

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 4TH DAY OF OCTOBER, 2011

On the 4th day of October, 2011, 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.	Mayor
Don Langston	Mayor Pro-Tem
Victor Travis	Councilmember, Ward No. 1
Robert Shankle	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Rufus Duncan	Councilmember, Ward No. 5
Sarah Murray	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Keith Wright	Deputy City Manager
Bruce Green	City Attorney
Renee Thompson	City Secretary
Rodney Ivy	Human Resource Director
Scott Marcotte	Police Chief
Ted Lovett	Interim Fire Chief
Belinda Southern	Finance Director
Steve Floyd	Public Works Director
Chuck Walker	Public Utilities Director
Barbara Thompson	Main Street Director
Dale Allred	Inspection Services Director
Rhonda McLendon	Animal Control Director
April Earley	Municipal Court Judge

being present, when the following business was transacted:

1. The meeting was opened with prayer by Pastor Ruben Luna, Emanuel Assembly of God.
2. Mayor Jack Gorden welcomed visitors present.
3. **APPROVAL OF MINUTES**

The corrected minutes of the Regular Meeting of September 20, 2011, were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Robert Shankle. A unanimous affirmative vote was recorded.

NEW BUSINESS:

4. **ADMINISTER OATH OF OFFICE TO MUNICIPAL COURT JUDGE APRIL EARLEY. (HONORABLE PAUL WHITE, JUDGE 159TH DISTRICT COURT)**

Mayor Jack Gorden stated that the next item was to administer the Oath of Office to Municipal Court Judge April Earley. (Honorable Paul White, Judge 159th District Court) Mayor Gorden then turned the meeting over to the Honorable Paul White, Judge 159th District Court to administer the Oath of Office.

The Honorable Paul White, Judge 159th District Court, then administered the Oath of Office to Municipal Court Judge April Earley.

City Manager Paul Parker then announced that effective October 5, 2011, Ted Lovett would become the new Fire Chief for the City of Lufkin Fire Department.

5. URGENT PUBLIC NECESSITY OF EXTENDING THE BURN BAN ORIGINALLY APPROVED BY THE CITY COUNCIL ON JUNE 17, 2011 AND EXTENDED BY THE CITY COUNCIL ON JULY 5, 2011. STAFF IS ASKING THAT THE BURN BAN BE EXTENDED – APPROVED - FOR AN ADDITIONAL 90 DAYS OR UNTIL LIFTED BY THE COUNCIL

Mayor Jack Gorden stated that the next item for consideration was the urgent public necessity of extending the burn ban originally approved by the City Council on June 17, 2011, and extended by the City Council on July 5, 2011. Staff is asking that the burn ban be extended for an additional 90 days, or until lifted by the Council.

City Manager Paul Parker stated that everyone was aware of the severe drought conditions that Lufkin continued to have and encouraged everyone not to burn outside for any reason. City Manager Parker then asked that the City Council approve the extension of the burn ban.

Mayor Jack Gorden asked for questions or comments from the Council. There was none.

Councilmember Don Langston moved to approve the urgent public necessity of extending the burn ban originally approved by the City Council on June 17, 2011, and extended by the City Council on July 5, 2011. Staff was asking that the burn ban be extended for an additional 90 days, or until lifted by the Council. Councilmember Victor Travis seconded the motion. A unanimous affirmative vote was recorded.

6. CONTRACT WITH DEEP EAST TEXAS ELECTRIC COOPERATIVE (DETEC) TO UPGRADE THE EXISTING ELECTRICAL SYSTEM, EXTEND THE HEAVY TRANSMISSION LINE EIGHT THOUSAND ONE HUNDRED EIGHTY-FOUR FEET (8,184') AND INSTALL THE PRIMARY METER FOR ONE HUNDRED EIGHTY-THREE THOUSAND SIXTY-NINE DOLLARS (\$183,069) TO CONNECT TO THE CITY OF LUFKIN ELECTRICAL SYSTEM – APPROVED - WHICH WILL SERVE THE THREE (3) CITY WELLS

Mayor Jack Gorden stated that the next item for consideration was a contract with Deep East Texas Electric Cooperative (DETEC) to upgrade the existing electrical system, extend the heavy transmission line eight thousand one hundred eighty-four feet (8,184') and install the primary meter for one hundred eighty-three thousand sixty-nine dollars (\$183,069) to connect to the City of Lufkin electrical system which will serve the three (3) City wells.

