

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 21<sup>st</sup>, DAY OF MAY, 2013.**

On the 21<sup>st</sup> 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
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
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
Steve Poskey	Street Department Director
Mike Akridge	Parks & Recreation Director
Barbara Thompson	Main Street Director

Being present when the following business was transacted.

- 1. Mayor Bob Brown asked that a moment of silence be observed in remembrance of those affected by the tornadoes in Oklahoma along with the firemen in Dallas. The meeting was then opened with prayer by Pastor Don Schultheis, First Church of the Nazarene.
- 2. Mayor Bob Brown welcomed visitors present.
- 3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of May 7<sup>th</sup>, 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. **CANVASS OF 2013 CITY OF LUFKIN GENERAL ELECTION AND CONSIDER A RESOLUTION DECLARING THE RESULTS OF THE 2013 CITY OF LUFKIN GENERAL ELECTION – APPROVED.**

Mayor Bob Brown stated the next item was the Canvass of 2013 City of Lufkin General Election and consideration of a Resolution declaring the results of the 2013 City of Lufkin General Election.

City Manager Paul Parker stated that as City Council was aware, State Law required the official canvass of the votes of the City of Lufkin May 11, 2013 General Election. City Manager Parker then requested that City Secretary Kara Atwood present the results of the election. City Secretary Atwood stated that previously the City Council resolved and ordered that an Election be held on May 11, 2013 for the purpose of electing a Councilmember for Ward No. 1. City Secretary Atwood continued that the results of the election were as follows:

La Francis Jenkins Kelley		Victor Travis
Early Voting	89	105
Election Day	53	50
Totals	142	155

City Secretary Atwood concluded that Staff requested City Council canvass the votes of the election as presented and approve a Resolution declaring the results.

Councilmember Lynn Torres moved to approve the Canvass of 2013 City of Lufkin General Election and a Resolution declaring the results of the 2013 City of Lufkin General Election. Councilmember Don Langston seconded the motion and a unanimous vote was recorded.

**5. OATH OF OFFICE TO VICTOR TRAVIS, COUNCILMEMBER WARD NO. 1 AND LYNN TORRES, COUNCILMEMBER WARD NO. 3 – APPROVED.**

The Honorable Paul White, 159<sup>th</sup> District Court Judge administered the Oath of Office to Councilmember Lynn Torres and Councilmember Victor Travis.

**OLD BUSINESS:**

**6. SECOND 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 the next item was to consider on Second 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 this was the third time this item had been presented to City Council for consideration and would basically allow for the City to legally move forward with the condemnation and demolition of dilapidated structures.

Councilmember Don Langston stated that with the proper safeguards, this was a great ordinance for the City and moved to approve the Second 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 Victor Travis seconded the motion and a unanimous vote to approve was recorded.

**7. SECOND 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 the next item was to consider on Second 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 this was a request from the TLL Temple Foundation for the closure and purchase of the described alley for the agreed price of twelve thousand nine hundred dollars (\$12,900). City Manager Parker concluded that Staff recommended approval of the Ordinance.

Councilmember Robert Shankle moved to approve the Second 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 Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

**NEW BUSINESS:**

**8. PRESENTATION OF THE CITY OF LUFKIN'S ISO (INSURANCE SERVICES OFFICE) RATING BY DEPUTY STATE FIRE MARSHAL JESSE WILLIAMS.**

Mayor Bob Brown stated that the next item was a presentation of the City of Lufkin's ISO rating by Deputy State Fire Marshal Jesse Williams. Fire Marshal Williams stated that the achievement of a Class 2 rating by the City of Lufkin was very significant to the City and residents for insurance purposes. Fire Marshal Williams extended his congratulations to the City of Lufkin for obtaining this rating. Fire Marshal Williams continued that Lufkin was the one hundred thirty-fifth (135<sup>th</sup>) city in the State of Texas to achieve this rating out of the three thousand five hundred (3,500) communities that had been rated. Fire Marshal Williams commended the Fire Department, Police Communications Department, Fire Marshal's Office and Water Department for their efforts in achieving this rating. Fire Marshal Williams explained the point system for the ISO rating and how ratings were determined. Fire Marshal Williams stated the increase in the rating would lower insurance rates and also make the City of Lufkin a safer place to live. Fire Marshal Williams stated the new rating took effect on March 1<sup>st</sup>, 2013. Fire Marshal Williams then presented an award for the achievement to Mayor Brown, Fire Chief Ted Lovett, and Police Chief Scott Marcotte.

**9. PRESENTATION BY ERIC CARVER, CPA, AXLEY & RODE, LLP, CONCERNING THE 2012 COMPREHENSIVE ANNUAL FINANCIAL REPORT PROVIDED TO THE CITY OF LUFKIN.**

Mayor Bob Brown stated the next item was a presentation by Eric Carver, CPA, Axley & Rode, LLP, concerning the 2012 Comprehensive Annual Financial Report provided to the City of Lufkin.

Mr. Carver thanked the City for allowing Axley & Rode to perform the annual audit. Mr. Carver stated that the audit went extremely well due to the competence and courteous cooperation of the Staff. Mr. Carver stated that the report had been reviewed in length with Finance Committee and he would highlight the report and answer any questions Council may have. Mr. Carver stated that the City was issued a clean, unqualified opinion, which is the highest level of assurance that can be given regarding the financial activities and funds of the City. Mr. Carver stated that the City was very healthy financially, even with the numerous Capital Improvement Program projects underway. Mr. Carver highlighted the rest of the report and the Economic Development report and stated he would be glad to answer any questions.

