

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
6th DAY OF APRIL 2004**

On the 16th day of March 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 A. Bronaugh	Mayor
Jack Gorden, Jr.	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Lynn Torres	Councilmember, Ward No. 3
Don Langston	Councilmember, Ward No. 4
Dennis Robertson	Councilmember, Ward No. 6
Chief Larry Brazil	Interim City Manager
Atha Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
David Koonce	Director of Human Resources
Kenneth Williams	Director of Public Works
Douglas Wood	Director of Accounting
Stephen Abraham	Director of Planning

being present, and

Rose Faine Boyd	Councilmember, Ward No. 2
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. James Townes, New Life Missionary Church.
2. Mayor Bronaugh welcomed visitors present. Councilmember Torres recognized LHS students who were present satisfying their government class requirement.

Mayor Bronaugh recognized Boy Scout Troop 136, sponsored by the Lufkin Evening Lions Club. In attendance were: Jonathan Curbow, Life Scout; Stephen Rushing, First Class Scout; David Weick, Life Scout; and, George Weick, Asst. Scoutmaster.

3. PRESENTATION BY TEXANS STANDING TALL

Mayor Bronaugh stated that the Texans Standing Tall is a state-wide coalition to prevent underage alcohol use. Mayor Bronaugh stated that it is a community coalition of youth and adults coming together to address local and regional policies. Mayor Bronaugh stated that the Council would offer a letter of support to this organization, which would be addressed later on in the agenda.

April Henson, Lufkin Chapter President, and national second vice president of an organization stated that Texans Standing Tall is designed to service the Lufkin Community. Ms. Henson introduced Jasmine Coleman, First Vice President, and Rah-Toja Doggett, Historian and Area One Second Vice President.

Ms. Henson stated that their organization works in cooperation with the Texas Department of Transportation, and is an organization that focuses on underage drinking by supporting youth and adults throughout Texas who want to bring about a healthier, safer environment in which young people grow up. Ms. Henson stated that it supports people coming together to address local and regional policies.

Ms. Coleman stated that TST is one of the twelve state-wide coalitions funded throughout the country by the Robert Wood Johnson Foundation to reduce underage drinking through coalitions.

Ms. Doggett stated that the purpose in coming before the City Council today is to gain community support to aid them by matching their commitment in their fight against underage drinking in this community.

4. APPROVAL OF MINUTES

Minutes of the Regular Meeting of March 16, 2004 were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember Dennis Robertson. A unanimous affirmative vote was recorded.

5. SUBDIVISION ORDINANCE – APPROVED – SECOND READING

Mayor Bronaugh stated that the next item for consideration was Second Reading of the new Subdivision Ordinance.

Interim City Manager Brazil stated that this is the Second Reading of the Ordinance with minor revisions to the document. Chief Brazil stated that the City Attorney had reviewed the document, and a copy of the changes and a letter from the City Attorney have been included in the Council packet.

Motion was made by Councilmember Don Langston and seconded by Councilmember R. L. Kuykendall that the new Subdivision Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. RESOLUTION – APPROVED – TECHNICAL STANDARDS AND SPECIFICATIONS MANUAL

Mayor Bronaugh stated that the next item for consideration was a Resolution adopting a Technical Standards and Specifications Manual.

Interim City Manager Brazil stated that this manual establishes the basic rules for the construction of city streets, installation of water and sewer lines and related development guidelines. Chief Brazil stated that this Resolution, along with the Subdivision Ordinance, was tabled at the last meeting.

Motion was made by Councilmember Don Langston and seconded by Councilmember R. L. Kuykendall that Resolution adopting a Technical Standards and Specifications Manual be approved as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE – APPROVED – FIRST READING – CANCELLING GENERAL ELECTION – MAY 15, 2004

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance declaring unopposed candidates in the May 15, 2004 General City Election.

Mayor Bronaugh stated that because Councilmember Kuykendall and Councilmember Torres had not drawn an opponent for the May 15th election, the election would be cancelled.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Don Langston that Ordinance canceling the General City Election on May 15, 2004 be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE – APPROVED – FIRST READING – PLACEMENT OF SIGNS IN PUBLIC RIGHT-OF-WAY ON PUBLIC PROPERTY

Mayor Bronaugh stated that the next item for consideration was First Reading of an Amendment to an Ordinance relating to placement of signs in public right-of-way or on public property.

Interim City Manager Brazil stated that this Amendment will prohibit the unlawful display of certain signs upon public property or right-of-way. Chief Brazil stated that Beauford Chapman, Director of Inspection Services, would make a short picture presentation.

Beauford Chapman, Director of Inspection Services, stated that the Ordinance being amended is an Ordinance adopted by the Council on October 19, 1909. Mr. Chapman stated that in previous years, Code Enforcement has cited this Ordinance to keep our right-of-ways free of signage, posters, etc.; however, because of some creativeness on the part of various businesses, the City Attorney advised that we needed to amend our current 1909 Ordinance to address these issues.

Mr. Chapman stated that he is asking the Council to amend Ordinance #27. This Ordinance addresses signs being placed in the right-of-way of public streets or other public places.

Mr. Chapman stated that this Ordinance does not address off premise advertising signs, which are addressed by the Zoning Ordinance.

Mr. Chapman stated that the pictures he will show Council are examples of signage in the right-of-way. Mr. Chapman stated that these pictures are not intended to point out any one single business, individual or political party, but are a smattering of examples that he feels portray the intent of the Ordinance.

Mr. Chapman stated that there are two signs you can have off premise; one is a political sign and the other is a realtor sign.

In response to question by Councilmember Langston, Mr. Chapman stated that there are two locations where banners are legal and that is in front of the Middle School on Denman and at the Lufkin Mall on South First Street.

