provided fuel to the City of Lufkin to allow the City to continue to maintain services for citizens. City Manager Parker stated that as a result of this, City Council authorized Staff to move forward with the construction of a fuel farm for the City of Lufkin. City Manager Parker continued that a parcel of land was purchased for this project located at the Southpark Industrial Subdivision. City Manager Parker stated it was then determined that the best locations for fueling stations were at the existing Solid Waste and Public Works facilities, and the fueling stations were constructed at these locations. City Manager Parker continued that the City no longer had a need for this parcel of land and had recently placed it for sale with a minimum bid of forty-four thousand six hundred sixty-four dollars (\$44,664). City Manager Parker stated that bids were opened on October 15, 2012 and SALH Investments, LLC was the only bidder with a bid amount of forty-five thousand dollars (\$45,000). City Manager Parker concluded

that Staff recommended City Council approve the sale of the property at 408 Southpark to SALH Investments, LLC in the amount of forty-five thousand dollars (\$45,000).

Councilmember Don Langston moved to approve the award of bid for the sale of real property located at 408 Southpark Drive, Lufkin, Angelina County, Texas to SALH Investments, LLC in the amount of forty-five thousand dollars (\$45,000). Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

13. 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 A PORTION OF THE ALLEY THAT LIES IN BLOCK NO. 107 OF THE CITY OF LUFKIN SURVEY, HAVING AN ADDRESS OF 804 N. FIRST STREET, LUFKIN, ANGELINA COUNTY, TEXAS; 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 agenda item was to consider 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 a portion of the alley that lies in Block No. 107 of the City of Lufkin survey, having an address of 804 N. First Street, Lufkin, Angelina County, Texas; 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 the when City closed an alley; the adjacent property owners were afforded the opportunity to purchase the alley. City Manager Parker stated that Item No. 13 and Item No. 14 addressed the same alley; therefore, he would discuss the items collectively. City Manager Parker stated that Mr. Cook wished to purchase the majority of the alley and Mr. Lopez the remainder of the alley. City Manager Parker stated that the portion of the said alley would be sold to Mr. Lopez, the owner of 804 North First Street in the amount of eight hundred forty-five dollars (\$845) which was the pro-rated amount of the appraised cost plus cost of the appraisal and associated filing fees. City Manager Parker stated that Staff recommended City Council approve an Ordinance closing the alley and selling a portion of the alley to Mr. Lopez in the amount of eight hundred forty-five dollars (\$845).

Councilmember Lynn Torres moved to approve 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 a portion of the alley that lies in Block No. 107 of the City of Lufkin survey, having an address of 804 N. First Street, Lufkin, Angelina County, Texas; 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 Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

14. 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 A PORTION OF THE ALLEY THAT LIES IN BLOCK NO. 107 OF THE CITY OF LUFKIN SURVEY, HAVING AN ADDRESS OF 820 N. FIRST STREET, LUFKIN, ANGELINA COUNTY, TEXAS; 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 agenda item was to consider 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 a portion of the alley that lies in Block No. 107 of the City of Lufkin survey, having an address of 820 N. First Street, Lufkin, Angelina County, Texas; 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 this was the remainder of the alley that was discussed in Item No. 13. City Manager Parker stated that Staff recommended City Council approve an Ordinance closing the alley and selling the designated portion to Mr. Cook in the amount of three thousand four hundred five dollars (\$3,405).

Councilmember Robert Shankle moved to approve 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 a portion of the alley that lies in Block No. 107 of the City of Lufkin survey, having an address of 820 N. First Street, Lufkin, Angelina County, Texas; 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 Rufus Duncan seconded the motion and a unanimous vote to approve was recorded.

15. RESOLUTION TO APPLY FOR A 2013/2014 TXCDBG GRANT THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE – APPROVED.

Mayor Bob Brown stated that the next item was to consider and take action regarding a Resolution to apply for a 2013/2014 TxCDBG Grant through the Texas Department of Agriculture.

City Manager Paul Parker stated that the City of Lufkin recently received a grant under this program for the improvements to Lubbock Street. City Manager Parker stated that this grant, if awarded, would be for two hundred seventy-five thousand dollars (\$275,000) and would be slated for improvements to Brandon Park. City Manager Parker continued that there was no City match required for this grant, unless the cost exceeded the grant amount. City Manager Parker stated this project was included in the Capital Improvement Program; but should these funds be awarded, the Capital Improvement Program funding for the Brandon Park project would be re-allocated to other projects. City Manager Parker explained the project and stated that Staff recommended approval of the Resolution to allow for the application of these grant funds.

Councilmember Victor Travis moved to approve a Resolution to apply for a 2013/2014 TxCDBG Grant through the Texas Department of Agriculture. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

16. DENIAL OF CENTERPOINT ENERGY CORPORATION'S STATEMENT OF INTENT FOR AUTHORITY TO INCREASE RATES SUBMITTED ON OR ABOUT JULY 2, 2012 – APPROVED.

Mayor Bob Brown stated that the next item was the consideration of denial of Centerpoint Energy Corporation's statement of intent for authority to increase rates submitted on or about July 2, 2012.

City Manager Paul Parker stated that as City Council would recall, Centerpoint Energy recently proposed a rate increase for all classes of users in our area. City Manager Parker stated that municipalities have the right to contest rate increases. City Manager Parker stated that the City of Lufkin was a member of the Alliance of Centerpoint Municipalities (ACM), which strived to maintain equality in rates. City Manager Parker stated that the ACM had tried to compromise with Centerpoint regarding the rate increases; however, Centerpoint did not wish to do so. City Manager Parker stated that if the City Council so desired, action could be taken to deny the increase, which would force the Texas Railroad Commission to rule on the rate increase. City Manager Parker continued that by challenging this increase, a number of people, not just Lufkin citizens, would benefit. City Manager Parker stated that Staff recommended City Council deny the proposed Centerpoint rate increase. Councilmember Don Langston asked for a list of all those who participated in the ACM. City Manager Parker stated that Staff would provide that list.

Councilmember Rufus Duncan moved to approve the denial of Centerpoint Energy Corporation's statement of intent for authority to increase rates submitted on or about July 2, 2012. Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

Mayor Bob Brown recessed the regular session at 5:35 p.m.

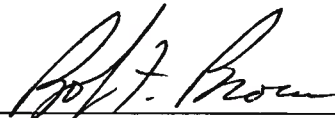
17. EXECUTIVE SESSION: In accordance with the Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Regular Session Agenda item requiring confidential, attorney/client advices necessitated by the deliberation or discussion of said items (as needed), and real estate, demolition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

Mayor Bob Brown reconvened the regular session at 6:10 p.m.

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

City Manager Paul Parker highlighted numerous upcoming events and meetings including the Pines Theater Grand Opening and the TML Convention. City Manager Parker also noted the success of the recent events coordinated by the Lufkin Convention & Visitors Bureau that included the FLW fishing tournament and the Lufkin Bistro.

19. There being no further business for discussion, Mayor Bob Brown adjourned the meeting at 6:25 p.m.



Bob F. Brown, Mayor



Kara Atwood, City Secretary