

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 3RD, DAY OF SEPTEMBER, 2013.**

On the 3RD day of September, 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
Lynn Torres
Victor Travis
Robert Shankle
Don Langston
Rufus Duncan
Sarah Murray
Paul L. Parker
Kara Atwood
Gerald Williamson
Belinda Southern

Mayor
Mayor Pro-Tem
Councilmember, Ward No. 1
Councilmember, Ward No. 2
Councilmember, Ward No. 4
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
City Secretary
Assistant Police Chief
Finance Director

being present when the following business was transacted.

1. The meeting was opened with a moment of silence in remembrance of Drake Floyd, followed by a prayer by Pastor Cindy Doran, Keltys First United Methodist Church.
2. Mayor Bob Brown welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of August 20, 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. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BY CHANGING THE ZONING DESIGNATION FROM A "PLANNED UNIT DEVELOPMENT" TO A "COMMERCIAL" ZONING DISTRICT AND FROM A "RESIDENTIAL LARGE SINGLE FAMILY DWELLING" TO A "COMMERCIAL" ZONING DISTRICT FOR PROPERTIES COMMONLY KNOWN AS 503 AND 507 HARMONY HILL DRIVE AND CHANGING THE 2001 COMPREHENSIVE PLAN FUTURE LAND USE MAP TO "COMMERCIAL" AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP – APPROVED.**

Mayor Bob Brown stated 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 changing the zoning designation from a "Planned Unit Development" to a "Commercial" zoning district and from a "Residential Large Single Family Dwelling" to a "Commercial" zoning district for properties commonly known as 503 and 507 Harmony Hill Drive and changing the 2001 Comprehensive Plan Future Land Use Map to "Commercial" and authorizing the City Planner to make such changes on the official map.

City Manager Paul Parker stated this was the second reading of the request for a zone change for property located at 503 and 507 Harmony Hill. City Manager Parker stated that as Council was aware the original request included 511 Harmony Hill; however, the owner agreed to withdraw this property from the request.

Mayor Brown opened the Public Hearing at 5:04 p.m. and requested that anyone who wished to speak on the item come forward and state their name for the record. There being no one who wished to speak, Mayor Brown closed the Public Hearing and asked for questions or comments from the City Council.

Councilmember Rufus Duncan moved to approve the Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation from a "Planned Unit Development" to a "Commercial" zoning district and from a "Residential Large Single Family Dwelling" to a "Commercial" zoning district for properties commonly known as 503 and 507 Harmony Hill Drive and changing the 2001 Comprehensive Plan Future Land Use Map to "Commercial" and authorizing the City Planner to make such changes on the official map. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

NEW BUSINESS:

5. EXTENSION OF THE BURN BAN APPROVED BY THE MAYOR FOR SIXTY (60) DAYS OR UNTIL LIFTED BY CITY COUNCIL – APPROVED.

Mayor Bob Brown stated the next item was to consider approval of the extension of the burn ban approved by the Mayor for sixty (60) days or until lifted by City Council.

City Manager Paul Parker stated that State Law allowed a Mayor of a city to enact a burn ban for seven (7) days and then the ban must be renewed. City Manager Parker continued that Mayor Brown had enacted a seven (7) day ban on August 23rd, 2013 and subsequently renewed it on August 30th, 2013. City Manager Parker stated that the request for consideration by City Council was for a sixty (60) day extension of the burn ban, or until lifted by City Council.

Councilmember Victor Travis questioned whether the ban applied to barbeque pits. Lufkin Fire Battalion Chief David Cross stated that the ban did not apply to charcoal or gas fired barbeque pits as long as they were enclosed.

Councilmember Victor Travis moved to approve the extension of the burn ban approved by the Mayor for sixty (60) days or until lifted by City Council. Councilmember Don Langston seconded the motion and a unanimous vote to approve was recorded.

6. FIRST READING OF AN APPROPRIATIONS ORDINANCE ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014 – APPROVED.

Mayor Bob Brown stated the next item was to consider on First Reading an Appropriations Ordinance adopting a Budget for the Fiscal Year beginning October 1, 2013 and ending September 30, 2014.

City Manager Paul Parker stated that City Council had held numerous meetings regarding the budget. City Manager Parker stated the budget included the same tax rate as the previous year of 0.5038, which was slightly above the effective tax rate. City Manager Parker stated the budget included no increase in water, sewer or solid waste rates. City Manager Parker stated the budget also included a 1.5% cost of living increase for employees as well as the creation of a contingency fund for the employee health insurance fund. City Manager Parker stated the significant changes were included in the packet and he would be glad to answer any questions related to the budget.

