

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 7th DAY OF SEPTEMBER, 2010

On the 7th day of September, 2010, 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:

Jack Gorden, Jr.
Victor Travis
Robert Shankle
Don Langston
Rufus Duncan
Phil Medford
Paul L. Parker
Keith Wright
Bruce Green
Renee Thompson
Rodney Ivy
Scott Marcotte
Gerald Williamson
Danny Kistner
Doug Wood
Dorothy Wilson
Steve Floyd
Jim Wehmeier
Dale Allred
Chuck Walker
Belinda Southern
Robbin Crawford

Mayor
Councilmember, Ward No. 1
Councilmember, Ward No. 2
Councilmember, Ward No. 4
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
Asst. City Manager
City Attorney
City Secretary
Human Resource Director
Police Chief
Asst. Police Chief
Fire Chief
Finance Director
Planning Director
Public Works Director
Economic Development Director
Inspection Services Director
Public Utilities Director
Finance Manager
Senior Accountant

being present, and

Lynn Torres

Councilmember, Ward No. 3

being absent, when the following business was transacted.

1. The meeting was opened with prayer by Brother Walter Futch, Trinity Baptist Church.
2. Mayor Jack Gorden welcomed visitors and those present from Leadership Lufkin.

3. APPROVAL OF MINUTES

Minutes of the Regular Meeting of August 17th, 2010 were approved on a motion by Councilmember Rufus Duncan, and seconded by Councilmember Robert Shankle. A unanimous affirmative vote was recorded.

OLD BUSINESS:

4. SECOND READING OF AN ORDINANCE DELETING ORDINANCE 2913 AND ALL AMENDMENTS THERETO; DELETING PENAL ORDINANCE 338 AND ALL AMENDMENTS THERETO; OF THE CITY OF LUFKIN, TEXAS, - APPROVED -REPEALING CONFLICTING AND INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the Second Reading of an Ordinance deleting Ordinance 2913 and all amendments thereto; deleting Penal Ordinance 338 and all amendments thereto; of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions; and providing for an effective date.

City Manager Paul Parker stated that this was the Second Reading of the Ordinance that would bring the City's Ordinance into compliance with State Law.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Phil Medford moved to approve the Second Reading of the Ordinance deleting Ordinance 2913 and all amendments thereto; deleting Penal Ordinance 338 and all amendments thereto; of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions; and providing for an effective date. Councilmember Robert Shankle seconded the motion. A unanimous vote was recorded.

5. SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BEING ORDINANCE NO. 3368; DELETING THE CURRENT PRIVATE CLUB REQUIREMENT; AND AMENDING ARTICLE XIX " SCHEDULE OF PERMITTED USES"; AND REQUIRING A SPECIAL USE PERMIT FOR A DRINKING ESTABLISHMENT IN A CENTRAL BUSINESS (CB) ZONE; AND REPEALING CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance No. 3368; deleting the current private club requirement; and amending Article XIX "Schedule of Permitted Uses"; and requiring a Special Use Permit for a drinking establishment in a Central Business (CB) Zone; and repealing conflicting provisions; and providing an effective date.

City Manager Paul Parker stated that then when the 2006 election was held to allow alcohol sales more broadly within Angelina County, the provisions of Ordinances 2913 and 338 became outdated and that it was no longer necessary to require businesses to obtain a "Special Use" Permit for restaurants and like businesses. Mr. Parker furthered that the Ordinance simply deleted the Ordinances in conflict with the current Texas Alcoholic Beverage Commission (TABC) provisions

Councilmember Don Langston moved to approve the Second Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance No. 3368; deleting the current private club requirement; and amending Article XIX "Schedule of Permitted Uses"; and requiring a Special Use Permit for a drinking establishment in a Central Business (CB) Zone; and repealing conflicting provisions; and providing an effective date. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

6. FIRST READING OF AN ORDINANCE DELETING RESOLUTION 3924 AND AMENDING ORDINANCE 3942 AND ALL AMENDMENTS THERETO; OF THE CITY OF LUFKIN, TEXAS, - APPROVED - REPEALING CONFLICTING AND INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the First Reading of an Ordinance deleting Resolution 3924 and amending Ordinance 3942 and all amendments thereto; of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions; and providing an effective date.

