

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 5TH DAY OF OCTOBER, 2010

On the 5th day of October, 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.
Don Langston
Victor Travis
Robert Shankle
Lynn Torres
Rufus Duncan
Phil Medford
Paul L. Parker
Bruce Green
Renee Thompson
Rodney Ivy
Scott Marcotte
Gerald Williamson
Danny Kistner
Doug Wood
Dorothy Wilson
Barbara Thompson
Jim Wehmeier
Dale Allred
Chuck Walker

Mayor
Mayor Pro-Tem
Councilmember, Ward No. 1
Councilmember, Ward No. 2
Councilmember, Ward No. 3
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
City Attorney
City Secretary
Human Resource Director
Police Chief
Asst. Police Chief
Fire Chief
Finance Director
Planning Director
Main Street Director
Economic Development Director
Inspection Services Director
Public Utilities Director

being present, and

Keith Wright

Deputy City Manager

being absent, when the following business was transacted:

1. The meeting was opened with prayer by Pastor Tony Holder, New Life Church on the Rock.
2. Mayor Jack Gorden welcomed visitors present. Mayor Gorden then welcomed Leadership Lufkin Class member Randy Horn to the meeting.

Mayor Gorden then called on Fire Chief Danny Kistner to give a report. Chief Kistner stated that he wanted to give some history on a program that was started by the Fire Department that was paying off. Chief Kistner stated that in February of 2010 there was a structure fire that resulted in a fatality on Sayers Street. Chief Kistner added that the Fire Department had taken on a mission to eliminate civilian casualty from fire in the City of Lufkin. Chief Kistner added that the Fire Department enlisted the help of Home Depot and other City departments such as the Code Enforcement and Building Inspections Departments in the venture. Chief Kistner explained that neighborhoods were canvassed with information on fire prevention and by checking smoke detectors. Chief Kistner stated that one hundred sixty (160) smoke detectors, which were donated by Home Depot, were installed in many of the homes. Chief Kistner added that one (1) of the homes that had received smoke detectors was in the 900 block of Carver Street. Chief Kistner explained that the home had experienced a structure fire the previous night, and that even though the home was a total loss, everyone in the house escaped safely and uninjured, even though some of the occupants were only feet away from the fire. Chief Kistner stated that this was due to the one of the smoke alarms that had recently been installed by City of Lufkin employees, with the cooperation of Home Depot. Chief Kistner then introduced Tara Jones and Chet Nance, who were the City of Lufkin employees that installed the smoke detectors which alerted the individuals to the fire. Chief Kistner then recognized Fire Marshall Lee Fran Skelton and Steve McCool who had initiated the fire safety program. Chief Kistner stated that the safety program was a City event, and added that other employees assisting in implementing the program were Jan Porter

and Armando Rodriguez. Chief Kistner added that Councilmember Victor Travis was present the day the program was kicked off.

Mayor Gorden complimented the City employees and the efforts that they made to take care of the citizens of Lufkin.

3. APPROVAL OF MINUTES

Minutes of the Regular Meeting of September 21st, 2010, were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Victor Travis. A unanimous affirmative vote was recorded.

NEW BUSINESS:

4. FIRST READING OF AN ORDINANCE AUTHORIZING THE PERMITTING AND INSPECTION OF TATTOO AND CERTAIN BODY PIERCING STUDIOS; - APPROVED - ESTABLISHING PERMITTING, SUSPENSION AND APPEAL PROCEDURES, DECLARING A PENALTY, AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the First Reading of an Ordinance authorizing the permitting and inspection of tattoo and certain body piercing studios; establishing permitting, suspension and appeal procedures, declaring a penalty, and providing for an effective date.

City Manager Paul Parker stated that representatives from the Angelina County/Cities Health District (ACCCHD) were present at the meeting if the Council had specific questions regarding the Ordinance. City Manager Parker explained that the request was brought to the City by the ACCCHD to regulate the tattoo and body piercing facilities in Lufkin. City Manager Parker added that the Ordinance took the State law and allowed the facilities to be inspected on a local level using inspectors from the ACCCHD. City Manager Parker stated that the Ordinance also allowed the ACCCHD to do the permitting and collecting of fees associated with the inspections. City Manager Parker stated that the Ordinance would allow the ACCCHD to inspect for health safety standards and apply the State laws.