Mayor Brown thanked Mr. Carver for his presentation.

**10. FIRST READING OF AN ORDINANCE GRANTING TO CENTERPOINT ENERGY RESOURCES CORP., DBA CENTERPOINT ENERGY TEXAS GAS OPERATIONS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN ITS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF LUFKIN, TEXAS FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF NATURAL GAS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE – APPROVED.**

Mayor Bob Brown stated that the next item was to consider on First Reading an Ordinance granting to Centerpoint Energy Resources Corp., dba Centerpoint Energy Texas Gas Operations, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of Lufkin, Texas for the transportation, delivery, sale, and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability and providing an effective date.

City Manager Paul Parker stated that the existing Franchise Agreement with Centerpoint Energy expired in February 2013 but has continued until a new Agreement could be approved. City Manager Parker continued that Staff, Mayor Brown and Councilmembers Lynn Torres and Rufus Duncan had worked with Centerpoint officials to draft a new Agreement. City Manager Parker stated that the previous agreement was for twenty-five (25) years; however, the new agreement was for ten (10) years, with automatic five (5) year renewals after the initial term. City Manager Parker stated that the agreement also increased the franchise fee percentage paid to the City from three percent (3%) to four percent (4%) and implemented a seven cent (.07) charge per Mcf for transport customers. City Manager Parker stated that members of the Council Committee and Staff recommended approval of the proposed agreement.

Councilmember Lynn Torres moved to approve the First Reading of an Ordinance granting to Centerpoint Energy Resources Corp., dba Centerpoint Energy Texas Gas Operations, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of Lufkin, Texas for the transportation, delivery, sale, and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability and providing an effective date. Councilmember Rufus Duncan seconded the motion and a unanimous vote to approve was recorded.

**11. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, APPROVING THE ENTERING INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE STATE TO MAKE CERTAIN HIGHWAY IMPROVEMENTS ON HIGHWAY NO. BU 59-G FROM 0.1 MILES SOUTH OF A&NR RR, AND REQUESTING THE STATE TO ASSUME RESPONSIBILITY FOR ACQUISITION OF ALL NECESSARY RIGHT OF WAY AND ADJUSTMENT OF UTILITIES FOR THE HIGHWAY PROJECT AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2012/2013 OPERATING BUDGET (BUDGET AMENDMENT NO. 16), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND CONSTRUCTION FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.**

Mayor Bob Brown stated Agenda Item No. 11 was the consideration of a Resolution of the City Council of the City of Lufkin, Texas, approving the entering into an agreement with the Texas Department of Transportation for the State to make certain highway improvements on Highway No. BU 59-G from 0.1 miles south of A&NR RR, and requesting the State to assume responsibility for acquisition of all necessary right of way and adjustment of utilities for the highway project and a Resolution authorizing an amendment to the 2012/2013 Operating Budget (Budget Amendment No. 16), providing for the supplemental appropriation of funds in the General Fund Construction Fund; and providing an effective date.

City Manager Paul Parker stated this was for improvements to the railroad crossing inside the loop on North Timberland Drive / US Highway 59 North. City Manager Parker continued that traditionally, the City was required to pay ten percent (10%) of the fees associated with the cost of acquiring right-of-way; however, that percentage was lowered 3.9 percent due to the project being in an Economically Disadvantaged area of the County. City Manager Parker furthered that the City's portion of the project cost was estimated at thirteen thousand four hundred sixteen dollars (\$13,416); however, the actual amount may fluctuate. City Manager Parker concluded that Staff recommended approval of the agreement and Budget Amendment No. 16.

Councilmember Victor Travis moved to approve a Resolution of the City Council of the City of Lufkin, Texas, approving the entering into an agreement with the Texas Department of Transportation for the State to make certain highway improvements on Highway No. BU 59-G from 0.1 miles south of A&NR RR, and requesting the State to assume responsibility for acquisition of all necessary right of way and adjustment of utilities for the highway project and a Resolution authorizing an amendment to the 2012/2013 Operating Budget (Budget Amendment No. 16), providing for the supplemental appropriation of funds in the General Fund Construction Fund; and providing an effective date. Councilmember Don Langston seconded the motion and a unanimous vote to approve was recorded.

**12. CITY MANAGER REPORT**

City Manager Paul Parker stated that detailed financial and project reports had been provided to City Council and gave a summation of the financial status of the City. City Manager Parker stated he would be glad to answer any questions regarding the financial reports or projects. Councilmember Victor Travis asked what the condition of the City's aquifer was currently. Deputy City Manager Keith Wright stated that the aquifer was very stable and the level had not dropped.

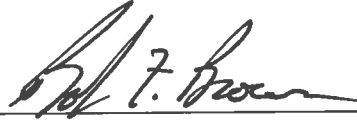
**13. EXECUTIVE SESSION**

Mayor Bob Brown stated there was no need to enter into Executive Session. Mayor Brown welcomed Boy Scout Colin Grossman from Troop 140. Councilmember Victor Travis introduced second grader David Denman, the student he mentors. Councilmember Don Langston recognized former Councilmember Rose Boyd who was in attendance.

**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 Parker highlighted the events and meetings on the calendar including the DETCOG Luncheon, Memorial Day Holiday, the upcoming City Employee Picnic and the Flag Day celebration scheduled for June 14<sup>th</sup>.

15. There being no further business, the meeting adjourned at 5:40 p.m.



Bob F. Brown, Mayor



Kara Atwood, City Secretary

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