

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 7th, DAY OF MAY, 2013.

On the 7th day of May, 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
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
Rodney Ivy	Human Resources Director
Scott Marcotte	Police Chief
Gerald Williamson	Assistant Police Chief
Ted Lovett	Fire Chief
Dorothy Wilson	Planning Director
Steve Poskey	Street Department Director
Steve Floyd	Public Works Director
Chuck Walker	Public Utilities Director
Mike Akridge	Parks & Recreation Director
Barbara Thompson	Main Street Director

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 Pastor Stephen Lantis, First Christian Church.
2. Mayor Bob Brown welcomed visitors present.

APPROVAL OF MINUTES

3. Minutes of the Regular Meeting of April 16th, 2013 were approved on a motion by Councilmember Robert Shankle and seconded by Councilmember Sarah Murray. A unanimous affirmative vote was recorded to approve the minutes as presented.

OLD BUSINESS:

4. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS GRANTING A SPECIAL USE PERMIT FOR A DRINKING ESTABLISHMENT IN A "CENTRAL BUSINESS" DISTRICT FOR A TRACT OF LAND DESCRIBED AS CITY OF LUFKIN, BLOCK 5, LOT 6 AND MORE COMMONLY KNOWN AS 113 WEST SHEPHERD AVENUE – APPROVED.**

Mayor Bob Brown stated that the next item was to conduct a Public Hearing and consider on second reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas granting a Special Use Permit for a drinking establishment in a "Central Business" district for a tract of land described as City of Lufkin, Block 5, Lot 6 and more commonly known as 113 West Shepherd Avenue.

City Manager Paul Parker stated that this was the Second Reading of a request from Mr. Jeremy Crew for a Special Use Permit for a drinking establishment at 113 West Shepherd Avenue. City Manager Parker stated the owner wished to use the facility as a brewery for craft beer.

Mayor Brown opened the Public Hearing at 5:06 p.m. and requested that anyone who wished to speak on the item to please step forward. There being no one further who wished to speak, Mayor Brown closed the Public Hearing and asked for comments or questions from City Council.

Councilmember Victor Travis stated since the applicant had met all qualifications he would move to approve an ordinance amending the Zoning Ordinance of the City of Lufkin, Texas granting a Special Use Permit for a drinking establishment in a "Central Business" district for a tract of land described as City of Lufkin, Block 5, Lot 6 and more commonly known as 113 West Shepherd Avenue. Councilmember Don Langston seconded the motion and a unanimous vote to approve was recorded.

NEW BUSINESS:

5. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, DIRECTING THE PLANNING STAFF TO PROCEED WITH ANNEXATION OF PROPERTY LOCATED NORTHEAST OF THE CURRENT CITY LIMITS ALONG STATE HIGHWAY 103 EAST AND TO DEVELOP A SERVICE PLAN FOR THE AREA – APPROVED.

Mayor Bob Brown stated the next item was to consider a Resolution of the City Council of the City of Lufkin, Texas, directing the Planning Staff to proceed with annexation of property located northeast of the current City Limits along State Highway 103 East and to develop a service plan for the area.

City Manager Paul Parker stated that several Councilmembers including Councilmembers Lynn Torres and Don Langston had worked with this issue for some time. City Manager Parker continued that this property was part of the Abitibi site and partially owned by Mr. Harold Estes. City Manager Parker furthered that Staff had been working with Mr. Estes to determine how to annex the majority of the property while retaining the part of the property for industrial development. City Manager Parker stated this would allow for some of property to remain outside the City limits, and allow the owner to pay an "in-lieu of" fee for ten (10) years; and after such time the property would automatically be annexed. City Manager Parker stated that City Attorney Bruce Green would expand on the agreement if Council desired, however, the agreement would be submitted to Council for approval at a later date. City Manager Parker then reviewed the areas of annexation on the map. City Manager Parker stated that Staff was simply requesting Council approval to move forward with the annexation. City Attorney Green then highlighted the agreement that would allow part of the property to be considered as an Industrial District per State statute. City Attorney Green stated an ordinance would be required to create the District along with an agreement with the industries located within the District. City Attorney Green stated this agreement would provide for protection from annexation for a specified time, in this instance ten (10) years. City Attorney Green stated that the ordinance and agreement were drafted and would be presented for approval once a firm map of the annexation was determined. City Manager Parker stated that these items would be presented during a future meeting and stated that Staff recommended approval. Councilmember Victor Travis questioned how much property was included. Planning Director Dorothy Wilson stated that it was in excess of approximately (500) five hundred acres, but she did not have the exact acreage.

