

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS HELD ON THE 15th DAY OF JANUARY, 2013.**

On the 15th day of January, 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
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
Keith Wright	Deputy City Manager
Bruce Green	City Attorney
Kara Atwood	City Secretary
Rodney Ivy	Human Resources Director
Scott Marcotte	Police Chief
Gerald Williamson	Assistant Police Chief
Ted Lovett	Fire Chief
Belinda Southern	Finance Director
Chuck Walker	Public Utilities Director
Steve Floyd	Public Works Director
Dorothy Wilson	Planning & Zoning Director
Steve Poskey	Street Department Director
Barbara Thompson	Main Street Director
Dale Allred	Inspection Services Director

being present; and

Paul L. Parker	City Manager
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being absent when the following business was transacted.

1. The meeting was opened with prayer by Dr. Brian Wiggins, First Presbyterian Church.
2. Mayor Bob Brown welcomed visitors present.

APPROVAL OF MINUTES

3. Minutes of the Regular Meeting of December 18th, 2012 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.

NEW BUSINESS:

4. DISCUSSION OF PROPOSED SMOKE FREE ORDINANCE.

Mayor Bob Brown stated the next item on the agenda was the discussion of a proposed smoke free ordinance. Mayor Brown stated that City Council asked that Dr. Sid Roberts speak for ten (10) minutes for those present that were in favor of the smoke free ordinance and would allow anyone who wished to speak against the ordinance three (3) minutes speaking time.

Deputy City Manager Keith Wright stated that as City Council was aware, the City had received numerous requests regarding the implementation of a smoke free ordinance. Deputy City Manager Wright stated that currently the City had several ordinances in place that regulated smoking in City parks and facilities, along with an ordinance that required any restaurant that allowed smoking to have a designated smoking area with a separate ventilation system. Deputy City Manager Wright continued that the City was being requested to adopt an ordinance that would ban smoking in predominantly enclosed public places. Deputy City Manager Wright stated this item had been placed on the agenda for discussion and for City Council to direct Staff on how to proceed.

Mayor Brown then called on Dr. Sid Roberts to make his presentation regarding the proposed smoking ordinance. Dr. Roberts introduced himself and acknowledged those present with the Smoke Free Lufkin group. Dr. Roberts continued that his interest in the passage of a smoke free ordinance was not a personal one and understood the feelings of those who considered such an ordinance an infringement on personal rights. Dr. Roberts continued to explain the reasons for the need for a smoke free ordinance that included the decline of health in Angelina County, the higher number of smokers in the area and increased medical costs due to those who smoke. Dr. Roberts stated that Lufkin was located in one of the highest health care spending zones in the country. Dr. Roberts stated that making the City of Lufkin a better place to live was the responsibility of the City Council. Dr. Roberts said the passage of such an ordinance would not negatively affect businesses. Dr. Roberts stated that when Ordinance No. 406 was passed by the City of Lufkin in 1994, the City was a leader in smoke free legislation. Dr. Roberts continued that currently larger cities have passed better comprehensive smoke free legislation. Dr. Roberts furthered that a smoke free ordinance would improve health in the area and respectfully asked that City Council support the implementation of such an ordinance that would save lives, lower health care costs and improve the environment.

Mayor Brown thanked Dr. Roberts and asked that each Drug Free All Star student present stand and introduce themselves. Mayor Brown congratulated each student for becoming a Drug Free All Star. Mayor Brown then asked for anyone who wished to speak in opposition to please step forward. There being no one who wished to speak, Mayor Brown stated City Council would take the item under consideration and thanked everyone for attending.

5. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, DIRECTING THE PLANNING AND ZONING STAFF TO PROCEED WITH ANNEXATION OF PROPERTY OWNED BY JIMMY CARNES ON APPROXIMATELY 2.09 ACRES OF LAND LOCATED AT THE NORTHEAST INTERSECTION OF OAKWOOD DRIVE AND TOWER LANE AND BEING DESCRIBED AS FULLER SPRINGS FARM ACRES, BLOCK 1, LOT 85.2, 86.4 AND ALSO KNOWN AS 609 TOWER LANE AND TO DEVELOP A SERVICE PLAN FOR THE AREA – APPROVED.**

Mayor Bob Brown stated that the next item for consideration was a Resolution of the City Council of the City of Lufkin, Texas, directing the Planning and Zoning Staff to proceed with annexation of property owned by Jimmy Carnes on approximately 2.09 acres of land located at the northeast intersection of Oakwood Drive and Tower Lane and being described as Fuller Springs Farm Acres, Block 1, Lot 85.2, 86.4 and also known as 609 Tower Lane and to develop a service plan for the area.