City Manager Paul Parker stated that Council would recall that the item was tabled in a previous Council meeting, due to the inclusion of a provision that would alter the measurements of distance requirements. City Manager Parker stated that all distance requirements had been removed from the Ordinance and the Ordinance simply modified the City's alcohol permit fees to correspond with State Law.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the First Reading of the Ordinance deleting Resolution 3924 and amending Ordinance 3942 and all amendments thereto; of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions; and providing an effective date. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

7. PRESENTATION BY J. P. MCDONALD REGARDING THE MUSEUM OF EAST TEXAS

Mayor Jack Gorden stated that the next item on the agenda was a presentation by J.P. McDonald of the Museum of East Texas.

City Manager Parker stated that Mrs. McDonald was planning to address the Council in regard to upcoming expansions planned for the Museum of East Texas, however; Mrs. McDonald was unable to obtain a quorum at her board meeting scheduled to finalize the presentation, and would not be attending. City Manager Parker stated that Mrs. McDonald would be re-scheduled to appear before the Council at the September 21, 2010 meeting.

8. FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS – APPROVED - BY GRANTING A “SPECIAL USE PERMIT” FOR A HOSPITAL WITHIN A “LOCAL BUSINESS” ZONING DISTRICT ON CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, BEING 2.487 ACRES DESCRIBED AS LOT 3 OF THE SOUTHWOOD SUBDIVISION #3 AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP AND THE FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN

Mayor Jack Gorden stated that the next item for consideration was the First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a “Special Use Permit” for a Hospital within a “Local Business” Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, being 2.487 acres described as Lot 3 of the Southwood Subdivision #3 and authorizing the City Planner to make such changes on the Official Map and the Future Land Use Plan of the 2001 Comprehensive Plan.

City Manager Paul Parker stated that the applicant Moth, LLC and Phil and Lynn Medford, were represented by Audubon Real Estate, LLP agent Bill Powdrill, in applying for a “Special Use” Permit (SUP) for a Sheltered Care Facility to be operated by the agent’s company. City Manager Parker continued that the facility was proposed to provide 24 beds and was characterized as a hospital by the State of Texas.

City Manager Parker furthered that a Sheltered Care Facility was defined as “A nonprofit or for-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation.” City Manager Parker stated that City Ordinance required a Sheltered Care Facility to obtain a “Special Use” Permit.

City Manager Parker stated that surrounding properties from the applicant’s lot were currently zoned Local Business, except to the west, where the land was zoned Apartment.

City Manager Parker furthered that the “Special Use” Permit was similar in use, but not completely consistent with the recommendation for “Retail”, which was found within the Future Land Use map of the Comprehensive Plan. City Manager Parker continued that currently there was no retail in the area and that retail was not a practical use since the area had low levels of traffic and poor commercial visibility. City Manager Parker stated that both the Planning & Zoning Commission and Staff recommended approval of the request for the “Special Use” Permit for the proposed Sheltered Care Facility that

would be approximately twelve thousand (12,000) square feet, and would be situated east of the existing Neches House Assisted Living Facility, located at 406 Gobblers Knob, and west of the Lufkin Federal Credit Union at 204 Gobblers Knob.

Mayor Gorden asked for questions or comments from the Council. City Councilmember Phil Medford stated that he needed to both abstain from any discussion regarding the matter and recused himself from voting on the item. Mayor Gorden requested that this be duly noted by City Secretary Renee Thompson. Mr. Bill Powdrill, President of Audubon Behavioral, spoke on the project, and stated that this was a geriatric behavioral facility for temporary treatment for patients. Mr. Powdrill continued that the site fitted the company's needs and the facility would fill a need for the community and that the facility would employ approximately fifty (50) people. Mayor Gorden asked what the time frame of completion would be for the facility. Mr. Powdrill stated that they hoped to move forward quickly after the Second Reading of the Ordinance, and that the plans were currently being finalized. Councilmember Victor Travis questioned whether the company would hire local residents. Mr. Powdrill stated that most would be hired locally, and that the company would also use local vendors and services.