In response to question by Councilmember Langston, Mr. Chapman stated that the TxDOT policy is if there is anything in their right-of-way, they take it down and store it, and if it is of any value you have to pay for that sign.

In response to question by Councilmember Gorden, Mr. Chapman stated that two months ago his department had received complaints about individuals in the right-of-way holding signs (going out of business signs). Mr. Chapman stated that he talked to Mr. Flournoy and because of the language that is in the current Ordinance, he felt like we were not on as sound footing as we should be in regards to requiring this individual to remove his hand-held sign from the right-of-way. Mr. Chapman stated that he had received numerous complaints about the hand-held signs.

In response to question by Councilmember Robertson, Mr. Abraham stated that these types of signs are not addressed in the Sign Ordinance although they were referred to as "off-premise" signs. Councilmember Robertson stated that what the Sign Ordinance committee was trying to do is to help the aesthetics of the City. Councilmember Robertson stated that these signs in the right-of-way create visibility problems, and creates a distraction to traveling motorists.

Councilmember Robertson asked when this Ordinance would go into effect and would it be possible to have some publicity on this. Mr. Flournoy stated that this is a Penal Ordinance and would be in effect 10 days after publication.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Dennis Robertson that Amendment to an Ordinance relating to placement of signs in public right-of-way or on public property be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. **RESOLUTION – APPROVED – PROGRAM DESIGN FOR 2004 APPLICATION FOR TDHCA HOME PROGRAM GRANT**

Mayor Bronaugh stated that the next item for consideration was a Resolution and Program Design for the 2004 application for TDHCA HOME Program Grant.

Interim City Manager Brazil stated that this grant is used by the City to demolish and rebuild dilapidated houses for eligible applicants. Chief Brazil stated that the City has received this grant in the past and would like to apply for a new grant that funds this program through 2005. Chief Brazil stated that the grant amount is \$500,000 and requires a 12% match from the City in the amount of \$62,500. Chief Brazil stated that Kara Atwood, the grant administrator, would answer questions.

Ms. Atwood stated that this is the same grant the City has applied for previously. Ms. Atwood stated that the match and the program design are very vital to the scoring to receive the grant funds. Ms. Atwood stated that the TDHCA has assigned a needs number to each City with a maximum of 20 points and Lufkin has been assigned 12 points.

Councilmember Langston stated that in reading through the information he was a little concerned that under *Contractor Selection* we have as an option Workers Compensation Insurance. Councilmember Langston stated that where State funds are involved it is not an option, but is mandatory. Ms. Atwood stated that the funds come directly from HUD and are funneled down through TDHCA. Ms. Atwood stated that these are the minimum requirements and the City requires more than that. Ms. Atwood stated that the contractors have to file an application with her showing financials and insurance liability. Councilmember Langston asked Ms. Atwood to look into this requirement.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Don Langston that Resolution and Program Design for the 2004 application for TDHCA HOME Program Grant be approved as presented. A unanimous affirmative vote was recorded.

10. **LETTER OF SUPPORT FOR TEXANS STANDING TALL**

Mayor Bronaugh stated that the next item for consideration was a letter of support by the Council to Texans Standing Tall.

Louise LaVane stated that earlier there was a presentation by April Henson, and as she stated this is a statewide project.

Louise LaVane stated that the Texans Standing Tall have received a grant for which the teens attended a conference last summer against teenage alcoholism. Ms. LaVane stated that she is asking the Council for a letter of support for the Lufkin Chapter of the Top Teens of America and the surrounding communities in support of the Texans Standing Tall.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that a letter of support by the Council be given to the Texans Standing Tall. A unanimous affirmative vote was recorded.

11. CONTRACT – APPROVED – LITTER PICKUP IN PARKS – TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TDHCA)

Mayor Bronaugh stated that the next item for consideration was renewal of contract with TIBH (Texas Industries for the Blind and Handicapped) for litter pickup in the parks.

Interim City Manager Brazil stated that the Parks Department has contracted with this group for litter pickup in the parks. This is the annual contract renewal. Chief Brazil stated that the staff recommendation is approval of the contract in the amount of \$12,444.96, which is the same price as last year.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Dennis Robertson that contract with the Texas Industries for the Blind and Handicapped for litter pickup in the parks in the amount of \$12,444.96 be approved as submitted. A unanimous affirmative vote was recorded.

12. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:44 p. m. to enter into Executive Session. Regular Session reconvened at 7:36 p.m. and Mayor Bronaugh stated that Council had discussed personnel, appointments to Boards and Commissions and Attorney/Client matters.

12. APPOINTMENT OF ECONOMIC DEVELOPMENT BOARD MEMBERS - TABLED

Motion was made by Councilmember Don Langston and seconded by Councilmember Dennis Robertson that appointments to the Economic Development Board be tabled. A unanimous affirmative vote was recorded.

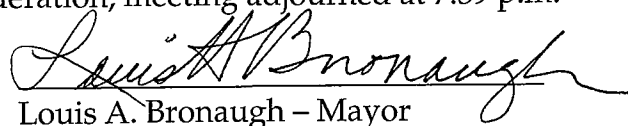
13. APPOINTMENT OF VOTING MEMBER OF FIREMEN'S PENSION FUND BOARD - TABLED

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Dennis Robertson that appointment to the Firemen's Pension Fund Board be tabled. A unanimous affirmative vote was recorded.

14. APPOINTMENT – APPROVED – PLANNING & ZONING COMMISSION – JAMES FEARS

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Jack Gorden, Jr. that James Fear be re-appointed to the Planning & Zoning Commission. A unanimous affirmative vote was recorded.

15. There being no further business for consideration, meeting adjourned at 7:39 p.m.


Louis A. Bronaugh – Mayor

ATTEST:

Atha Martin – City Secretary