

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS HELD ON THE 7th DAY OF AUGUST, 2012.**

On the 7th 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
Don Langston
Robert Shankle
Lynn Torres
Rufus Duncan
Sarah Murray
Paul L. Parker
Keith Wright
Bruce Green
Kara Atwood
Rodney Ivy
Scott Marcotte
Gerald Williamson
Ted Lovett
Duane Freeman
Belinda Southern
Steve Floyd
Chuck Walker
Michael Akridge
Dorothy Wilson
Dale Allred
Barbara Thompson
Steve McCool

Mayor
Mayor Pro-Tem
Councilmember, Ward No. 2
Councilmember, Ward No. 3
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
Deputy City Manager
City Attorney
City Secretary
Human Resources Director
Police Chief
Assistant Police Chief
Fire Chief
Assistant Fire Chief
Finance Director
Public Works Director
City Engineer/Public Utilities Director
Parks & Recreation Director
Planning & Zoning Director
Inspection Services Director
Main Street Director
Fire Marshal

being present; and

Victor Travis

Councilmember, Ward No. 1

being absent when the following business was transacted.

1. The meeting was opened with prayer by Marshall Coffee, Central Church of Christ.
2. Mayor Bob Brown welcomed visitors present.

APPROVAL OF MINUTES

3. Minutes of the Regular Meeting of July 17, 2012 were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember Robert Shankle. A unanimous affirmative vote was recorded to approve the minutes as presented.

4. PRESENTATION BY MR. RALPH BEAN REGARDING THE DON BOYD SUMMER CAMP.

Mayor Bob Brown welcomed Mr. Ralph Bean of the Concerned Black Men of Lufkin. Mr. Ralph Bean gave a short presentation regarding the history and activities of the Don Boyd Summer Camp and expressed appreciation to the City Council for their continued support of the camp. Mr. Bean also expressed appreciation to all those in the community who assisted in making the camp a success.

**5. OATH OF OFFICE TO FIREFIGHTERS JERROD JONES AND JONATHAN HAMMOND.
(MAYOR BOB BROWN)**

Mayor Bob Brown administered the Oath of Office to Lufkin Firefighters Jerrod Jones and Jonathan Hammond.

6. ANNOUNCEMENT THAT A PUBLIC HEARING ON THE PROPOSED FY 2012-2013 BUDGET WILL BE CONDUCTED ON AUGUST 21, 2012, AT 5:00 P.M. IN THE LUFKIN CITY COUNCIL CHAMBERS, LOCATED AT 300 EAST SHEPHERD STREET, LUFKIN, TEXAS.

Mayor Bob Brown announced that a Public Hearing on the proposed City of Lufkin Fiscal Year 2012-2013 Budget would be conducted on August 21, 2012 at 5:00 p.m. in the Lufkin City Council Chambers located at 300 East Shepherd Street, Lufkin, Texas.

OLD BUSINESS:

7. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS BY WITHDRAWING THE SPECIAL USE PERMIT, ORDINANCE NO. 3736 AND CHANGING THE ZONING DESIGNATION OF A TRACT OF LAND DESCRIBED AS LOT 3, BLOCK 1 OF THE 4841 LONG BELL LUMBER CO. ADDITION NO. 2, PART OF ALLEY, EXEMPT, AND MORE COMMONLY KNOWN AS 1302 LUFKIN AVENUE, FROM "RESIDENTIAL SMALL SINGLE FAMILY DWELLING" TO "COMMERCIAL" AND CHANGING THE 2001 COMPREHENSIVE PLAN FUTURE LAND USE MAP TO "RETAIL" – APPROVED.

Mayor Bob Brown stated that the next item for consideration was to conduct a Public Hearing and consider on Second Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by withdrawing the Special Use Permit, Ordinance No. 3736 and changing the Zoning Designation of a tract of land described as Lot 3, Block 1 of the 4841 Long Bell Lumber Co. Addition No. 2, part of alley, exempt, and more commonly known as 1302 Lufkin Avenue, from "Residential Small Single Family Dwelling" to "Commercial" and changing the 2001 Comprehensive Plan Future Land Use Map to "Retail".

City Manager Paul Parker stated that as Council was aware, this was a second reading of an Ordinance that would change the zoning from "Residential Small Single Family Dwelling" to "Commercial", change the 2001 Comprehensive Plan Future Land Use Map to "Retail" and remove the Special Use Permit from 1302 Lufkin Avenue, location of the former Mosaic Center. City Manager Parker stated that this was being requested to make the property more attractive for sale. City Manager Parker continued that both staff and the Planning & Zoning Commission recommended approval of this item.

