

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 7th DAY OF JANUARY, 2014.

On the 7th day of January, 2014, 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 F. 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
Rodney Ivy	Human Resources Director
Scott Marcotte	Police Chief
Gerald Williamson	Assistant Police Chief
Ted Lovett	Fire Chief
Belinda Southern	Finance Director
Dorothy Wilson	Planning Director
Steve Floyd	Public Works Director
Steve Poskey	Street Department Director
Chuck Walker	Public Utilities Director
Mike Akridge	Parks & Recreation Director
Barbara Thompson	Main Street Director
Dale Allred	Inspection Services Director

being present when the following business was transacted.

1. The meeting was opened with prayer by Reverend Randy Green, Christ Congregational Church.
2. Mayor Bob Brown welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting held December 17th, 2013, were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember Robert Shankle. A unanimous affirmative vote was recorded to approve the minutes as presented.

4. **PRESENTATION AND ACCEPTANCE OF THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION**

Mayor Bob Brown stated the next item was the presentation and acceptance of the Certificate of Achievement for excellence in financial reporting from the Government Finance Officers Association.

City Manager Paul Parker stated that the City of Lufkin Finance Department had received the Certificate of Achievement for excellence in financial reporting from the Government Finance Officers Association. City Manager Parker concluded that the Department should be recognized and commended for their efforts.

Mayor Bob Brown congratulated the Finance Department Staff on the award and commended them for their efforts.

OLD BUSINESS:

5. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BY GRANTING A SPECIAL USE PERMIT FOR A RADIO, TELEVISION AND COMMUNICATION TOWER ON A .25 ACRE PORTION OF LEASED LAND IN THE NORTHWEST CORNER OF A 4.895 ACRE PARCEL DESCRIBED AS ABS 0070 ABNEY, P.C., TRACT AND MORE COMMONLY KNOWN AS 2209 EAST DENMAN AVENUE – APPROVED.**

Mayor Bob Brown stated 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, by granting a Special Use Permit for a radio, television and communication tower on a .25 acre portion of leased land in the northwest corner of a 4.895 acre parcel described as ABS 0070 Abney, P.C., Tract and more commonly known as 2209 East Denman Avenue.

City Manager Paul Parker stated this was the Second Reading for the request by Verizon Wireless for a Special Use Permit for the installation of a wireless communication tower on property located at 2209 East Denman Avenue.

City Manager Parker concluded that both the Planning & Zoning Commission and Staff recommended approval of the request.

Mayor Brown opened the Public Hearing at 5:04 p.m. and asked 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 Victor Travis moved to approve the First Reading of the Ordinance granting the Special Use Permit for a radio, television and communication tower on property commonly known as 2209 East Denman Avenue. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

6. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BY REMOVING SPECIAL USE PERMIT ORDINANCE NO. 2936 AND APPROVING A SPECIAL USE PERMIT FOR A DRINKING ESTABLISHMENT FOR A PARCEL OF LAND DESCRIBED AS TIMBERLAND SHOPPING CENTER, BLOCK 1, LOT 1, 4.074 ACRES AND COMMONLY KNOWN AS 732 SOUTH TIMBERLAND DRIVE – APPROVED.**

Mayor Bob Brown stated 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, by removing Special Use Permit Ordinance No. 2936 and approving a Special Use Permit for a drinking establishment for a parcel of land described as Timberland Shopping Center, Block 1, Lot 1, 4.074 acres and commonly known as 732 South Timberland Drive.

City Manager Paul Parker stated that this was a request for a Special Use Permit for a drinking establishment at 732 South Timberland Drive, the former location of the Wild Horse Saloon. City Manager Parker continued that there were a few letter of protests; however, the Planning & Zoning Commission, by a four (4) to one (1) vote, approved the request for the Special Use Permit for a drinking establishment.

City Manager Parker stated the Planning & Zoning Commission approved the request by a four (4) to one (1) vote. City Manager Parker concluded that Staff and the Commission recommended approval.

Mayor Brown opened the Public Hearing at 5:06 p.m. and asked 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.

Councilmember Victor Travis stated that since no further opposition had been received, he would move to approve the issuance of a Special Use Permit for a drinking establishment at

property located at 732 South Timberland Drive. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

7. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BY CHANGING THE ZONING DESIGNATION FROM “LOCAL BUSINESS” TO “CENTRAL BUSINESS” DISTRICT FOR PROPERTY DESCRIBED AS 3935 ELLIS, BLOCK 1, LOT 1-2 AND WEST PORTION OF LOT 3; AND CHANGING THE 2011 COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM “LOW DENSITY RESIDENTIAL” TO “CENTRAL BUSINESS” DISTRICT AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP – APPROVED.**

Mayor Bob Brown stated the next item on the agenda was to conduct a Public Hearing and consider on Second Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation from “Local Business” to “Central Business” district for property described as 3935 Ellis, Block 1, Lot 1-2 and west portion of Lot 3; and changing the 2011 Comprehensive Plan Future Land Use Map from “Low Density Residential” to “Central Business” district and authorizing the City Planner to make such changes on the Official Map.