Councilmember Robert Shankle moved to approve the First Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a "Special Use Permit" for a Hospital within a "Local Business" Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, being 2.487 acres described as Lot 3 of the Southwood Subdivision #3 and authorizing the City Planner to make such changes on the Official Map and the Future Land Use Plan of the 2001 Comprehensive Plan. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

9. FIRST READING OF AN APPROPRIATIONS ORDINANCE ADOPTING A BUDGET - APPROVED - FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011

Mayor Jack Gorden stated that the next item for consideration was an Appropriations Ordinance adopting a budget for the Fiscal Year beginning October 1, 2010, and ending September 30, 2011.

City Manager Paul Parker stated that Staff was pleased to present the 2010-2011 Fiscal Year Budget to the Council. City Manager Parker continued that the Budget would allow for the continuation of services without any reduction and that the property tax rate would be lowered by two cents (.02) from 0.5338 to 0.5138. City Manager Parker stated that this was a 3.75% reduction of the tax rate and followed the reduction from last year, when the tax rate was lowered from 0.5554 to 0.5338, a reduction of 3.89%. City Manager Parker furthered that in the past two (2) years the tax rate had been lowered a total of 4.16 cents or by 7.5%, which in this economy was remarkable. City Manager Parker stated that the cost of the upcoming bond issue was also included in the budget, and that Council should be commended for their management of the City's budget. City Manager Parker continued that no employee raises were included in the budget; however, existing employee benefits would be retained. City Manager Parker also stated that there would be no increase in solid waste rates. City Manager Parker added that due to Council taking the progressive step to secure the water needs for Lufkin by obtaining the Abitibi water rights, there would be a six percent (6%) increase in both water and sewer rates to continue to pay for the bonds used to make the purchase. City Manager stated this was the second year of a four (4) year rate increase schedule.

Mayor Gorden asked for questions or comments from the Council and commended City Manager Parker and City Staff for building a budget that allowed the reduction of the tax rate. Councilmember Rufus Duncan moved to approve the First Reading of the Appropriations Ordinance adopting a budget for the Fiscal Year beginning October 1, 2010, and ending September 30, 2011. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

10. FIRST READING OF AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF LUFKIN – APPROVED - AND PROVIDING FOR THE DEBT SERVICE FUND FOR THE FISCAL YEAR 2011, AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE

Mayor Jack Gorden stated that the next item for consideration was the 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 2011, and apportioning each levy for the specific purpose.

City Manager Paul Parker stated that this Ordinance would reduce the tax rate from the current rate of .5338 to .5138, which would reduce the debt portion of the tax rate from .2022 to .1800. City Manager Parker further explained this would be a 0.222 or three hundred twenty-nine thousand one hundred fourteen dollar (\$329,114) reduction. City Manager Parker then stated that the operation and maintenance portion of the tax rate would increase by .0022 to .3338.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the First Reading of the 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 2011, and apportioning each levy for the specific purpose. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

11. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 51.111 OF THE CODE OF ORDINANCES OF THE CITY OF LUFKIN, TEXAS; - APPROVED - MAKING CERTAIN CHANGES IN THE SEWER RATES; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the First Reading of an Ordinance amending Chapter 51.111 of the Code of Ordinances of the City of Lufkin, Texas; making certain changes in the Sewer Rates; repealing all Ordinances in conflict therewith; and providing an effective date.

City Manager Paul Parker stated that this Ordinance set the sewer rates for the fiscal year 2010-2011 and that the rates included the six percent (6%) increase.

