

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS HELD ON THE 21ST DAY OF SEPTEMBER, 2004**

On the 21st day of September 2004, 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:

Louis Bronaugh	Mayor
Rose Faine Boyd	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Lynn Torres	Councilmember, Ward No. 3
Don Langston	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Dennis Robertson	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Renee Thompson	City Secretary
Robert Flournoy	City Attorney
Keith Wright	City Engineer
Larry Brazil	Police Chief
David Koonce	Director of Human Resources
Steve Poskey	Street Department, Superintendent
Scott Marcotte	Asst. Police Chief
Doug Wood	Director of Accounting
Harold Cottle	Lieutenant, Police Dept.
Scott Rayburn	City Planner
Nancy Hutto	
Mrs. Douglas Lawrence	

Being present, and none being absent when the following business was transacted.

1. Meeting was opened with prayer by Reverend Betty Kennedy, Collins Chapel CME Church.
2. Mayor Louis Bronaugh welcomed visitors present. Councilmember Lynn Torres recognized LHS students who were present satisfying their government class requirement.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting on September 7, 2004 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Rose Faine Boyd. A unanimous affirmative vote was recorded.

4. **BID FOR THE CONSTRUCTION OF HEADWALLS - APPROVED - ON
HENDERSON STREET**

Mayor Louis Bronaugh stated that the next item for consideration was the bid for the construction of headwalls on Henderson Street. City Manager Paul Parker reminded Council that this was an item that had been tabled at the Council Meeting held on September 7, 2004 to give the Engineering Staff the opportunity to review the bids. City Manager Parker stated

that the City of Lufkin had recently obtained bids for the construction of headwalls on Henderson Street and that there were two bidders for these headwalls. City Manager Parker reminded City Council that Rick Freeman with Everett Griffith Jr. and Associates, Inc., as the City of Lufkin engineer for the project, recommended that the bids be rejected as they appeared to be approximately \$5,000 above the expected price. City Engineer, Keith Wright reevaluated the bids and Staff recommended to award the bid to Conway and Sons in the amount of \$15,549.39.

Councilmember Jack Gorden moved to award the bid for the construction of headwalls on Henderson Street to Conway and Sons in the amount of \$15,549.39. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

5. FIRST READING OF ZONE CHANGE FROM "LARGE SINGLE FAMILY DWELLING" AND "COMMERCIAL" TO A SINGLE ZONING CLASSIFICATION OF "COMMERCIAL" – APPROVED – ON APPROXIMATELY 2.268 ACRES OF LAND DESCRIBED AS TRACTS 62 AND 63 OUT OF THE R. TREVATHAN SURVEY AND MORE COMMONLY KNOWN AS 2412 HOMER ALTO ROAD AND 1904 NORTH JOHN REDDITT DRIVE

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of a Zone Change from "Large Single Family Dwelling" and "Commercial" to a single zoning classification of "Commercial" on approximately 2.268 acres of land described as Tracts 62 and 63 out of the R. Trevathan Survey and more commonly known as 2412 Homer Alto Road and 1904 North John Redditt Drive. City Manager Paul Parker stated that the applicant was requesting a change of zoning from "Large Single Family Dwelling" and "Commercial" to a single zoning classification on approximately 2.268 acres of land. City Manager Parker added that a vacant business and a small, single family dwelling currently existed on the property and the applicant intends to utilize the property for an unspecified commercial use. City Manager Paul Parker added that owners of more than 20% of the land covered within 200 feet of the subject property have filed a written objection to the zone change which would require a three-fourths (6 Council Members) affirmative vote to approve the zone change. City Manager Parker added that the Planning and Zoning Commission, by unanimous vote, recommended to the City Council that the request to change the zoning be approved.

Mayor Louis Bronaugh then asked for public input on the Zone Change Request. Mrs. Douglas Lawrence, a neighboring property owner, presented to the Mayor and Council a map of the property with signatures from those opposing the zone change and then came to the podium to express her opposition to the Zone Change. Mayor Louis Bronaugh then read the names of those on the attached map that were in opposition. Ms. Nancy Hutto, daughter of Mrs. Douglas Lawrence, then came to the podium to express her opposition to the Zone Change also. George Crowson, the applicant for the zone change, then came to the podium to speak in favor of the Zone Change.

City Council, the Mayor, and City Manager then discussed the zone change and questioned property owner, George Crowson about future landscaping and possible land use. City Council also asked whether those in opposition to the zone change lived within 200 feet of the subject property. City Manager Paul Parker explained that those who signed the petition were more than likely not living within 200 feet of the subject property. Council also discussed the "Noise Ordinance" for that area, fencing requirements for commercial property,

the Comprehensive Plan that classified this property as future commercial property, and requirements for future owners of the property in question.