City Manager Paul Parker stated this was a request by the owner, Jason Minguez, to change the zoning designation to “Central Business” in order to allow the owner to utilize the building as both an apartment building and office space. City Manager Parker stated this was the previous location of Thompson’s Pharmacy on the corner of Ellis. City Manager Parker concluded that both the Planning & Zoning Commission and Staff recommended approval of the request.

Mayor Brown opened the Public Hearing at 5:09 p.m. and asked 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

Councilmember Lynn Torres moved to approve the Ordinance amending the zoning designation from “Local Business” to “Central Business” for property located on Ellis Street. Councilmember Don Langston seconded the motion and a unanimous vote to approve was recorded.

8. **SECOND READING OF AN ORDINANCE OF THE CITY OF LUFKIN, TEXAS, PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY AS FURTHER DESCRIBED IN EXHIBIT A, SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE – APPROVED.**

Mayor Bob Brown stated the next item was to consider on Second Reading of an Ordinance of the City of Lufkin prohibiting the use of designated groundwater from beneath certain property as further described in Exhibit A, supporting certification of a municipal setting designation by the Texas Commission on Environmental Quality; providing a penalty clause; providing a severability clause; and providing an effective date.

City Manager Paul Parker stated as City Council was aware; this was a request for a Municipal Setting Designation by Mr. Trey Henderson for property located at 1312 Wilson, the location of Angelina Hardwood. City Manager Parker continued that this was a restriction placed on the property related to the use of groundwater from the ground surface to a depth of one hundred feet (100’) for human consumption. City Manager Parker furthered that Staff had no issue with the designation being placed on the property. City Manager Parker stated this was a requirement that an owner could request to aid in real estate transactions. City Manager Parker concluded that Staff recommended approval of this request.

Councilmember Don Langston moved to approve the Second Reading of an Ordinance providing for a Municipal Setting Designation for property located at 1312 Wilson Avenue. Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

9. **SECOND READING OF AN ORDINANCE PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT, VACATION, AND CLOSURE OF A CERTAIN TRACT OR PARCEL OF LAND BEING AN UNDEVELOPED ALLEY, BEING LOCATED BETWEEN 102 JOPLIN, 104 JOPLIN AND 107 MARTIN LUTHER KING DRIVE, THAT LIES BETWEEN 90 AND 90.1 OF THE J.L. QUINALTY SURVEY AND LOT 1.3, SW PT OF 1, BLOCK 1 OF THE E & W SHOP ADDITION, ANGELINA COUNTY AND PROVIDING FOR THE CITY MANAGER TO CONVEY BY DEED WITHOUT WARRANTY ALL OF THE CITY'S INTEREST IN SAID ALLEY TO THE ABUTTING PROPERTY OWNER ELZIE HOLMES, UPON PAYMENT OF FAIR MARKET VALUE IN THE AMOUNT OF TWO HUNDRED FOURTEEN DOLLARS AND TWENTY CENTS (\$214.20) – APPROVED.**

Mayor Bob Brown stated the next item was to consider on Second Reading an Ordinance providing for the terms and conditions of abandonment, vacation, and closure of a certain tract or parcel of land being an undeveloped alley, being located between 102 Joplin, 104 Joplin and 107 Martin Luther King Drive, that lies between 90 and 90.1 of the J.L. Quinalty Survey and Lot 1.3, SW PT of 1, Block 1 of the E & W Shop Addition, Angelina County and providing for the City Manager to convey by deed without warranty all of the City's interest in said alley to the abutting property owner Elzie Holmes, upon payment of fair market value in the amount of two hundred fourteen dollars and twenty cents (\$214.20).

City Manager Paul Parker stated this was part of the parcels of land that were sold at the previous City Council meeting. City Manager Parker stated the sale of this property required a second reading due to the property being a portion of an alley. City Manager Parker concluded that Staff recommended approval of the sale.

Councilmember Robert Shankle moved to approve the Ordinance abandoning, vacating and closing the alley located between 102 and 104 Joplin and 107 Martin Luther King Drive and approving the sale of said alley to Elzie Holmes for the amount of two hundred fourteen dollars and twenty cents (\$214.20). Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

10. **PURCHASE OF TWELVE (12) PICKUPS FOR VARIOUS CITY DEPARTMENTS IN THE AMOUNT OF TWO HUNDRED SIXTY-FOUR THOUSAND TWO HUNDRED TWENTY-THREE DOLLARS (\$264,223) FROM CALDWELL COUNTRY FORD-CHEVROLET THROUGH THE BUY BOARD – APPROVED.**

Mayor Bob Brown stated the next item was to consider approval of the purchase of twelve (12) pickups for various City Departments in the amount of two hundred sixty-four thousand two hundred twenty-three dollars (\$264,223) from Caldwell Country Ford-Chevrolet through the Buy Board.