Deputy City Manager Keith Wright stated that Mr. Jimmy Carnes had presented a petition that requested the annexation of property located at 609 Tower Lane for the purpose of receiving municipal services, especially sewer. Deputy City Manager Wright stated that Staff had reviewed the request and saw no issue with the annexation and that sewer service was available in the area. Deputy City Manager Wright continued that Staff recommended approval of the Resolution.

Councilmember Rufus Duncan moved to approve a Resolution of the City Council of the City of Lufkin, Texas, directing the Planning and Zoning Staff to proceed with annexation of property owned by Jimmy Carnes on approximately 2.09 acres of land located at the northeast intersection of Oakwood Drive and Tower Lane and being described as Fuller Springs Farm Acres, Block 1, Lot 85.2, 86.4 and also known as 609 Tower Lane and to develop a service plan for the area. Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

6. **PUBLIC HEARING AND A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO “GENESIS CAB” FOR THE OPERATION OF A TAXICAB SERVICE WITHIN THE CITY LIMITS OF THE CITY OF LUFKIN, TEXAS – APPROVED.**

Mayor Bob Brown stated that the next item of business was to conduct a Public Hearing and consider a Resolution of the City Council of the City of Lufkin, Texas, granting a Certificate of Public Convenience and Necessity to “Genesis Cab” for the operation of a taxicab service within the city limits of the City of Lufkin, Texas.

Deputy City Manager Keith Wright stated taxi cabs are regulated in the City of Lufkin and for an additional cab service to be created, City Council must grant a Certificate of Public Convenience and

Necessity. Deputy City Manager Wright continued that the City had a Taxi Cab Committee, which regulated how taxi cab companies must operate and also recommended the issuance of permits for those companies. Deputy City Manager Wright stated that currently there were two (2) taxi cab companies in the City of Lufkin; Hughes Cab Co. and Day and Night Taxi. Deputy City Manager Wright stated that the Taxi Cab Committee met on January 7, 2013 and recommended approval of the Resolution to grant the Certificate to Genesis Cab for operation of a taxi cab service in the City of Lufkin.

Mayor Brown opened the Public Hearing at 5:19 p.m. and requested that anyone who wished to speak on the item to please step forward. There being no one who wished to speak, Mayor Brown closed the Public Hearing and asked for comments or questions from City Council.

Councilmember Robert Shankle questioned whether the difference of the owners name on the documents would have any effect on the issuance of the Certificate. City Attorney Bruce Green stated that as long as the formal name on the application and Certificate were the same, there would be no effect.

Councilmember Victor Travis moved to approve a Resolution of the City Council of the City of Lufkin, Texas, granting a Certificate of Public Convenience and Necessity to "Genesis Cab" for the operation of a taxicab service within the city limits of the City of Lufkin, Texas. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

7. AWARD OF CONTRACT TO KSA ENGINEERS, INC. FOR ENGINEERING AND SURVEY SERVICES IN THE AMOUNT OF NINETY-SEVEN THOUSAND SIX HUNDRED DOLLARS (\$97,600) FOR THE NORTH BRENTWOOD DRIVE EXTENSION PROJECT – APPROVED.

Mayor Bob Brown stated the next item was to consider an award of contract to KSA Engineers, Inc. for engineering and survey services in the amount of ninety-seven thousand six hundred dollars (\$97,600) for the North Brentwood Drive Extension Project.

Deputy City Manager Keith Wright stated this project was part of the recently approved Capital Improvement Program. Deputy City Manager Wright stated that Staff had issued a Request for Qualifications (RFQ) for engineering and surveying services and these were opened and reviewed on November 8th, 2013. Deputy City Manager Wright stated that Staff recommended approval of an award of contract to KSA Engineers, Inc., in the amount of ninety-seven thousand six hundred dollars (\$97,600) for the engineering and survey services on this project.

Mayor Bob Brown then asked for questions or comments from the City Council.

Councilmember Rufus Duncan moved to approve an award of contract to KSA Engineers, Inc. for engineering and survey services in the amount of ninety-seven thousand six hundred dollars (\$97,600) for the North Brentwood Drive Extension Project. Councilmember Lynn Torres seconded the motion. A unanimous vote to approve was recorded.

8. AWARD OF CONTRACT TO EVERETT GRIFFITH, JR. AND ASSOCIATES FOR ENGINEERING AND SURVEY SERVICES IN THE AMOUNT OF SIXTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$67,500) FOR THE RECONSTRUCTION OF JOYCE LANE –APPROVED.

Mayor Bob Brown stated the next item was to consider an award of contract to Everett Griffith, Jr. and Associates for engineering and survey services in the amount of sixty-seven thousand five hundred dollars (\$67,500) for the reconstruction of Joyce Lane.