Mayor Gorden asked for questions or comments from the Council. Councilmember Victor Travis moved to approve the First Reading of the Ordinance amending Chapter 51.111 of the Code of Ordinances of the City of Lufkin, Texas; making certain changes in the Sewer Rates; repealing all Ordinances in conflict therewith; and providing an effective date. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

12. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 52.15, (A), (1), (2), (3), (B), (1), (2), (3), (C), (1), (2), (3), (D), (1), (2) AND (E) OF THE CODE OF ORDINANCES OF THE CITY OF LUFKIN, TEXAS; - APPROVED - MAKING A CHANGE IN THE RESIDENTIAL, COMMERCIAL, IRRIGATION, INDUSTRIAL AND WHOLESALE WATER RATES; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the First Reading of an Ordinance Amending Chapter 52.15, (A), (1), (2), (3), (B), (1), (2), (3), (C), (1), (2), (3), (D), (1), (2) AND (E) of the Code of Ordinances of the City of Lufkin, Texas; making a change in the Residential, Commercial, Irrigation, Industrial and Wholesale Water Rates; repealing all Ordinances in conflict therewith; and providing an effective date.

City Manager Paul Parker stated this Ordinance set the water rates for the upcoming fiscal year and included the six percent (6%) scheduled increase.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the First Reading of the Ordinance Amending Chapter 52.15, (A), (1), (2), (3), (B), (1), (2), (3), (C), (1), (2), (3), (D), (1), (2) AND (E) of the Code of Ordinances of the City of Lufkin, Texas; making a change in the Residential, Commercial, Irrigation, Industrial and Wholesale Water Rates; repealing all Ordinances in conflict therewith; and providing an effective date. Councilmember Victor Travis seconded the motion. A unanimous affirmative vote was recorded.

13. FIRST OF READING OF AN ORDINANCE AMENDING ORDINANCE 3961 OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS. - APPROVED - ADOPTING RULES AND REGULATIONS HEREIN SET FORTH ESTABLISHING CERTAIN FLOOD PREVENTION AND MITIGATION MEASURES; PROVIDING FOR THE PROTECTION OF THE HEALTH AND SAFETY OF THE CITIZENS OF LUFKIN; PROVIDING A PENALTY FOR VIOLATION; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND A REPEALER CLAUSE; PROVIDING FOR PUBLICATION, CODIFICATION, AND AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

Mayor Jack Gorden stated that the next item on the agenda was to consider on First Reading an Ordinance amending Ordinance 3961 of the City Council of the City of Lufkin, Texas, adopting rules and regulations herein set forth establishing certain flood prevention and mitigation measures; providing for the protection of the health and safety of the citizens of Lufkin; providing a penalty for violation; containing a savings clause, a severability clause and a repealer clause; providing for publication, codification, and an effective date; and containing other provisions relating to the subject.

City Manager Paul Parker stated the City recently received the updated flood maps dated September 29, 2010 and that the Ordinance would simply amend our flood prevention Ordinance to include the new flood insurance rate maps. Councilmember Don Langston asked Deputy City Manager if there were any significant changes to the maps. Deputy City Manager Wright stated that previously the maps were separated by city and county jurisdictions, and the new maps showed cities and counties combined.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Rufus Duncan moved to approve the First Reading of the Ordinance amending Ordinance 3961 of the City Council of the City of Lufkin, Texas, adopting rules and regulations herein set forth establishing certain flood prevention and mitigation measures; providing for the protection of the health and safety of the citizens of Lufkin; providing a penalty for violation; containing a savings clause, a severability clause and a repealer clause; providing for publication, codification, and an effective date; and containing other provisions relating to the subject. Councilmember Robert Shankle seconded the motion. A unanimous vote was recorded.

14. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2009/2010 OPERATING BUDGET (BUDGET AMENDMENT NO. 40), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE 1999 WATER/WASTEWATER AND ASBESTOS PIPE REPLACEMENT FUNDS; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item on the agenda was to consider approval of a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 40), providing for the supplemental appropriation of funds in the 1999 Water/Wastewater and Asbestos Pipe Replacement Funds; and providing an effective date.

City Manager Paul Parker stated that the item was needed to zero out the Water/Wastewater and Asbestos Pipe Replacement Fund, and officially close the fund.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 40), providing for the supplemental appropriation of funds in the 1999 Water/Wastewater and Asbestos Pipe Replacement Funds; and providing an effective date. Councilmember Rufus Duncan seconded the motion. A unanimous vote was recorded.