Mayor Gorden stated that Sharon Shaw was the Administrator for the State recognized County/City Health District and asked Ms. Shaw if she had any comments. Sharon Shaw stated that at the last meeting the Board of Health approved this opportunity for the ACCCHD to assist the City and the County to help the tattoo parlors and body piercing facilities to establish a local permitting opportunity to make sure that the citizens were taken care of and to protect them from any type of diseases. Ms. Shaw added that this would allow a citizen to look for a permit hanging on the wall that showed that the place was safe and sanitary. Mayor Gorden then asked for questions or comments from the Council.

Councilmember Rufus Duncan moved to approve the First Reading of the Ordinance authorizing the permitting and inspection of tattoo and certain body piercing studios; establishing permitting, suspension and appeal procedures, declaring a penalty, and providing for an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

5. FIRST READING OF AN ORDINANCE AUTHORIZING THE PERMITTING AND INSPECTION OF TANNING FACILITIES; - APPROVED - ESTABLISHING PERMITTING, SUSPENSION AND APPEAL PROCEDURES, DECLARING A PENALTY, AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the First Reading of an Ordinance authorizing the permitting and inspection of tanning facilities; establishing permitting, suspension and appeal procedures, declaring a penalty, and providing for an effective date.

City Manager Paul Parker stated that the Ordinance was almost identical to the previous Ordinance, but was regarding tanning facilities rather than tattoo and body piercing facilities. City Manager Parker added that the explanation was also very similar, regarding local inspections and permitting.

Mayor Gorden asked for questions or comments from the Council. There was discussion among the City Council regarding the permitting and bringing the facilities that currently existed into compliance.

Councilmember Lynn Torres moved to approve the First Reading of the Ordinance authorizing the permitting and inspection of tanning facilities; establishing permitting, suspension and appeal procedures, declaring a penalty, and providing for an effective date. Councilmember Victor Travis seconded the motion. A unanimous affirmative vote was recorded.

6. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BEING ORDINANCE NO. 3368; TO AMEND ARTICLE III "DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT"; AMENDING THE TWO (2) FRONT YARD SETBACK REQUIREMENTS ON CORNER LOTS IN CERTAIN RESIDENTIAL DISTRICTS BY DELETING THE CURRENT LANGUAGE FOR ARTICLE III SECTION 3, 1, A; DELETING THE ILLUSTRATION IN ARTICLE III SECTION 3, 1, A; ADDING NEW TEXT FOR ARTICLE III SECTION 3, 1, A; TO AMEND ARTICLE XXVII "DEFINITIONS" BY ADDING TEXT TO THE DEFINITIONS FOR "LOT LINE"; REPEALING CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance No. 3368; to amend Article III "Districts and specific requirements pertaining to each District"; amending the two (2) front yard setback requirements on corner lots in certain residential districts by deleting the current language for Article III Section 3, 1, A; deleting the illustration in Article III Section 3, 1, A; adding new text for Article III Section 3, 1, A; to amend Article XXVII "Definitions" by adding text to the definitions for "Lot Line"; repealing conflicting provisions; and providing an effective date.

City Manager Paul Parker stated that the Ordinance was specifically directed to corner lots and lots that had three (3) frontages. City Manager Parker explained that under the present Ordinance the City treated each lot line that was adjacent to a street as front yards. City Manager Parker added that most residential zones required either a twenty (20) or twenty-five (25) foot setback, depending on the zoning classification. City Manager Parker stated that a corner lot would have two (2) twenty-five (25) foot setbacks, which would make it very difficult to develop the smaller lots. City Manager Parker explained that by allowing the owner to determine the front yard, primarily by the lot with the smallest width, made the corner lot requirement apply instead of double front lots, which made it a lot more reasonable to develop. City Manager Parker stated that Staff recommended that Council approve the Ordinance that allowed for one (1) front yard setback on a lot, regardless if it was a corner lot or a lot with three (3) frontages. City Manager Parker stated that the next item was similar in nature, but was to remove the setback from the plat that would be associated with the lot.

Mayor Gorden opened the Public Hearing at 5:22 p.m. and asked anyone who wished to speak on the item to please step forward. Speaking concerning the item was:

Michael Parker

Mayor Gorden closed the Public Hearing at 5:23 p.m.