Councilmember Victor Travis moved to approve a Resolution of the City Council of the City of Lufkin, Texas, directing the Planning Staff to proceed with annexation of property located northeast of the current City Limits along State Highway 103 East and to develop a service plan for the area. Councilmember Don Langston seconded the motion and a unanimous vote to approve was recorded.

6. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN TEXAS, AUTHORIZING THE CITY OF LUFKIN TO NOMINATE WOODLAND HEIGHTS MEDICAL CENTER L.L.C., TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK AS AN ENTERPRISE PROJECT – APPROVED.

Mayor Bob Brown stated the next agenda item was to consider a Resolution of the City Council of the City of Lufkin Texas, authorizing the City of Lufkin to nominate Woodland Heights Medical Center L.L.C., to the Office of the Governor, Economic Development and Tourism through the Economic Development bank as an Enterprise Project.

City Manager Paul Parker stated that this item had been presented previously and was a process that allowed for a local entity to receive back a portion of sales tax paid for facility and equipment upgrades over a five (5) year period. City Manager Parker continued that Woodland Heights Medical

Center meets the requirements of employees and benefits. City Manager Parker stated that the State allows six (6) Enterprise Projects per biennium to cities and this would be the first for this biennium. City Manager Parker stated that Mr. Casey Robertson, CEO, of Woodland Heights was present should City Council have any questions regarding the request. City Manager Parker concluded that Staff recommended approval of this request, which did not require any local funding. Mayor Brown stated this had also been previously approved by the 4B Economic Development Board.

Councilmember Rufus Duncan moved to approve Resolution of the City Council of the City of Lufkin Texas, authorizing the City of Lufkin to nominate Woodland Heights Medical Center L.L.C., to the Office of the Governor, Economic Development and Tourism through the Economic Development bank as an Enterprise Project. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

7. **FIRST READING OF AN ORDINANCE AMENDING THE STANDARD UNSAFE BUILDING ABATEMENT CODE FOR THE CITY OF LUFKIN; REPEALING ALL ORDINANCES AND PROVISIONS IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE – APPROVED.**

Mayor Bob Brown stated Item No. 7 was to consider on First Reading an Ordinance amending the Standard Unsafe Building Abatement Code for the City of Lufkin; repealing all ordinances and provisions in conflict therewith; and providing for an effective date.

City Manager Paul Parker stated that City Council had previously reviewed this item during a recent work session. City Manager Parker stated that the City of Lufkin had always taken an aggressive approach to the condemnation and removal of dilapidated structures; however, recent lawsuits against the City of Dallas had halted this practice. City Manager Parker stated that a new ruling allowed that cities could proceed with the process of condemnation and demolition. City Manager Parker stated that currently the City of Lufkin had twenty-two (22) properties that currently needed to be addressed and this ordinance would allow the Council to act on these cases. City Manager Parker continued that the ordinance created a board comprised of the City Council to review and rule on these structures during a public meeting. City Manager Parker furthered that the ordinance provided that as long as no appeal to a condemnation ruling was made within thirty (30) days, the City could move forward with condemnation and demolition of the structure.

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

Councilmember Don Langston moved to approve the First Reading of an Ordinance amending the Standard Unsafe Building Abatement Code for the City of Lufkin; repealing all ordinances and provisions in conflict therewith; and providing for an effective date. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

8. **FIRST READING OF AN ORDINANCE PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT, VACATION, CLOSURE OF A CERTAIN TRACT OR PARCEL OF LAND BEING A TWENTY FOOT ALLEY LOCATED BETWEEN N. RAGUET STREET AND DOUGLAS STREET THAT LIES BETWEEN LOTS 1, 2.1 AND 3 IN BLOCK NO. 76 OF THE CITY OF LUFKIN SURVEY AND LOT 1, BLOCK 1 OF BJL LLC ADDITION, LUFKIN, ANGELINA COUNTY; AND PROVIDING FOR THE CITY MANAGER TO CONVEY BY QUIT CLAIM ALL OF THE CITY'S SAID INTEREST IN SAID ALLEY TO THE ABUTTING PROPERTY OWNER, UPON PAYMENT OF FAIR MARKET VALUE – APPROVED.**