City Manager Paul Parker stated that in March 2009, the City of Lufkin purchased the Abitibi water rights. City Manager Parker added that with the water rights came thirteen (13) water wells. City Manager Parker stated that ten (10) of the wells were in Angelina County and three (3) were in Nacogdoches County. City Manager Parker explained that Abitibi was able to run their own power lines because they were an industry and the lines served their thirteen (13) wells. City Manager Parker added that whenever the City of Lufkin purchased the water rights it became evident that the City could not do heavy electrical work, and that the City would need the lines in the hands of the local utilities as the City became more and more dependent on the water wells in the future. City Manager Parker stated that all of the lines in the Angelina County area were upgraded, and Oncor had assumed responsibility for the lines that served the ten (10) wells, as well as the pump station, lodge and caretaker's home. City Manager Parker added that the three (3) wells in Nacogdoches County were under the control of the Deep East Texas Electrical Cooperative and the City approached them about running power lines to the wells and were told the expense would be approximately nine hundred thousand dollars (\$900,000). City Manager Parker stated that the Deep East Texas Electrical Cooperative informed the City that there were two (2) gas projects that were going in the near proximity to the City's well fields. City Manager Parker added that the City waited until those facilities were built and they came within eight thousand one hundred eighty-four (8,184) linear feet of the City's property. City Manager Parker stated that the proposal before the Council was to allow the City to run the main power to the first well, which was eight thousand one hundred eighty-four (8,184) linear feet, at a price of one hundred eighty-nine thousand sixty-nine dollars (\$189,069), and that the Co-Op would upgrade the lines. City Manager Parker added that Staff wanted to point out that the project would have another

phase in the future which would run the lines between the three (3) wells. City Manager Parker stated that the price to upgrade and maintain it would be approximately four hundred fifty thousand dollars (\$450,000). City Manager Parker explained that Staff had evaluated the situation and knew that it could be upgraded for approximately one hundred seventy thousand dollars (\$170,000), but the difference would be that the City would still own the lines. City Manager Parker stated that Staff did not see this as critical, because the ten (10) wells in Angelina County would be pumping and the City could wait until it got maintenance at a later date. City Manager Parker added that even though this was not part of the recommendation, Staff wanted the Council to understand that there would be another proposal brought back at a later date to upgrade the existing lines between the three (3) wells. City Manager Parker stated that this gave the entire picture of the electrical system for the wells. City Manager Parker added that the project currently before the Council was the eight thousand one hundred eighty-four (8,184) feet of transmission line for the primary meter to the first well in the amount of one hundred eighty-three thousand sixty-nine dollars (\$183,069) and the approval for Staff to enter into contract with Deep East Texas Electrical Cooperative for the installation of the electrical lines.

Mayor Jack Gorden asked for questions or comments from the Council. There was discussion between the Mayor, Council, City Manager and Staff concerning the wells and water use.

Councilmember Victor Travis moved to approve the contract with Deep East Texas Electric Cooperative (DETEC) to upgrade the existing electrical system, extend the heavy transmission line eight thousand one hundred eighty-four feet (8,184') and install the primary meter for one hundred eighty-three thousand sixty-nine dollars (\$183,069) to connect to the City of Lufkin electrical system which will serve the three (3) City wells. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

7. FIRST READING OF AN ORDINANCE FOR LICENSING AND REGULATION REGARDING CERTAIN DOG AND CAT BREEDERS, DISPLAYING ANIMALS ON ROADSIDE, COMMERCIAL PARKING LOTS, AND PUBLIC PROPERTY, - APPROVED - PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, 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 for licensing and regulation regarding certain dog and cat breeders, displaying animals on roadside, commercial parking lots, and public property, providing for repeal of conflicting Ordinances; providing for severability, declaring a penalty, and providing for an effective date.