15. AGREEMENT WITH THE BOYS AND GIRLS CLUB – APPROVED - FOR ACCESS TO THE YEAR ROUND INDOOR SWIMMING FACILITY FOR THE CITIZENS OF THE CITY OF LUFKIN

Mayor Jack Gorden stated that the next item for consideration was an Agreement with the Boys and Girls Club for access to the year round indoor swimming facility for the citizens of the City of Lufkin.

City Manager Paul Parker stated that the City previously had a five (5) year contract with the Boys and Girls Club for access to the swimming pool, and over the years the schedule of hours and funding amounts had changed. City Manager Parker continued that this contract was only for one (1) year and would be renegotiated each year to ensure that adequate public swim time was being provided to residents. City Manager Parker furthered that the Boys & Girls Club was in agreement with the contract and understood that each year they would come before the Council and update the Council on their activities. City Manager Parker stated that Staff recommended Council approve the proposed contract with the Boys & Girls Club to provide public swim time for the residents of the City of Lufkin.

Mayor Gorden asked for questions or comments from the Council. Councilmember Phil Medford stated that the contract needed to be discussed, especially the hours of swim time available to the public. Councilmember Medford continued that the times were not set in stone and the hours could be changed to best serve the citizens. Councilmember Medford also stated that the Boys and Girls Club was amenable to working with the City to accommodate the residents. Councilmember Don Langston stated that the new contract would hopefully alleviate some of the issues with hours as previously encountered and that this contract should make the pool more accessible to the public.

Councilmember Phil Medford moved to approve the Agreement with the Boys and Girls Club for access to the year round indoor swimming facility for the citizens of the City of Lufkin. Councilmember Robert Shankle seconded the motion. A unanimous vote was recorded.

16. CONTRACT BETWEEN THE CITY OF LUFKIN AND GOODWIN AND LASITER, INC., - APPROVED - IN THE AMOUNT OF EIGHTY-SIX THOUSAND NINE HUNDRED SEVENTY DOLLARS (\$86,970), FOR THE DESIGN OF FIRE STATION NO. 3, TO BE LOCATED ON LUFKIN AVENUE

Mayor Jack Gorden stated that the next item on the agenda was to consider approval of a contract between the City of Lufkin and Goodwin and Lasiter, Inc., in the amount of eighty-six thousand nine hundred seventy dollars (\$86,970), for the design of Fire Station No. 3, to be located on Lufkin Avenue.

City Manager Paul Parker stated that this was one (1) of the projects to be included in the upcoming bond issue, and as Council was aware, the City had recently purchased property for the construction of the new central fire station on Lufkin Avenue. City Manager Parker continued that Staff proposed that Council approve the agreement with Goodwin-Lasiter, Inc. for the design of Fire Station No. 3, which would combine the Central Fire Station (No. 1) and the current Fire Station No. 3, located on Atkinson

Drive. City Manager Parker stated that Fire Station No. 1 would still be maintained and used for administrative and office uses. City Manager Parker stated that since the new station would be designed in the same footprint as the recently constructed Fire Station No. 4, Staff requested that Goodwin-Lasiter be retained again to design the new station at a rate of six percent (6%) of the construction cost, plus any incidentals for an estimated amount of eighty-six thousand nine hundred seventy dollars (\$86,970).

Mayor Gorden asked for questions or comments from the Council. Mayor Gorden asked what year the original central fire station was constructed. Chief Danny Kistner stated that he believed the station was constructed in 1929. Councilmember Don Langston stated that the proposed contract was the 1997 version and questioned the reason for not using updated contract forms. Deputy City Manager Keith Wright stated the he did not know, but that he would check into it. Deputy City Manager Wright continued that the arbitration portion of the contract had been removed. Councilmember Langston stated that City Attorney Bruce Green needed to review the contract prior to signing. Councilmember Victor Travis questioned the cost of the agreement. City Manager Parker stated that the estimate was based on the cost of Fire Station No. 4, and would be six percent (6%) of the construction cost of the new fire station and could be lower or higher than the estimate. Councilmember Rufus Duncan stated that there were three (3) fire stations that would not be utilized once this station was built, located on Ellis, Loop 287 and Atkinson Drive. Councilmember Duncan encouraged the Fire Department to make this new station large enough to allow for the sale of those three (3) stations.