City Manager Paul Parker stated that most of the equipment purchases for the City were approved during the budget process. City Manager Parker continued that Public Works Director Steve Floyd had reviewed the equipment and determined that twelve (12) vehicles needed to be replaced. City Manager Parker furthered that a total of twelve (12) pickups would be purchased for a total of two hundred sixty-four thousand two hundred twenty-three dollars (\$264,223) from Caldwell Country Ford-Chevrolet through the Buy Board and Staff recommended approval. Councilmember Victor Travis questioned whether a minimum bid amount would be placed on these vehicles when auctioned. City Manager Parker stated that these would not have a minimum bid amount.

Councilmember Victor Travis moved to approve the purchase of the vehicles as stated. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

11. **RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2013-2014 OPERATING BUDGET (BUDGET AMENDMENT NO. 6), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE WATER/WASTEWATER DEPRECIATION FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED**

Mayor Bob Brown stated the next item was to consider a Resolution authorizing an amendment to the 2013-2014 Operating Budget (Budget Amendment No. 6), providing for the supplemental appropriation of funds in the Water/Wastewater Depreciation Fund; and providing an effective date.

City Manager Paul Parker stated this Budget Amendment was for two separate projects. City Manager Parker explained the first portion, which was the cost to complete the rehabilitation of Water Well No. 33 to meet Texas Commission of Environmental Quality regulations. City Manager Parker stated that funds remained after the completion of Water Well No. 25; which was used to pull, clean and inspect Well No. 33. City Manager Parker stated that after this process, it was determined that the cost of rehabilitating the well was in the amount of one hundred forty-eight thousand four hundred nine dollars (\$148,409). City Manager Parker concluded that the rehabilitation of this well would give the City a total of four (4) wells that meet all requirements for public use. City Manager Parker concluded that he would be happy to answer any questions related to this portion of the Budget Amendment. There were none.

City Manager Parker continued that the second portion of the Budget Amendment was related to the installation of the twenty-four inch (24”) water line to Highway 59 South from the Abitibi plant. City Manager Parker stated this line was 8.42 miles long. City Manager Parker stated that Staff had received verbal estimates for the cost of clearing the area with a mulcher where the line was to be placed and these estimates were approximately three hundred thousand dollars (\$300,000). City Manager Parker stated that the City could purchase a mulcher for less than this and the City also had several employees familiar with operating this equipment. City Manager Parker furthered that this equipment would require significant maintenance; however, Staff felt that the purchase of the equipment would be favorable over hiring an outside contractor for this project, and the equipment would also be used for many other projects. City Manager Parker concluded this item merely allocated the funding and the purchase would be brought back for approval at a later date. Discussion ensued among City Council regarding the purchase and use of the mulcher. Public Utility Director Chuck Walker answered questions related to the purchase of the mulcher and its planned use.

Councilmember Don Langston stated he would move to approve the Budget Amendment with the stipulation that an analysis and more information be submitted for City Council approval prior to the item being submitted for approval for purchase.

Councilmember Don Langston moved to approve the Resolution authorizing Budget Amendment No. 6 with the stipulation that an analysis and more information be provided for Council approval prior to moving forward the purchase of the forestry mulcher. Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

12. **RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2013-2014 OPERATING BUDGET (BUDGET AMENDMENT NO. 7), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.**

Mayor Bob Brown stated the next item was to consider approval of a Resolution authorizing an amendment to the 2013-2014 Operating Budget (Budget Amendment No. 7), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date.

City Manager Paul Parker stated that as City Council would recall, the City outsourced the Emergency Medical Services (EMS) billing to Municipal Computing Systems (MCS). City Manager Parker furthered that revenues received prior to the outsourcing were higher than

now and the company had not delivered the promised results. City Manager Parker stated that Staff had reviewed all options and felt that the City would be better served if the EMS billing were returned to in house billing. City Manager Parker furthered that Staff had met with MCS on numerous occasions with no results. City Manager Parker stated that Staff had also contracted with a collection agency which did not provide a positive result. City Manager Parker furthered that the City would be required to provide a sixty (60) day notice to cancel the contract with MCS. City Manager Parker stated that Staff has researched and selected software to perform the billing and patient care reporting. City Manager Parker stated this Budget Amendment allocated funding for the software purchases needed along with two (2) new full-time employees and associated training. City Manager Parker stated the cost of this would be offset by fees not being paid to MCS and the increased revenue. City Manager Parker concluded that Staff recommended City Council approve the Budget Amendment to allow Staff to move forward with the project.

Councilmember Lynn Torres moved to approve the Resolution authorizing Budget Amendment No. 7 and the termination of the contract for EMS Billing. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

13. **EXECUTIVE SESSION**

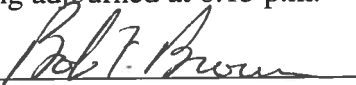
Mayor Bob Brown recessed the Regular Session at 5:40 p.m.

Mayor Bob Brown reconvened the Regular Session at 6:11 p.m.

14. **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 upcoming events and meetings on the calendar and holiday closures including the First Friday Luncheon, Chamber Banquet and Lufkin Day.

15. There being no further business for consideration, the meeting adjourned at 6:15 p.m.



Bob F. Brown, Mayor



Kara Atwood, City Secretary

SEAL