City Manager Paul Parker stated that on August 2, 2011, Staff brought a proposed Ordinance to the City Council in a study session format. City Manager Parker added that the Ordinance prohibited the sale of animals (primarily dogs and cats) on parking lots and public right-of-ways. City Manager Parker stated that the City Council had considerable discussion at that meeting and there was not a consensus by the Council to go forth with an Ordinance that totally banned the sale of animals from parking lots or outdoor areas. City Manager Parker explained that the City Council did give Staff the direction to redirect an Ordinance that could be considered at a later date. City Manager Parker stated that the stipulations were for Staff to bring an Ordinance back to the Council that would ban the sale of animals on public right-of-ways, but would allow, under certain conditions, the sale of animals on private property with the consent of the owner. City Manager Parker added that this was with the understanding that the vendors would have their kennels inspected annually and would get a vendor's permit for the sales. City Manager Parker stated that those were the major conditions brought in from the discussion, but added that this would allow individuals who had random litters of animals to be able to sell them without the stricter requirements than those vendors who had kennels or bred animals to sell. City Manager Parker added that the annual itinerant vendor fee was one hundred dollars (\$100). City Manager Parker stated that there were several other nuances in the Ordinance, and then asked City Attorney Bruce Green if he had anything to add to his comments.

City Attorney Bruce Green stated that the major concerns were concerning reviews and inspections. Attorney Green added that the City tried to make the Ordinance as broad as possible and have the vendors simply bring a notation that their kennel had been inspected. Attorney Green stated that there would also be a potential for a renewal on an annual basis. Attorney Green added that the individual would have to show that within twelve (12) months they had an inspection of their facilities. Attorney Green stated that Staff tried to meet as many of the concerns of the City Council as they could capture at the last Council Meeting. Attorney Green added that the proposed Ordinance should touch all of those bases.

Mayor Jack Gorden asked for questions or comments from the Council. There was discussion among the Mayor, Council, City Manager, City Attorney and Staff regarding the Ordinance.

Councilmember Sarah Murray moved to approve the First Reading of the Ordinance for licensing and regulation regarding certain dog and cat breeders, displaying animals on roadside, commercial parking lots, and public property, providing for repeal of conflicting Ordinances; providing for severability, declaring a penalty, and providing for an effective date. Councilmember Rufus Duncan seconded the motion. The following vote was recorded:

Aye: Mayor Jack Gorden, Council Members Rufus Duncan and Sarah Murray

Nay: Council Members Lynn Torres, Don Langston, Robert Shankle and Victor Travis

The motion to deny carried with four (4) affirmative votes.

8. Mayor Jack Gorden recessed the Regular Session at 5:55 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 7:14 p.m.

9. **APPOINTMENT TO THE LUFKIN CONVENTION AND VISITORS BUREAU BOARD**

Mayor Jack Gorden stated that the next item for consideration was an appointment to the Lufkin Convention and Visitors Bureau Board

Councilmember Lynn Torres moved to appoint Sellestine Hunt to take over the unexpired term of April Earley on the Lufkin Convention and Visitors Bureau Board. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

10. **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 Jack 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 Members that were attending the Annual Texas Municipal League Conference and Exhibition that the dates were October 12-14, 2011, and that Staff would get with those attending about particular events to attend while in Houston. City Manager Parker added that the First Friday Luncheon would be held on Friday October 7, 2011 at 12:00 Noon at Crown Colony.

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



Renee Thompson – City Secretary



Jack Gorden, Mayor