Mayor Gorden asked for questions or comments from the Council. There were comments from the City Council regarding the Ordinance.

Councilmember Don Langston moved to approve the First Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance No. 3368; to amend Article III "Districts and specific requirements pertaining to each District"; amending the two (2) front yard setback requirements on corner lots in certain residential districts by deleting the current language for Article III Section 3, 1, A; deleting the illustration in Article III Section 3, 1, A; adding new text for Article III Section 3, 1, A; to amend Article XXVII "Definitions" by adding text to the definitions for "Lot Line"; repealing conflicting

provisions; and providing an effective date. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

7. FIRST READING OF AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BEING ORDINANCE NO. 3693; TO DELETE SECTION 3.6 ENTITLED "BUILDING LINES;; REPEALING CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the First Reading of an Ordinance amending the Subdivision Ordinance of the City of Lufkin, Texas, being Ordinance No. 3693; to delete Section 3.6 entitled "Building Lines;; repealing conflicting provisions; and providing an effective date.

City Manager Paul Parker stated that often home owners had deed restrictions on which lots to cover. City Manager Parker added that the City would now only plat the front yards on corner lots. City Manager Parker stated that this would remove it from the platting requirement.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Phil Medford moved to approve the First Reading of the Ordinance amending the Subdivision Ordinance of the City of Lufkin, Texas, being Ordinance No. 3693; to delete Section 3.6 entitled "Building Lines;; repealing conflicting provisions; and providing an effective date. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

8. BID FOR BORES FOR THE LUFKIN/DIBOLL WATERLINE INTERCONNECTS - APPROVED - IN THE AMOUNT OF ONE HUNDRED FORTY-SIX THOUSAND FOUR HUNDRED EIGHTY DOLLARS (\$146,480) FROM TERRY BLACK CONSTRUCTION

Mayor Jack Gorden stated that the next item for consideration was the bid for bores for the Lufkin/Diboll Waterline Interconnects in the amount of one hundred forty-six thousand four hundred eighty dollars (\$146,480) from Terry Black Construction.

City Manager Paul Parker stated that last year the City of Lufkin entered into an agreement with the City of Diboll to supply water to their community. City Manager Parker explained that the City of Diboll still had to complete some construction and improvements on their end. City Manager Parker stated that the City of Lufkin was proposing to construct a sixteen inch (16") water line, which would replace water lines that the City currently had in that area. City Manager Parker explained that the construction would take place using internal staff. City Manager Parker added that with a two (2) year window the City had the opportunity to work on the project, and still be able to pull off of it when there were other priorities or problems. City Manager Parker stated that this item and the next item were both with the theory of the lines being laid "in house". City Manager Parker added that the City Council established a one million three hundred sixteen thousand dollar (\$1,316,000) budget. City Manager Parker furthered that Staff was requesting that the Council award one hundred forty-six thousand four hundred eighty dollars (\$146,480) to Terry Black Construction for the boring in intersections where the City of Lufkin needed bores completed. City Manager Parker explained that the City of Lufkin would then slip the lines through the existing bores whenever it came time to for the City to put the lines in. City Manager Parker stated that Terry Black Construction did most of the boring in the area for most of the contractors and had a good relationship in the past with the City of Lufkin. City Manager Parker stated that Staff recommended that the Council approve the contract for the completion of bores to Terry Black Construction, in the amount of one hundred forty-six thousand four hundred eighty dollars (\$146,480).

Mayor Gorden asked for questions or comments from the Council. There were some questions and discussion among the Mayor, Council and Staff regarding the item.

Councilmember Victor Travis moved to approve the bid for bores for the Lufkin/Diboll Waterline Interconnects in the amount of one hundred forty-six thousand four hundred eighty

dollars (\$146,480) from Terry Black Construction. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

9. BID FOR MATERIALS FOR THE LUFKIN/DIBOLL WATERLINE INTERCONNECTS, - APPROVED - IN THE AMOUNT OF FIVE HUNDRED EIGHTEEN THOUSAND TWO HUNDRED SIXTY DOLLARS AND TWENTY-FIVE CENTS (\$518,260.25) FROM HD SUPPLY

Mayor Jack Gorden stated that the next item for consideration was the bid for materials for the Lufkin/Diboll Waterline Interconnects, in the amount of five hundred eighteen thousand two hundred sixty dollars and twenty-five cents (\$518,260.25) from HD Supply.