Councilmember Lynn Torres moved to approve the First Reading of a Zone Change from "Large Single Family Dwelling" and "Commercial" to a single zoning classification of "Commercial" on approximately 2.268 acres of land described as Tracts 62 and 63 out of the R. Trevathan Survey and more commonly known as 2412 Homer Alto Road and 1904 North John Redditt Drive. Don Langston seconded the motion. A unanimous affirmative vote was recorded.

6. **SECOND READING OF THE ORDINANCES LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF LUFKIN - APPROVED - AND PROVIDING FOR THE DEBT SERVICE FUND FOR THE FISCAL YEAR 2005 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE**

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of the Ordinances levying taxes for the use and support of the Municipal Government of the City of Lufkin and providing for the Debt Service Fund for the Fiscal Year 2005 and apportioning each levy for the specific purpose. City Manager Paul Parker stated that this would maintain the existing tax rate for the City of Lufkin at \$0.5585 on each \$100 valuation of property.

Councilmember Jack Gorden moved to approve the Second Reading of the Ordinances levying taxes for the use and support of the Municipal Government of the City of Lufkin and providing for the Debt Service Fund for the Fiscal Year 2005 and apportioning each levy for the specific purpose. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

7. **ENGINEERING CONTRACT WITH EVERETT GRIFFITH, JR. AND ASSOCIATES, INC. - TABLED - FOR PROFESSIONAL SERVICES FOR THE WHITEHOUSE EXTENSION STREET PROJECT**

Mayor Louis Bronaugh stated that the next item for consideration was the engineering contract with Everett Griffith, Jr. and Associates, Inc. for professional services for the Whitehouse Extension Street Project. City Manager Paul Parker stated that the City of Lufkin Engineering Department received proposals for professional services for the Whitehouse Extension Street Project and the proposals were ranked by City Staff, which included Debbie Fitzgerald, Kenneth Williams, Steve Abraham, and Keith Wright. Staff ranked the proposal from Everett Griffith, Jr. and Associates and Arcadis as the most qualified team for the proposed project. City Manager Parker added that the total engineering fee for this project is \$200,000. City Manager Paul Parker stated that the fee is appropriate if compared to the standard fee structure of engineering and design. City Manager Parker explained that based on the task identified and the hours required to perform each task, Staff recommended that the contract be awarded to Everett Griffith, Jr. and Associates and Arcadis.

City Council, the Mayor, and City Manager discussed future purchase of property along Whitehouse, relief from the future Highway 59 construction, future cost estimates of the project, the private drive into the property currently owned by Wal-Mart, the Capital Improvement Projects, and the TxDot requirements concerning the project. City Engineer,

Keith Wright volunteered to bring a detailed map of the project and a breakdown of each section or component of the project in order to give the Council more time to evaluate different options.

Councilmember Rose Faine Boyd moved to table the Whitehouse Extension Street Project until further information could be provided. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

8. BID TO AJAX CONSTRUCTION FOR THE "SAFE ROUTES TO SCHOOL PROGRAM" - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS FROM THE GENERAL FUND AND GENERAL FUND STREET CONSTRUCTION FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Louis Bronaugh stated that the next item for consideration was the bid to Ajax Construction for the "Safe Routes to School Program" in the amount of \$449,552, contingent on the execution of a change order reducing the project to \$417,158.26 and Resolution authorizing an amendment to the 2003/2004 Operating Budget (Budget Amendment No. 11), providing for the supplemental appropriation of funds from the General Fund and General Fund Street Construction Fund; and providing an effective date. City Manager Paul Parker stated that the "Safe Routes to School Project" is primarily sidewalk construction. City Manager Parker added that a reduction in the sidewalk width from five feet to four feet along Live Oak Lane would reduce the bid from \$449,552 to \$417,158.26. City Manager Parker explained that the contract price would still exceed the available grant funds by \$19,048.49. City Manager Paul Parker explained that there are also some added expenses for advertisement and a minor contingency fund. City Manager Parker stated that Staff requested that Council consider awarding the bid to Ajax Construction for the "Safe Routes to School Program" in the amount of \$449,552 and approval of Budget Amendment No. 11 to provide the additional \$30,000 from the General Fund Unobligated Fund Balance to the project.

The City Council, Mayor, and City Manager discussed the original grant amount; the detailed design of the project, past problems the City of Lufkin has had when dealing with Ajax Construction and what affects the cost of the project and questioned Stephen Dorman, Engineer for KSA Engineers about many aspects of the project.