Mayor Bob Brown stated that Item No. 8 was to consider on First Reading an Ordinance providing for the terms and conditions of abandonment, vacation, closure of a certain tract or parcel of land being a twenty foot alley located between N. Raguet Street and Douglas Street that lies between Lots 1, 2.1 and 3 in Block No. 76 of the City of Lufkin Survey and Lot 1, Block 1 of BJL LLC Addition, Lufkin, Angelina County; and providing for the City Manager to convey by quit claim all of the City's said interest in said alley to the abutting property owner, upon payment of fair market value.

City Manager Paul Parker stated had received a request from the TLL Temple Foundation, Inc. for the closure and purchase of the alley as described. City Manager Parker stated that per City policy, the alley was appraised in the amount of twelve thousand four hundred seventy dollars (\$12,470). City Manager Parker stated the total purchase price would be twelve thousand nine hundred dollars (\$12,900), the appraisal cost. City Manager Parker stated that this would allow for the expansion of the Alcohol Drug Abuse Council facility.

Councilmember Victor Travis moved to approve the First Reading of an Ordinance providing for the terms and conditions of abandonment, vacation, closure of a certain tract or parcel of land being a twenty foot alley located between N. Raguet Street and Douglas Street that lies between Lots 1, 2.1 and 3 in Block No. 76 of the City of Lufkin Survey and Lot 1, Block 1 of BJL LLC Addition, Lufkin, Angelina County; and providing for the City Manager to convey by quit claim all of the City's said interest in said alley to the abutting property owner, upon payment of fair market value. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

9. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2012/2013 OPERATING BUDGET (BUDGET AMENDMENT NO. 15), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND CONSTRUCTION FUND, THE 2010 CAPITAL IMPROVEMENTS FUND, THE 2012 CAPITAL IMPROVEMENTS FUND, THE ECONOMIC DEVELOPMENT PROJECTS & GRANTS FUND, THE ECONOMIC DEVELOPMENT FUND, SOLID WASTE/RECYCLING DEPRECIATION FUND AND WATER & WASTEWATER DEPRECIATION FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.

The next item for consideration was a Resolution authorizing an amendment to the 2012/2013 Operating Budget (Budget Amendment No. 15), providing for the supplemental appropriation of funds in the General Fund Construction Fund, the 2010 Capital Improvements Fund, the 2012 Capital Improvements Fund, the Economic Development Projects & Grants Fund, the Economic Development Fund, Solid Waste/Recycling Depreciation Fund and Water & Wastewater Depreciation Fund; and providing an effective date.

City Manager Paul Parker stated this Budget Amendment included numerous items and basically closed out projects that have been completed. City Manager Parker stated this Budget Amendment was necessary to begin the annual budget process. City Manager Parker concluded that Staff recommended approval of the Budget Amendment.

Councilmember Don Langston moved to approve a Resolution authorizing an amendment to the 2012/2013 Operating Budget (Budget Amendment No. 15), providing for the supplemental appropriation of funds in the General Fund Construction Fund, the 2010 Capital Improvements Fund, the 2012 Capital Improvements Fund, the Economic Development Projects & Grants Fund, the Economic Development Fund, Solid Waste/Recycling Depreciation Fund and Water & Wastewater Depreciation Fund; and providing an effective date. Councilmember Victor Travis seconded the motion and a unanimous vote to approve was recorded.

10. AWARD OF BID TO THE REYNOLDS COMPANY IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) FOR THE PURCHASE OF AUTOMATION EQUIPMENT FOR THE WASTEWATER TREATMENT PLANT – APPROVED.

Item No. 10 on the agenda was to consider an award of bid to The Reynolds Company in the amount of one hundred fifty thousand dollars (\$150,000) for the purchase of automation equipment for the Wastewater Treatment Plant.