Councilmember Lynn Torres moved to approve the First Reading of an Appropriations Ordinance adopting a Budget for the Fiscal Year beginning October 1, 2013 and ending September 30, 2014. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

7. PUBLIC HEARING ON THE PROPOSED TAX RATE FOR FISCAL YEAR 2013-2014.

Mayor Bob Brown stated the next item was to conduct a Public Hearing on the proposed tax rate for Fiscal Year 2013-2014.

City Manager Paul Parker stated this was related to the budget; however, the tax rate must be voted on as a separate item. City Manager Parker stated that the proposed tax rate was

0.5038 per one hundred dollars (\$100.00) of valuation, which was the same as last year's rate. City Manager Parker continued that 0.3338 of the rate would be designated for maintenance and operations and 0.1700 for debt retirement. City Manager Parker stated this rate was slightly above the effective tax rate; however, since 2006, the City Council had reduced the tax rate by 9.8%. City Manager Parker concluded that Staff recommended City Council conduct the required Public Hearing on the proposed tax rate.

Mayor Brown opened the Public Hearing at 5:09 p.m. and requested that anyone who wished to speak to please step forward and state their name for the record. There being no one who wished to speak, Mayor Brown closed the Public Hearing.

No action was required for this item.

8. **FIRST READING OF AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF LUFKIN AND PROVIDING FOR THE DEBT SERVICE FUND FOR THE FISCAL YEAR 2014 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE – APPROVED.**

Mayor Bob Brown stated the next item for consideration was to consider on First Reading an Ordinance levying taxes for the use and support of the Municipal Government of the City of Lufkin and providing for the Debt Service Fund for the Fiscal Year 2014 and apportioning each levy for the specific purpose.

City Manager Paul Parker stated this was in conjunction with the previous two items and that State law required that the tax rate be levied by ordinance. City Manager Parker furthered that this Ordinance would set the tax rate for Fiscal Year 2014 at 0.5038, which was above the effective tax rate. City Manager Parker concluded that since the rate was above the effective rate, specific language must be used in the motion to approve.

Councilmember Lynn Torres moved to approve the Ordinance levying taxes and that the property tax rate be increased by the adoption of a tax rate of 0.5038, which is effectively a 0.80 percent increase in the tax rate. Councilmember Don Langston seconded the motion and a unanimous vote to approve was recorded.

9. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, APPROXIMATELY FIVE HUNDRED TWENTY-ONE (521) ACRES OF PROPERTY LOCATED NORTHEAST OF THE CURRENT CITY LIMITS ALONG STATE HIGHWAY 103 EAST, TO THE CITY OF LUFKIN, TEXAS, AND EXTENDING THE BOUNDARIES OF SAID CITY SO AS TO INCLUDE SAID PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF THE SAID CITY – APPROVED WITH MODIFICATIONS.**

Mayor Bob Brown stated the next item on the agenda was to conduct a Public Hearing and consider on First Reading an Ordinance annexing the hereinafter described territory, approximately five hundred twenty-one (521) acres of property located northeast of the current City Limits along State Highway 103 East, to the City of Lufkin, Texas, and extending the boundaries of said City so as to include said property within the City Limits, and granting to said territory and to all future inhabitants of said property all of the rights and privileges of other citizens and binding said future inhabitants by all of the acts and Ordinances of the said City.

City Manager Paul Parker stated this item had been on numerous agendas; most recently in the form of Public Hearings required by law. City Manager Parker stated that a map had been provided which showed the location of the property and property owners proposed for annexation. City Manager Parker explained the designations of each property on the map, including the Industrial District and properties that were eligible for development agreements. City Manager Parker concluded that Staff recommended approval of the Ordinance granting the annexation.

Mayor Brown opened the Public Hearing and requested that anyone who wished to speak on the item please step forward and state their name for the record. Resident Patsy Meadows stated her opposition to the annexation and thanked Mayor and City Council for allowing her to speak. There being no one further who wished to speak, Mayor Brown closed the Public Hearing and asked for comments from the Council.

Councilmember Don Langston stated the original intention of the annexation was to detail with old Abitibi property, which previously had an in-lieu of agreement with the City. Councilmember Langston furthered that there were adjacent properties that wished to be annexed; however, there were some owners who did not wish to be annexed. Councilmember Langston continued that there were a few property owners that had voiced their opposition to annexation. Councilmember Langston stated he had discussed the issue with Staff and asked that City Council consider not annexing those properties.

Councilmember Rufus Duncan proposed another plan for annexation of the properties; however, it would not be allowed due to it not being contiguous to the City limits. Councilmember Duncan asked that the property east of FM 842 and west of FM 842 be excluded. City Manager Parker stated that would be allowed, however, when the Abitibi property was annexed, this property would be annexed as well. City Manager Parker stated this would just prolong the annexation for ten (10) years. Councilmember Robert Shankle stated he agreed with Councilmember Langston.