Mayor Brown opened the Public Hearing at 5:14 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 at 5:15 p.m. and asked for comments or motions from the Council.

Councilmember Lynn Torres moved to approve on Second Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by withdrawing the Special Use Permit, Ordinance No. 3736 and changing the Zoning Designation of a tract of land described as Lot 3, Block 1 of the 4841 Long Bell Lumber Co. Addition No. 2, part of alley, exempt, and more commonly known as 1302 Lufkin Avenue, from "Residential Small Single Family Dwelling" to "Commercial" and changing the 2001 Comprehensive Plan Future Land Use Map to "Retail". Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

NEW BUSINESS:

8. 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. 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 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. 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 he would discuss both items eight (8) and nine (9) due to the items being related to one another. City Manager Parker stated that Staff was recently approached by Mr. Ruben Ramos, owner of 811 N. Raguet, who requested the closure of the alley that adjoined his property between Weiner Street and Elm Street. City Manager Parker continued that per the City's policy, all neighbors adjacent to the existing alley were offered the opportunity to purchase one-half of the alley adjacent to their home should they desire. City Manager Parker furthered that Mr. Ruben Ramos has requested to purchase the entire alley with the exception of the portion adjacent to 1108 Weiner Street owned by Mr. Esteban Garcia. City Manager Parker stated that the alley was appraised for one thousand eight hundred dollars (\$1,800) and the appraised value of the alley and the cost of the appraisal by William J. Lyons & Associates in the amount of five hundred sixty dollars (\$560) totaled two thousand three hundred sixty dollars (\$2,360). City Manager Parker continued that the value of the alley and associated costs were split based on square footage between Mr. Ramos and Mr. Garcia and the portion of the alley to be purchased by Mr. Ramos, including the appraised value and appraisal cost was one thousand nine hundred forty two dollars and eighty-five cents (\$1,942.85). City Manager Parker stated that Staff recommended the approval of the Ordinance and the sale of the property to Mr. Ramos.

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

9. 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. 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 was the consideration of an Ordinance on First Reading 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 and was the portion of the alley requested to be purchased by Mr. Esteban Garcia. City Manager Parker stated that this portion of the alley abutted Mr. Garcia's property at 1108 Weiner. City Manager Parker stated that this portion was proposed to be sold for four hundred seventeen dollars and fifteen cents (\$417.15), which was the pro-rated share based on square footage of the entire alley. City Manager Parker concluded that Staff also recommended the approval of this Ordinance and the sale of the portion of the alley to Mr. Garcia.

Councilmember Rufus Duncan 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 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 Robert Shankle seconded the motion and a unanimous vote was recorded.

10. RESOLUTION OF THE CITY OF LUFKIN, TEXAS, ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE TEXAS FOREST SERVICE AND THE LUFKIN FIRE DEPARTMENT – APPROVED.

Mayor Bob Brown stated that the next item was the consideration of a Resolution of the City of Lufkin, Texas, adopting a Memorandum of Understanding between the Texas Forest Service and the Lufkin Fire Department.

City Manager Paul Parker stated that this Resolution authorized the Lufkin Fire Department to enter into a Memorandum of Understanding with the Texas Forest Service. City Manager Parker continued that this agreement would allow the Lufkin Fire Department to purchase gear and equipment through the Government Services Agency (GSA). City Manager Parker stated that purchasing through this agency was the most cost effective manner to purchase firefighting and emergency services equipment. City Manager Parker concluded that Staff recommended approval of the Resolution adopting this agreement.

Mayor Brown asked for motions or comments from the Council.

Councilmember Rufus Duncan moved to approve a Resolution of the City of Lufkin, Texas, adopting a Memorandum of Understanding between the Texas Forest Service and the Lufkin Fire Department. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

11. DONATION OF THE RETIRED HAZ MAT APPARATUS TO THE ANGELINA COUNTY SHERIFF DEPARTMENT'S SWAT TEAM – APPROVED.

Mayor Bob Brown stated that the next item was the consideration of approval of the donation of the retired Haz Mat apparatus to the Angelina County Sheriff Department's SWAT Team.