City Manager Paul Parker stated that in September 2012 lightning struck the Wastewater Treatment Plant and caused considerable damage to the PLC controllers and equipment throughout the plant. City Manager Parker stated that the City's insurance provider, Texas Municipal League (TML), would reimburse the City for the claim in the amount of one hundred sixty-nine five hundred ninety-three dollars and seventy-six cents (\$169,593.76). City Manager Parker stated that Staff requested that City Council approve the award of bid to The Reynolds Company in the amount of one hundred fifty thousand dollars (\$150,000) for the purchase of replacement equipment. City Manager Parker furthered that some of the funding had been previously expended due to the emergency need to get the plant back in service.

Councilmember Victor Travis moved to approve an award of bid to The Reynolds Company in the amount of one hundred fifty thousand dollars (\$150,000) for the purchase of automation equipment for the Wastewater Treatment Plant. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

11. AWARD OF A BASE BID TO LAYNE CHRISTENSEN COMPANY IN THE AMOUNT OF FORTY-THREE THOUSAND SEVEN HUNDRED FORTY DOLLARS (\$43,740) UP TO

TWO HUNDRED NINETY-TWO THOUSAND EIGHT HUNDRED FOUR DOLLARS (\$292,804) FOR THE LIFTING OF WATER WELLS NO. 25 AND 30 – APPROVED.

Mayor Bob Brown stated the next item was to consider and award of a base bid to Layne Christensen Company in the amount of forty-three thousand seven hundred forty dollars (\$43,740) up to two hundred ninety-two thousand eight hundred four dollars (\$292,804) for the lifting of Water Wells No. 25 and 30.

City Manager Paul Parker stated that in order to meet Texas Environmental Quality Commission (TCEQ) regulations, the wells located at the Abitibi site must be lifted eighteen inches (18”) from the ground to be used for potable water. City Manager Parker stated that in order for this to be accomplished, the well casing, bearings and pump must be pulled prior to pouring the extension. City Manager Parker furthered that this was the best time to complete repairs on the pumps. City Manager Parker continued that this was reason for the range in the amount of the bid; the condition of the well pump would not be known until it was pulled, and there was no way to know prior to this point what would need to be repaired during the lifting of the well. City Manager Parker stated that based on the condition of the wells, either one (1) or possibly three (3) wells could be completed. Councilmember Rufus Duncan asked the reason for the need to raise these wells. City Manager Parker stated these wells would be brought on line as a second point of a distribution and would provide backup water supply during hot summer months.

Councilmember Victor Travis moved to approve the award of a base bid to Layne Christensen Company in the amount of forty-three thousand seven hundred forty dollars (\$43,740) up to two hundred ninety-two thousand eight hundred four dollars (\$292,804) for the lifting of Water Wells No. 25 and 30. Councilmember Rufus Duncan seconded the motion and a unanimous vote to approve was recorded.

12. AWARD OF BID TO DREWERY CONSTRUCTION IN THE AMOUNT OF THREE HUNDRED THIRTY-TWO THOUSAND EIGHTEEN DOLLARS (\$332,018) FOR THE JOYCE LANE RECONSTRUCTION PROJECT – APPROVED.

Mayor Bob Brown stated Item No. 12 was to consider an award of bid to Drewery Construction in the amount of three hundred thirty-two thousand eighteen dollars (\$332,018) for the Joyce Lane Reconstruction Project.

City Manager Paul Parker stated this was a project that was included in the Capital Improvement Program. City Manager Parker stated that this was the bid for the construction portion of the project, and the remainder of the project would be completed in house. City Manager Parker stated that Staff recommended approval of the bid as submitted.

Councilmember Robert Shankle moved to approve an award of bid to Drewery Construction in the amount of three hundred thirty-two thousand eighteen dollars (\$332,018) for the Joyce Lane Reconstruction Project. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

13. AWARD OF CONTRACT TO VISIONPOINT IN THE AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000) FOR THE DEVELOPMENT OF A PLAN TO AFFIRMATIVELY FURTHER FAIR HOUSING IN THE CITY OF LUFKIN – APPROVED.

Mayor Bob Brown stated that the next item was to consider an award of contract to Visionpoint in the amount of twenty-five thousand dollars (\$25,000) for the development of a plan to Affirmatively Further Fair Housing in the City of Lufkin.