Councilmember Don Langston moved to approve the annexation with the modification that all property located east of FM 842 and all property located west of FM 842 noted in red and blue on the provided maps be excluded; with the exception of the ONCOR easement and the property that City of Lufkin Water Plant No. 2 is located on. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

10. **ACCEPTANCE OF GRANTS AND DONATIONS TO THE LUFKIN FIRE DEPARTMENT AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2012/2013 OPERATING BUDGET (BUDGET AMENDMENT NO. 20) PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.**

Mayor Bob Brown stated the next item on the agenda was to consider the acceptance of grants and donations to the Lufkin Fire Department and approval of a Resolution authorizing an amendment to the 2012/2013 Operating Budget (Budget Amendment No. 20) 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 received an annual distribution of funds through Deep East Texas Regional Advisory Council (DETRAC). City Manager Parker stated the Department recently received funding in the amount of five thousand fifty (\$5,050) dollars for local Fire and EMS activities. City Manager Parker continued these funds would be used to purchase an additional Automatic External Defibrillator (AED), additional batteries, GPS units, a King Video Laryngoscope, portable suction units and for the reimbursement of training classes attended by Fire personnel. City Manager Parker furthered that the Department received a donation from Georgia Pacific in the amount of eight thousand dollars (\$8,000) for the Special Response Team. City Manager Parker continued that these funds would be used to purchase equipment for the Department. City Manager Parker concluded that Staff recommended acceptance of the funds and approve Budget Amendment No. 20. Mayor Brown expressed the City's appreciation to Georgia Pacific for their donation.

Councilmember Robert Shankle moved to approve the acceptance of grants and donations to the Lufkin Fire Department and approval of a Resolution authorizing an amendment to the 2012/2013 Operating Budget (Budget Amendment No. 20) providing for the supplemental appropriation of funds in the General Fund; and providing an effective date. Councilmember Victor Travis seconded the motion and a unanimous vote to approve was recorded.

11. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, APPROVING THE ENTERING INTO A SUPPLEMENTAL AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE STATE TO MAKE CERTAIN HIGHWAY IMPROVEMENTS ON HIGHWAY NO. BU 59-G FROM 0.1 MILES SOUTH OF A&NR RAILROAD TO A&NR RAILROAD – APPROVED.

Mayor Bob Brown stated the next item was to consider a Resolution of the City Council of the City of Lufkin, Texas, approving the entering into a supplemental agreement with the Texas Department of Transportation for the State to make certain highway improvements on Highway No. BU 59-G from 0.1 miles South of A&NR Railroad to A&NR Railroad.

City Manager Paul Parker stated this item had previously been approved during the May 21st, 2013 City Council meeting. City Manager Parker continued this was for the City's contribution for the purchase of right-of-way for improvements to the railroad trestle on Highway 59. City Manager Parker furthered that the amount of the City's contribution had been reduced; thus the need for the approval of a new agreement and Resolution.

Councilmember Lynn Torres moved to approve a Resolution of the City Council of the City of Lufkin, Texas, approving the entering into a supplemental agreement with the Texas Department of Transportation for the State to make certain highway improvements on Highway No. BU 59-G from 0.1 miles South of A&NR Railroad to A&NR Railroad. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

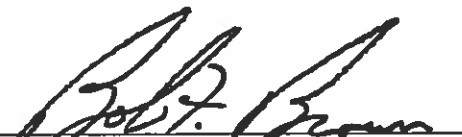
12. EXECUTIVE SESSION

Mayor Bob Brown stated there would be no need for an Executive Session.

13. 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 IMMEDIATE THREATS TO THE PUBLIC HEALTH AND SAFETY OF THE CITY.

City Manager Paul Parker highlighted the meetings and events on the calendar. City Manager Parker reminded City Council of the upcoming Lufkin Bistro, Texas State Forest Festival and TML Convention. City Manager Parker also reminded City Council of the Special Called Meeting on Tuesday, September 10th at noon, and that lunch would be served prior to the meeting. City Manager Parker continued that the Building Standards Commission would convene immediately after the Regular City Council meeting on September 17th, 2013 to address a number of homes slated for condemnation. Mayor Brown recognized those present from Leadership Lufkin. Councilmember Victor Travis recognized Pastor Kendrick Morris and his children for their attendance. Mayor Brown commended City Secretary Kara Atwood for obtaining her Texas Registered Municipal Clerk's Certification.

14. There being no further business for consideration, the meeting adjourned at 5:42 p.m.


Bob F. Brown, Mayor

Kara Atwood
Kara Atwood, City Secretary