Councilmember Rufus Duncan moved to approve a contract between the City of Lufkin and Goodwin and Lasiter, Inc., in the amount of eighty-six thousand nine hundred seventy dollars (\$86,970), for the design of Fire Station No. 3, to be located on Lufkin Avenue. Councilmember Phil Medford seconded the motion. A unanimous vote was recorded.

17. RESOLUTION OF THE CITY OF LUFKIN, TEXAS, AUTHORIZING THE ACCEPTANCE OF THE U. S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, FY 2010 EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM – APPROVED - IN THE AMOUNT OF TWENTY-TWO THOUSAND ONE HUNDRED NINETEEN DOLLARS (\$22,119); PLEDGING THAT THE CITY OF LUFKIN WILL COMPLY WITH ALL GRANT REQUIREMENTS AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2009/2010 OPERATING BUDGET (BUDGET AMENDMENT NO. 41), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the approval of a Resolution of the City of Lufkin, Texas, authorizing the acceptance of the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2010 Edward Byrne Justice Assistance Grant Program in the amount of twenty-two thousand one hundred nineteen dollars (\$22,119); pledging that the City of Lufkin will comply with all grant requirements and a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 41), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date.

City Manager Paul Parker stated that the Police Department would be receiving a grant in the amount of twenty-two thousand one hundred nineteen dollars (\$22,119) to assist the City in purchasing computer servers for the Police Department communications system. City Manager Parker stated there was no match, and that Staff recommended acceptance of the grant, and approval of Budget Amendment No. 41.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve a Resolution of the City of Lufkin, Texas, authorizing the acceptance of the U. S. Department of Justice, Office of Justice

Programs, Bureau of Justice Assistance, FY 2010 Edward Byrne Justice Assistance Grant Program in the amount of twenty-two thousand one hundred nineteen dollars (\$22,119); pledging that the City of Lufkin will comply with all grant requirements and a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 41), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date. Councilmember Phil Medford seconded the motion. A unanimous vote was recorded.

18. RESOLUTION OF THE CITY OF LUFKIN, TEXAS TO DISAPPROVE THE 2011 BUDGET OF THE ANGELINA COUNTY APPRAISAL DISTRICT - APPROVED - PURSUANT TO THE TEXAS TAX CODE SECTION 6.06; AND TO AUTHORIZE THE CITY MANAGER TO TAKE ACTION SUITED TO THE ACCOMPLISHMENT OF THE PURPOSE OF THIS RESOLUTION

Mayor Jack Gorden stated that the next item for consideration was the approval of a Resolution of the City of Lufkin, Texas to disapprove the 2011 Budget of the Angelina County Appraisal District pursuant to the Texas Tax Code Section 6.06; and to authorize the City Manager to take action suited to the accomplishment of the purpose of this Resolution.