City Manager Paul Parker stated that over the past several years, the City has received funding through the Ike Grant funding. City Manager Parker stated that during the allocation of this funding, a lawsuit was filed against the State of Texas regarding the method of distribution during the Ike Round I grant cycle. City Manager Parker stated that the parties agreed to a conciliatory agreement that required Cities applying for funding to address the sixteen (16) impediments in the agreement. City Manager Parker stated that funding for plan to address these impediments was included in the last grant received by the City. City Manager Parker continued that Requests for Proposals were recently sent out and Staff received one (1) response, from Visionpoint, owned by Raymond Vann. City Manager Parker stated that Staff recommended City Council approve the award of contract to Visionpoint to develop and implement a Fair Housing plan for the City of Lufkin.

Councilmember Don Langston moved to approve an award of contract to Visionpoint in the amount of twenty-five thousand dollars (\$25,000) for the development of a plan to Affirmatively Further Fair Housing in the City of Lufkin. Councilmember Victor Travis seconded the motion and a unanimous vote to approve was recorded.

14. PRESENTATION BY WATERS CONSULTING GROUP, INC. REGARDING A COMPENSATION AND CLASSIFICATION STUDY FOR THE CITY OF LUFKIN.

Mayor Bob Brown stated that the next item was a presentation by Waters Consulting Group, Inc. regarding a compensation and classification study for the City of Lufkin.

City Manager Paul Parker stated that City Council had previously authorized Staff to enter into an agreement with Waters Consulting Group for the completion of a compensation and classification study for City of Lufkin employees, excluding Police, Fire, certain Zoo employees and Department Heads. City Manager Parker stated this study had taken a while to complete; however, the study was now complete. City Manager Parker stated that representatives from Waters Consulting were present to give an overview of the methodology used to arrive at the results. City Manager Parker also stated that as Council was aware, one hundred thousand dollars (\$100,000) had been previously allocated for the implementation of the study, so no further City Council action was required to implement. City Manager Parker stated that it would not be implemented until Council was comfortable to do so. City Manager Parker then turned the presentation over to Human Resources Director Rodney Ivy. Director Ivy stated that Linda Cobb, Senior Consultant and Joyce Powell, Senior Compensation Consultant would present an overview of the study. Mrs. Cobb gave a thorough overview of the project and its results. Mrs. Cobb stated that all positions, pay scales and titles were reviewed and job evaluations were completed with the assistance of the Staff and then weighted accordingly. Mrs. Cobb stated that all of this information was used to create a pay structure for the City of Lufkin. Mrs. Cobb then explained the proposed pay structure for City of Lufkin employees that would allow the City to hire and retain good employees. Councilmember Victor Travis questioned when the plan should be implemented. City Manager Parker stated that Staff could move forward as soon as Council felt comfortable. Councilmember Rufus Duncan questioned how the study approached what other local businesses were paying. Mrs. Cobb stated that the scope of work did not include a custom survey; therefore local private businesses were not asked for information. Mrs. Cobb stated that data from the Economic Resource Institute was used for private sector comparisons. Director Ivy stated that Staff had requested information from local employers; however, only two (2) were returned due to private industry not wanting to share information. Councilmember Don Langston stated that the City had a large number of comparable job positions with the local private sector, and none of those employers were contacted. Councilmember Langston stated that since there was no information included from local employers, he felt the study was incomplete. Councilmember Duncan agreed with Councilmember Langston, but stated the study did address the internal fairness issue. Councilmember Langston concurred, but stated the goal was to receive information on salaries and benefits from the local area employers, and felt the study was inconclusive. Discussion continued among Councilmembers regarding the study. Mayor Brown thanked Mrs. Cobb and Mrs. Powell for their presentation.

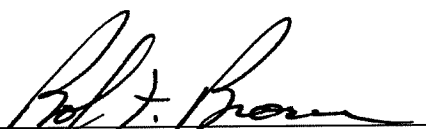
15. EXECUTIVE SESSION

Mayor recessed into Executive Session at 6:00 p.m.

Mayor reconvened the Regular Session at 7:20 p.m.

16. 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.

17. There being no further business, the meeting adjourned at


Bob F. Brown, Mayor

Kara Atwood

Kara Atwood, City Secretary

SEAL