

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY  
OF LUFKIN, TEXAS HELD ON THE 16<sup>th</sup>, DAY OF JULY, 2013.**

On the 16<sup>th</sup> day of July, 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	Mayor
Lynn Torres	Mayor Pro-Tem
Victor Travis	Councilmember, Ward No. 1
Robert Shankle	Councilmember, Ward No. 2
Don Langston	Councilmember, Ward No. 4
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
Kara Atwood	City Secretary
Scott Marcotte	Police Chief
Gerald Williamson	Assistant Police Chief
Ted Lovett	Fire Chief
Dorothy Wilson	Planning Director
Steve Floyd	Public Works Director
Chuck Walker	Public Utilities Director
Barbara Thompson	Main Street Director
Mike Akridge	Parks & Recreation Director

Being present when the following business was transacted.

1. The meeting was opened with prayer by Reverend Chester Robinson, Woods Memorial Temple Church of God in Christ.
2. Mayor Bob Brown welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of July 2, 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.

4. **PRESENTATION BY AMANDA ANDERSON, ANGELINA BEAUTIFUL CLEAN, REGARDING KEEP LUFKIN BEAUTIFUL AWARDS.**

Mayor Bob Brown stated the next item was a presentation by Amanda Anderson, Angelina Beautiful Clean, regarding Keep Lufkin Beautiful Awards.

Amanda Anderson and Valena Spradley of Angelina Beautiful Clean updated the City Council on awards received at the 46<sup>th</sup> Annual Keep Texas Beautiful Conference. The City of Lufkin was recognized as a Gold Star Affiliate. Mrs. Anderson presented the City with plaque commemorating the recognition and commended the City of Lufkin Solid Waste Department for their efforts with recycling and litter control and prevention.

**OLD BUSINESS:**

5. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BY WITHDRAWING SPECIAL USE PERMIT ORDINANCE NO. 1496 AND GRANTING A SPECIAL USE PERMIT FOR A DRINKING ESTABLISHMENT WITHIN A COMMERCIAL ZONE IN AN EXISTING BUILDING AT 1903 SOUTH FIRST STREET – APPROVED.**

Mayor Bob Brown stated the next item was to conduct a Public Hearing and consider on First Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by withdrawing Special Use Permit Ordinance No. 1496 and granting a Special Use Permit for Drinking Establishment within a Commercial zone in an existing building at 1903 South First Street.

City Manager Paul Parker stated that this was the Second Reading of the request from Mr. Patel for approval of a Special Use Permit at 1903 South First Street, formerly the old Shoney's location. City Manager Parker furthered that both Staff and Planning & Zoning Commission recommended approval of the issuance of a Special Use Permit for a Drinking Establishment.

Mayor Brown opened the Public Hearing at 5:05 p.m. and asked anyone who wished to speak on the matter to please step forward. There being no one who wished to speak, Mayor Brown closed the Public Hearing and asked for questions or motions from the Council.

Councilmember Victor Travis moved to approve the First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by withdrawing Special Use Permit Ordinance No. 1496 and granting a Special Use Permit for Drinking Establishment within a Commercial zone in an existing building at 1903 South First Street. Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

#### **NEW BUSINESS:**

6. **FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 361 REGULATING THE OPERATION OF THE TOW TRUCK BUSINESS IN THE CITY OF LUFKIN, TEXAS, AND PROVIDING FOR AN EFFECTIVE DATE - APPROVED.**

Mayor Bob Brown stated the next item of business was to consider on First Reading an Ordinance amending Ordinance No. 361 regulating the operation of the tow truck business in the City of Lufkin, Texas, and providing for an effective date.

City Manager Paul Parker stated that the City had received a complaint regarding one of the tow truck companies on the City rotation list being in violation of the Ordinance due the company's office being located outside the City limits. City Manager Parker continued that during the investigation the Police Department found that three (3) of the local companies were in violation of the ordinance. City Manager Parker furthered that these companies were removed from the rotation list due to their violations, however two (2) of the companies have remediated the violations and were back in compliance. City Manager Parker stated that Staff had reviewed the existing ordinance and modified it to allow for a tow truck company to have their office located in Angelina County, not just in the City limits. City Manager Parker furthered that the company must also be able to meet the response times set forth in the Ordinance. City Manager Parker continued that the ordinance also modified the appeal process for violations to be appealed at the administrative level, not through the City Council. City Manager Parker furthered that this change would allow for the handling of appeals in a timely manner; however, should City Council desire, the appeal process could continue to be dealt with by City Council. Councilmember Rufus Duncan clarified the change regarding the location of the principal office of the tow truck company. Councilmember Rufus Duncan questioned if this would take effect immediately or at the first of the year. Police Chief Scott Marcotte stated that applications to be placed on the rotation list would be taken in December from the tow truck companies and the list updated in January. Police Chief Marcotte continued that it would be difficult to add a company to the rotation list during the middle of year due to the entire rotation schedule already being determined. Councilmember Don Langston asked whether the rotation calendar was set at the first of year. Police Chief Marcotte stated that it was. Police Chief Marcotte also highlighted that the Ordinance also increased the required response time from twenty (20) to twenty-five (25) minutes. Councilmember Lynn Torres stated that the appeal process should be handled administratively due to time constraints in handling appeals.