City Manager Paul Parker stated that purchasing the materials for the waterline at one time in bulk would save the City considerable dollars. City Manager Parker added that Staff solicited bids for the sixteen inch (16”) waterline pipe. City Manager Parker stated that the apparent low bidder was HD Supply, in the amount of five hundred eighteen thousand two hundred sixty dollars and twenty-five cents (\$518,260.25). City Manager Parker explained that the City would receive all of the pipe, and would store some of it on the Angelina Airport property and some on City property. City Manager Parker furthered that the pipe would be covered and tarped to keep it from being exposed to the sun and deteriorating during the two (2) year period. City Manager Parker stated that Staff recommended that the City Council award the bid to HD Supply in the amount of five hundred eighteen thousand two hundred sixty dollars and twenty-five cents (\$518,260.25) for the sixteen inch (16”) waterline pipe.

Mayor Gorden asked for questions or comments from the Council. There were questions and discussion among the Council, City Manager and Staff regarding the item.

Councilmember Victor Travis moved to approve the bid for materials for the Lufkin/Diboll Waterline Interconnects in the amount of five hundred eighteen thousand two hundred sixty dollars and twenty-five cents (\$518,260.25) from HD Supply. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

10. RESOLUTION FOR THE CITY OF LUFKIN, TEXAS, ELECTING TO BE EXEMPT FOR THE PLAN YEAR BEGINNING OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011 - APPROVED - FROM THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

Mayor Jack Gorden stated that the next item for consideration was a Resolution for the City of Lufkin, Texas, electing to be exempt for the plan year beginning October 1, 2010 through September 30, 2011 from the Health Insurance Portability and Accountability Act of 1996.

City Manager Paul Parker stated that the City of Lufkin was a self insured insurance company, and that the Resolution would allow the City to opt out of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). City Manager Parker explained that this was a way the City could control its health insurance costs. City Manager Parker added that Staff was unsure what would be excluded, due to the health law changes that had recently taken place. City Manager Parker explained that if there was anything that the new health law required and the City had exempted, the City would follow federal law. City Manager Parker stated that Staff recommended that the Council approve the Resolution allowing the City of Lufkin to exempt itself from the requirements imposed by HIPAA.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Phil Medford moved to approve the Resolution for the City of Lufkin, Texas, electing to be exempt for the plan year beginning October 1, 2010 through September 30, 2011 from the Health Insurance Portability and Accountability Act of 1996. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

11. Mayor Jack Gorden recessed the Regular Session at 5:35 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 7:15 p.m.

12. INCENTIVES FOR PROJECT AEROSPACE

Mayor Jack Gorden stated that the next item for consideration was incentives for Project Aerospace.

Councilmember Don Langston asked to be recused from discussion and voting on the item. Mayor Gorden requested that this be duly noted by City Secretary Renee Thompson.

Mayor Gorden asked for questions or comments from the Council.


Councilmember Lynn Torres moved to approve the incentives for Project Aerospace as discussed in Executive Session. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

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 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 reminded the City Council that Thursday, October 7, 2010, was the TML Region XVI Quarterly Meeting at Crown Colony at 6:30 p.m. City Manager Parker added that the “Entertainment in the Park” was taking place on Fridays in October, at 12:00 noon at Cotton Square Park. City Manager Parker stated that the Heritage Festival would take place on October 16, 2010, at the Lufkin Pitzer Garrison Civic Center at 10:00 a.m. City Manager Parker added that “A Taste of Argentina”, sponsored by the Lufkin Pitzer Garrison Civic Force, would take place on Saturday, November 13, 2010 at the Lufkin Pitzer Garrison Civic Center at 6:30 p.m. City Manager Parker asked the Council to let City Secretary Renee Thompson know if they planned to attend that event. City Manager Parker stated that the Texas Municipal League 98th Annual Conference and Exhibition would be held on October 26-29, 2010 in Corpus Christi. City Manager Parker added that he would not be at the next City Council Meeting, due to the ICMA Conference that he was attending.

14. There being no further business for consideration, the meeting adjourned at 7:17 p.m.


Renee Thompson – City Secretary


Jack Gorden, Mayor