Deputy City Manager Keith Wright stated this was another of the Capital Improvement Program projects that included the reconstruction of a portion of Joyce Lane. Deputy City Manager Wright stated that Staff recommended that City Council approve an award of contract to Everett Griffith, Jr. and Associates for engineering and survey services in the amount of sixty-seven thousand five hundred dollars (\$67,500) for the reconstruction of Joyce Lane. Councilmember Victor Travis questioned why the scope of services was different from the previous project in Item No. 7. Deputy City Manager Wright stated that this project did not include drainage or bridge structures, which made the design much simpler.

Councilmember Victor Travis moved to approve an award of contract to Everett Griffith, Jr. and Associates for engineering and survey services in the amount of sixty-seven thousand five hundred dollars (\$67,500) for the reconstruction of Joyce Lane. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

9. AWARD OF CONTRACT TO GOODWIN-LASITER, INC. FOR ARCHITECTURAL SERVICES FOR THE DESIGN OF FIRE STATION NO. 5 – APPROVED.

Mayor Bob Brown stated the next item was to consider an award of contract to Goodwin-Lasiter, Inc. for architectural services for the design of Fire Station No. 5.

Deputy City Manager Keith Wright stated this project would complete the rehabilitation of the Lufkin Fire Department. Deputy City Manager Wright stated this station would be built on the same design as the previous fire station; however, it would be smaller in size in order to meet the approved cost. Deputy City Manager Wright stated that the estimated cost for architectural services would be in the amount of seventy thousand dollars (\$70,000). Deputy City Manager Wright stated that as City Council would recall, property had been purchased adjoining the current fire station on Kurth Drive, and this would be the location for the new station. Deputy City Manager Wright stated that Staff recommended approval of the contract for the design for Fire Station No. 5.

Mayor Brown asked for questions or comments from City Council.

Councilmember Lynn Torres moved to approve an award of contract to Goodwin-Lasiter, Inc. for architectural services for the design of Fire Station No. 5. Councilmember Victor Travis seconded the motion. Councilmember Don Langston commented that in the future these services should be retained at a fixed cost instead of a percentage of the construction cost. Deputy City Manager Wright stated the cost for these services should not exceed seventy thousand dollars (\$70,000). A unanimous vote to approve was recorded.

10. AWARD OF BID TO TIMBERLINE CONSTRUCTORS IN THE AMOUNT OF FIVE HUNDRED EIGHTY-FIVE THOUSAND THREE DOLLARS AND FOURTEEN CENTS (\$585,003.14) FOR THE PINWOOD PARK STREET IMPROVEMENT PROJECT IN CONJUNCTION WITH IKE ROUND 2.1 GRANT FUNDING – APPROVED.

Mayor Bob Brown stated the next item was to consider an award of bid to Timberline Constructors in the amount of five hundred eighty-five thousand three dollars and fourteen cents (\$585,003.14) for the Pinewood Park street improvement project in conjunction with Ike Round 2.1 grant funding.

Deputy City Manager Keith Wright stated this was for a project located at Pinewood Park Apartments, which would include the reconstruction of the streets located at the complex. Deputy City Manager Wright stated that the bids for the installation of the asphalt were lower than the cost of the asphalt being completed in house; therefore, Staff requested City Council approve the base bid along with Alternates No. 1 and No. 2 to Timberline Constructors in the amount of five hundred eighty-five thousand three dollars and fourteen cents (\$585,003.14).

Councilmember Don Langston moved to approve an award of bid to Timberline Constructors in the amount of five hundred eighty-five thousand three dollars and fourteen cents (\$585,003.14) for the Pinewood Park street improvement project in conjunction with Ike Round 2.1 grant funding. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

11. CITY MANAGER'S REPORT

Deputy City Manager Keith Wright stated the financial reports and project status report were included in the City Council packet. Deputy City Manager Wright stated the City was on target with sales tax revenue at the present time. Deputy City Manager Wright continued that there were issues in the budget with the Police Department having additional overtime, and Fleet Maintenance being over in the supplies account; however, these expenses would be disseminated to the correct departments. Deputy City Manager Wright then asked for questions from City Council. There were none.

Mayor Bob Brown recognized the Boy Scouts that were present and recessed the regular session at 5:30 p.m.

12. **EXECUTIVE SESSION:** The City Council of the City of Lufkin, Texas may adjourn into Executive Session in accordance with the Texas Government Code, Section 551.071, 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.

Mayor Bob Brown reconvened the regular session at 6:12 p.m.

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.**

Deputy City Manager Keith Wright highlighted upcoming events on the calendar including the Martin Luther King, Jr. walk and celebration, the Chamber Banquet and Lufkin Day. Deputy City Manager Wright also reviewed the recent rate increase settlement by Centerpoint Energy.

14. There being no further business for consideration, the meeting adjourned at 6:20 p.m.



Bob F. Brown, Mayor



Kara Atwood, City Secretary



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