City Manager Paul Parker stated that Sheriff Kent Henson had requested that the City of Lufkin donate the retired Lufkin Fire Haz Mat Vehicle to the Angelina County Sheriff Department's SWAT Team. City Manager Parker stated that the County wished to use the vehicle to transport the Angelina County SWAT Team. City Manager Parker continued that the vehicle was a 1988 Chevrolet box style truck and had relatively low mileage. City Manager Parker stated that since the purchase of the Lufkin Fire Department Special Operations Unit, there was no longer a need for the vehicle in the Fire Department. City Manager Parker furthered that no other departments in the City had a need for the vehicle either. City Manager Parker concluded that Staff recommended City Council approve the donation of the retired Haz Mat apparatus to the Angelina County Sheriff Department's SWAT Team.

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

Councilmember Robert Shankle moved to approve the donation of the Haz Mat apparatus to the Angelina County Sheriff Department's SWAT Team. Councilmember Sarah Murray seconded the motion and a unanimous vote was recorded.

12. ACCEPTANCE OF A GRANT FROM THE DEEP EAST TEXAS REGIONAL ADVISORY COUNCIL (DETRAC) TO THE LUFKIN FIRE DEPARTMENT IN THE AMOUNT OF ONE THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$1,875) AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO. 28), 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 to consider the acceptance of a grant from the Deep East Texas Regional Advisory Council (DETRAC) to the Lufkin Fire Department in the amount of one thousand eight hundred seventy-five dollars (\$1,875) and a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No. 28), 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 through the Deep East Texas Regional Advisory Council (DETRAC) in the amount of one thousand

eight hundred seventy-five dollars (\$1,875). City Manager Parker stated this funding was for reimbursement for registration for training and conference registration. City Manager Parker furthered that Staff recommended Council accept the grant and approve Budget Amendment No. 28, which allocated the funding from this grant.

Councilmember Lynn Torres moved to accept the grant from the Deep East Texas Regional Advisory Council (DETRAC) to the Lufkin Fire Department in the amount of one thousand eight hundred seventy-five dollars (\$1,875) and approve a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No. 28), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve the motion was recorded.

13. ACCEPTANCE OF A GRANT FROM THE 2012 U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, FY 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM TO THE LUFKIN POLICE DEPARTMENT IN THE AMOUNT OF THIRTEEN THOUSAND THREE HUNDRED NINETY-FIVE DOLLARS (\$13,395) AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO. 29), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE-APPROVED.

Mayor Bob Brown stated that the next agenda item was the consideration of acceptance of a grant from the 2012 U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2012 Edward Byrne Memorial Justice Assistance Grant Program to the Lufkin Police Department in the amount of thirteen thousand three hundred ninety-five dollars (\$13,395) and a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No. 29), 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 Police Department had been approved for the 2012 U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2012 Edward Byrne Memorial Justice Assistance Grant in the amount of \$13,395. These funds would be used for law enforcement related activities including upgrading technology, equipment purchases and/or training. City Manager Parker stated that Staff recommended City Council accept a grant in the amount \$13,395 from the U.S. Department of Justice and approve Budget Amendment No. 29.

Councilmember Don Langston moved to accept a grant from the 2012 U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2012 Edward Byrne Memorial Justice Assistance Grant Program to the Lufkin Police Department in the amount of thirteen thousand three hundred ninety-five dollars (\$13,395) and a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No. 29), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve the motion was recorded.

14. 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 there was no need for Executive Session and moved to the next item.

15. APPOINTMENTS TO THE KURTH MEMORIAL LIBRARY BOARD OF DIRECTORS-APPROVED.

Mayor Bob Brown stated that the next item was the consideration of approval of appointments to the Kurth Memorial Library Board of Directors.

City Manager Paul Parker stated that as Council was aware, nomination for appointment to the Kurth Memorial Library Board must originate with the Library Board. City Manager Parker stated that the Board recently recommended that City Council consider approval of the appointment of James


Blackwood (2nd Term); Jim Haley (2nd Term); and Linda Smelley (1st Term) to serve on the Kurth Memorial Library Board. City Manager Parker stated that the term of officers would begin January 1st, 2013. City Manager Parker stated that Staff recommended City Council confirm the recommendations of the Kurth Memorial Library Board and appoint James Blackwood, Jim Haley and Linda Smelley.

Councilmember Lynn Torres moved to approve the appointment of James Blackwood (2nd Term); Jim Haley (2nd Term); and Linda Smelley (1st Term) to serve on the Kurth Memorial Library Board. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve the motion was recorded.

16. 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 stated there were no events on the calendar to highlight; only the regularly scheduled meetings.

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



Bob F. Brown, Mayor



Kara Atwood, City Secretary

SEAL