Councilmember Don Langston moved to approve the First Reading of an Ordinance amending Ordinance No. 361 regulating the operation of the tow truck business in the City of

Lufkin, Texas, and providing for an effective date. Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

7. **CHANGE ORDER TO NG PAINTING, L.P., IN THE AMOUNT OF TWO HUNDRED FORTY-FIVE THOUSAND ONE HUNDRED THIRTY DOLLARS (\$245,130) FOR THE GROUND STORAGE TANK REHABILITATION PROJECT – APPROVED.**

Mayor Bob Brown stated the next item was to consider approval of a change order to NG Painting, L.P., in the amount of two hundred forty-five thousand one hundred thirty dollars (\$245,130) for the Ground Storage Tank Rehabilitation project.

City Manager Paul Parker stated that as Council would recall the City had previously received funding through the Water Quality Protection Grant Program for improvements to the water system. City Manager Parker continued that this funding was to be used to rehabilitate the two (2) 2 million gallon water tanks at the Abitibi site, along with the construction of a water treatment plant and required piping. City Manager Parker stated that Council previously awarded a contract to NG Painting, L.P. in the amount of seven hundred forty-seven thousand three hundred eighty dollars (\$747,380) for the rehabilitation of the tanks. City Manager Parker continued that once the rehabilitation started, it was discovered that the upper portion of the tanks had numerous unseen holes in the tank walls. City Manager Parker stated this repair was the main reason for the change order. City Manager Parker continued that the total change order was comprised of one hundred eighty six thousand eight hundred forty-five dollars (\$186,845) for the structural repair and twenty-three thousand one hundred thirty-five dollars (\$23,135) for the installation of erosion rings. City Manager Parker explained that the erosion rings were necessary to maintain the integrity of the tank foundation. City Manager Parker continued that an additional thirty-five thousand one hundred fifty dollars (\$30,150) was needed for additional professional services. City Manager Parker stated that there was no need for a Budget Amendment due to the total amount of funding being available in project and this would simply shift funds from the water plant portion of the project. City Manager Parker concluded that Staff recommended approval of the change order as explained.

Mayor Bob Brown then asked for questions or comments. Councilmember Victor Travis asked whether this would increase the water supply. City Manager Parker stated this would allow the City to bring additional wells on line that would be able to assist in providing water during high demand periods.

Councilmember Victor Travis moved to approve the change order to NG Painting, L.P., in the amount of two hundred forty-five thousand one hundred thirty dollars (\$245,130) for the Ground Storage Tank Rehabilitation project. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded. Mayor Brown also thanked City Engineer Chuck Walker for his work on this project.

8. **CITY MANAGER REPORT**

City Manager Paul Parker highlighted the June Financial report and stated that there was an approximately five percent (5%) increase in sales and use tax revenue. City Manager Parker furthered that the collection of EMS fines had increased slightly, but court fines and forfeitures was still below the revenue projection. City Manager Parker stated that should increase with a number of new officers slated to begin working soon. City Manager Parker continued that expenditures were in line but close to projections due to tight budgeting. City Manager Parker reviewed the Water & Sewer fund and stated the revenue for this was contingent on the weather conditions during the remainder of the summer. City Manager Parker furthered the Solid Waste budget was in good condition as well. City Manager Parker stated he would be glad to answer any questions in regard to the financials. City Manager Parker highlighted the Project Status Report and stated the final punch list had been completed on the Convention Center and that hopefully Joyce Lane would be completed prior to school starting. City Manager Parker continued that a number of projects would be closed out during the first meeting in August with the consideration of the Mid-Year Budget Amendment. City Manager Parker concluded he would be glad to answer any questions City Council might have.

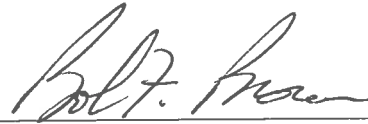
9. EXECUTIVE SESSION

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

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.

City Manager Paul Parker highlighted events and meetings on the City Council calendar including the DETCOG Board meeting, Lufkin Convention & Visitors Bureau Board Meeting and the Firemen's Pension Board meeting. Mayor Bob Brown expressed condolences to the Bob Bowman family on behalf of the City Council. Mayor Brown also thanked Staff for their participation in Councilmember Robert Shankle's recent town hall meeting.

11. There being no further business for consideration, the meeting adjourned at 5:30 p.m.



Bob F. Brown, Mayor



Kara Atwood, City Secretary

SEAL