Councilmember Lynn Torres moved to award the bid to Ajax Construction for the "Safe Routes to School Project" in the amount of \$449,552, contingent on the execution of a change order reducing the project to \$417,158.26 and approve a Resolution authorizing an amendment to the 2003/2004 Operating Budget (Budget Amendment No. 11), providing for the supplemental appropriation of funds from the General Fund and General Fund Street Construction Fund; and providing an effective date. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

9. ADOPTION OF ANGELINA COUNTY APPRAISAL DISTRICT BUDGET - APPROVED - FOR FISCAL YEAR 2004/2005

Mayor Louis Bronaugh stated that the next item for consideration was the adoption of Angelina County Appraisal District Budget for Fiscal Year 2004/2005. City Manager Paul Parker stated that the budget for the Angelina County Appraisal District was approved by the Angelina County Appraisal District Board of Directors on September 9, 2004. The Budget, as approved, increased the 2004 amount of \$945,269 to the request of \$1,011,541 for 2005.

The City of Lufkin paid \$119,576.52 in 2004 and is responsible for \$127,959.94 in 2005. City Manager Parker stated that Staff recommended that City Council approve the 2005 Budget for the Angelina County Appraisal District.

Councilmember Rose Faine Boyd moved to approve the Angelina County Appraisal District 2005 Budget. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

10. AUTHORIZATION OF CASH ADVANCE NOT TO EXCEED \$50,000 TO THE HOMELAND SECURITY GRANT FUND – APPROVED – FROM THE GENERAL FUND TO COVER THE PURCHASE COSTS UNTIL REIMBURSEMENT IS RECEIVED FROM THE GRANTING AGENCY

Mayor Louis Bronaugh stated that the next item for consideration was the authorization of cash advance not to exceed \$50,000 to the Homeland Security Grant Fund from the General Fund to cover the purchase costs until reimbursement is received from the granting agency. City Manager Paul Parker explained that this item was simply an accounting procedure to advance \$50,000 to the Homeland Security Grant Fund to ensure a positive cash balance at the end of this fiscal year, September 30, 2004.

Councilmember Dennis Robertson moved to authorize a cash advance not to exceed \$50,000 to the Homeland Security Grant Fund from the General Fund to cover the purchase costs until a reimbursement is received from the granting agency. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

11. PUBLIC HEARING ON U. S. DEPARTMENT OF JUSTICE, “LOCAL LAW ENFORCEMENT BLOCK GRANT” AND ADOPTION OF U. S. DEPARTMENT OF JUSTICE, “LOCAL LAW ENFORCEMENT BLOCK GRANT – APPROVED – FOR POLICE DEPARTMENT

Mayor Louis Bronaugh stated that the next item was to conduct a public hearing on U. S. Department of Justice, “Local Law Enforcement Block Grant”. Mayor Bronaugh opened the Public Hearing at 6:15 p.m. and asked that anyone wishing to speak on the subject come to the microphone at that time. There was no response and Mayor Bronaugh closed the Public Hearing at 6:16 p.m.

Mayor Louis Bronaugh stated that the next item for consideration was to adopt the U. S. Department of Justice, “Local Law Enforcement Block Grant” Budget. City Manager Paul Parker stated that Staff recommended the adoption of the “Local Law Enforcement Block Grant Budget” in the amount of \$16,981.

Councilmember Lynn Torres commented that she was glad the City of Lufkin could take advantage of the opportunity and moved to approve adoption of the U. S. Department of Justice, “Local Law Enforcement Block Grant”. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

12. EXECUTIVE SESSION

Mayor Louis Bronaugh recessed the Regular Session at 6:18 p.m. to enter into Executive Session.

In accordance with the Texas Government Code Section 551.071 (2)' Consultation with City Attorney on any Regular Session item requiring confidential attorney/client privileges necessitated by the deliberation of discussion or said item (as needed); acquisition of real estate and personnel may be discussed.

Mayor Louis Bronaugh reconvened the Regular Session at 7:20 p.m. and stated that Council discussed real estate matters and personnel, and no decisions had been made in the Executive Session.


13. CALENDAR NOTATIONS

City Manager Paul Parker explained that each Councilmember had a new two week calendar of events and that Staff will continue to provide an updated calendar at each Council meeting.

14. There being no further business for consideration, the meeting adjourned at 7:24 p.m.


Louis A. Bronaugh – Mayor

ATTEST:


Renee Thompson – City Secretary