City Manager Paul Parker stated that several questions had been raised regarding the strength and the makeup of the Angelina County Appraisal District Board, and that City Attorney Bruce Green had been requested to research and review the issue. City Manager Parker continued that after research and discussion with Lufkin Independent School District Attorney Wayne Haglund, it was the opinion of Attorney Green and Attorney Haglund that the Board was not formed in accordance with the Texas Tax Code, and that the staggered terms of board members were not in accordance with the Texas Tax Code either. City Manager Parker furthered that during the August 3rd, 2010 Council Meeting, Council approved a Resolution requesting that the Angelina County Appraisal District Board return to the required five (5) member board, with members serving two (2) year terms as required by the Texas Tax Code. City Manager Parker continued that the Resolution requested that the Board alter the voting structure without diminishing the City's voting entitlement. City Manager Parker stated that the current Board structure was detrimental to the City because it reduced the voting influence of the City and increased the voting influence of smaller taxing units that did not supply a proportionate share of the Angelina County Appraisal District Annual budget. City Manager Parker stated that on August 12th, he and City Attorney Green attended the Angelina County Appraisal District Board meeting and that even though neither was involved in the discussion, it appeared apparent that the majority of the Board was adamantly opposed to the position of the City of Lufkin and the Lufkin Independent School District. City Manager Parker continued that since that meeting, the City had received several copies of resolutions by various taxing entities "rejecting" the City of Lufkin's Resolution, and that there seemed to be little interest by most of the taxing units to reach an equitable resolution. City Manager Parker stated that the Resolution before Council now was a formal protest of the 2011 Angelina County Appraisal District Budget and that the Lufkin Independent School District Board had passed a similar Resolution in a special called meeting earlier in the day. City Manager Parker continued that a taxing unit was authorized to protest an appraisal district budget, but it was required that three-fourths (3/4) of the taxing units agree with the protest, which was not expected to occur. City Manager Parker then stated that the protests of the City of Lufkin and the Lufkin Independent School District were sure to be voted down by the current Appraisal District Board, the majority of which paid a modest percentage of the 2011 budget allocation. City Manager Parker furthered that therefore, the Resolution also authorized the City Manager at his discretion, to make payments to the 2011 Angelina County Appraisal District Budget consistent with the wishes of City Council. City Manager Parker concluded by stating that Staff recommended approval of this Resolution. Mayor Gorden stated that this Resolution stated how the City would like to handle payments now and in the future. City Manager Parker concurred with Mayor Gorden's statement. Mayor Gorden stated that the City was paying more than its share versus its representation. Mayor Gorden continued that smaller entities had benefitted from the way it had been structured and that the City was asking for equal representation and that the City of Lufkin did not feel

the current Board makeup was fair and equitable to all concerned. Mayor Gorden continued that this was the reason for the Resolution. Councilmember Don Langston stated that it was certainly the logic of what the Resolution represented, and gave an example of the disparity and that the Legislature had ruled on this in 1979 and 1982. Councilmember Langston continued that this issue was unique, due to when the District was set up, it historically had operated this way and documentation had been requested to verify the structure of the Board, and it could not be produced. Councilmember Langston continued that the Legislature gave very direct instructions on modifying the District makeup, and there was no record at the Angelina County Appraisal District on how or why the District was set up. Councilmember Langston furthered that it was his opinion that with the reluctance of the current Board to comply with the statute as written, that the only other equal and fair option was to divide the Budget equally among the members. Councilmember Langston stated that even though the Resolution left the decision to the City Manager, the intent of the Resolution was for the City to pay a proportionate share of the Budget equal to the vote

Councilmember Don Langston moved to approve a Resolution of the City of Lufkin, Texas to disapprove the 2011 Budget of the Angelina County Appraisal District pursuant to the Texas Tax Code Section 6.06; and to authorize the City Manager to take action suited to the accomplishment of the purpose of this Resolution. Councilmember Phil Medford seconded the motion. A unanimous vote was recorded.

Mayor Gorden stated that the City appreciated the job that interim appraiser Paul Mayberry was doing and that he hoped that the matter could be resolved. Councilmember Langston concurred, but stated that since there was no documentation on the formation of Board, how could the Board only apply the State statute in part and that if the Board refused to comply with the statute, then the payment should be equal to the vote.

19. NOMINATIONS - APPROVED - TO THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES

Mayor Gorden stated the next item on the agenda was the approval of the nominations to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees. Mayor Gorden added that City Manager Parker served on the Board and had represented the City of Lufkin well.

City Manager Parker stated that this was the TML Risk Pool Board which the City was a member of, and that the Board was comprised of fifteen (15) members with staggered terms and that several of those positions were up for re-election. City Manager Parker stated that each one of the nomination selections were current Board Members who were active and excellent members of the Board. City Manager Parker stated that he recommended the Council approve the nominations of Mary Gauer, for place six (6), Kevin Caddell, Mayor of Dalhart, for place seven (7), and Larry Melton, Mayor of Odessa, for place eight (8).

Mayor Gorden asked for questions or comments from the Council.

Councilmember Rufus Duncan moved to approve the nominations as recommended by City Manager Paul Parker, to the Texas Municipal Intergovernmental Risk Pool Board of Trustees. Councilmember Phil Medford seconded the motion. A unanimous vote was recorded.

20. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, - APPROVED - DIRECTING THE PLANNING STAFF TO PROCEED WITH ANNEXATION, AND TO DEVELOP A SERVICE PLAN FOR THE AREA

Mayor Gorden stated the next item on the agenda was to consider approval of a Resolution of the City Council of the City of Lufkin, Texas, directing the Planning Staff to proceed with annexation, and to develop a service plan for the area.

City Manager Paul Parker stated that as Council was aware, the City had an ‘in-lieu of’

annexation agreement with Abitibi, where the company paid a fee to the City for the City to provide services, but not annex the area into the City. City Manager Parker continued that this year's payment would have been one hundred fifty-six thousand nine hundred twenty dollars (\$156,920), but with the recent sale of this property, both Abitibi and the new owner had stated they did not wish to continue the "in-lieu of" agreement, and therefore Staff recommended Council approve the beginning of the annexation process. City Manager Parker furthered that Staff felt the property would re-develop at some time in the future and beginning the process now would allow the property to be added to the tax roll on January 1st of next year. City Manager Parker stated that Staff recommended Council approve the Resolution and direct Staff to proceed with the annexation of the property. City Manager Parker added that there were also several residential properties that would be annexed as well, and that this was the first step in moving forward with the annexation process. Councilmember Don Langston questioned how many acres would be annexed. Planning Director Dorothy Wilson stated that there were one thousand one hundred thirty acres (1,130).

Mayor Gorden then asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the Resolution of the City Council of the City of Lufkin, Texas, directing the Planning Staff to proceed with annexation and to develop a service plan for the area. Councilmember Robert Shankle seconded the motion. A unanimous vote was recorded.

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

Mayor Jack Gorden stated that the next item on the agenda was to consider all matters incident and related to the 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 this was the first step in the bond issuance process to sell bonds in the amount of nine million six hundred twenty-five thousand dollars (\$9,625,000). City Manager Parker continued that this bond issue was included in the proposed tax rate for the next year and that it was relatively remarkable that the City was not only able to lower the tax rate, but provide for a bond issue and capital improvements at the same time.

Mayor Gorden then asked for comments or questions from the Council.

Councilmember Phil Medford moved to approve and authorize the publication of notice of intention to issue certificates of obligation, including the adoption of a Resolution pertaining thereto. Councilmember Robert Shankle seconded the motion. A unanimous vote was recorded.

22. Mayor Jack Gorden recessed the Regular Session at 6:06 p.m. to enter into Executive Session.

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 Jack Gorden reconvened the Regular Session at 7:10 p.m.

23. 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

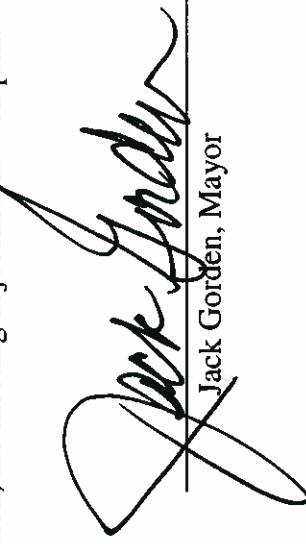
CITIZENS; REMINDERS ABOUT UPCOMING EVENTS SPONSORED BY THE CITY OR OTHER ENTITY THAT IS SCHEDULED TO BE ATTENDED BY CITY OFFICIALS OR EMPLOYEES; AND ANNOUNCEMENTS INVOLVING IMMINENT THREATS TO THE PUBLIC HEALTH AND SAFETY OF THE CITY

Mayor Gorden stated that the next item for consideration was the 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 that the City of Lufkin would be giving out flu shots at the upcoming Employee Health Fair which would take place on Thursday, September 9th and Friday, September 10th at the Lufkin Pitsier Garrison Civic Center. City Manager Parker added that the Council was welcome to drop by and receive a flu shot during the event. City Secretary Renee Thompson stated that City Council pictures would be made at the next City Council Meeting, which would be held on Tuesday, September 21, 2010.

24. There being no further business for consideration, the meeting adjourned at 7:12 p.m.


Renee Thompson – City Secretary


Jack Gorden, Mayor