

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN,
TEXAS, HELD ON THE 1ST DAY OF JUNE 2004**

On the 1st day of June 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
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
Nellie Matthews	Acting City Secretary
Robert Flournoy	City Attorney
David Koonce	Director of Human Resources
Kenneth Williams	Director of Public Works
Stephen Abraham	Director of Planning

Being present, and

Rose Faine Boyd	Mayor pro tem
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Being absent when the following business was transacted.

1. Meeting was opened with prayer by Reverend Mike Hunter, First Christian Church.
2. Mayor Bronaugh welcomed visitors present. Mayor Bronaugh recognized and introduced City Manager, Paul L. Parker to the City of Lufkin and to the City of Lufkin Council Meeting.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of May 18, 2004 were approved on a motion by Councilmember Dennis Robertson and seconded by Councilmember Lynn Torres. A unanimous affirmative vote was recorded.

4. **REQUEST OF ZONE CHANGE – FIRST READING - APPROVED – “LARGE SINGLE FAMILY DWELLING” TO A “COMMERCIAL DISTRICT”**

Mayor Bronaugh stated that the next item for consideration was to consider the request of Kirk and Dianna Collard to change the zoning from “Large Single Family Dwelling” to land described as tract 65 & 66 out of the J. C. Little Survey and more commonly known as 2232 and 2230 North Medford Drive. Mayor Bronaugh stated that the applicants were requesting a change of zone from the “Large single family” to “commercial” for the intent of utilizing the property for the sale of storage buildings.

The Planning Department recommended that the zoning request be approved. Stephen Abraham, Director of Planning, was present for comments and to answer questions.

Mr. Abraham stated that he had no additional comments regarding the request, however his opinion is straightforward that this property is certainly commercial, and is consistent with the City's Comprehensive Plan. Mr. Abraham stated that the Planning and Zoning Commission recommended approval, with four return notices in favor of the request, and none in opposition. Councilmember Dennis Robertson addressed a question to Mr. Abraham asking if the road is next to an "access road" or is it right off of Loop 287. In response to Councilmember Robertson's question, Mr. Abraham stated that the correct access is off of Loop 287, but he could not honestly recall. Councilmember Robertson stated that someone had written in to say that they were concerned about the traffic. Councilmember Robertson proceeded to state that as the City gets more businesses with single driveways on Loop 287, there would be more problems.

In response to Councilmember Robertson's statement, Mr. Abraham stated that this area may be affected by whatever they do at the Loop 287 and the 59 North Interchange around that area. Mr. Abraham stated that in a long term, there will be access roads, but whether this has one, it does not appear to be, and looking at the aerial photograph to jog his memory, he would say no, and as a matter of fact, he knew it did not.

Councilmember Robertson asked Mr. Abraham if the Highway Department does the main descriptions on "single driveways" like that. Mr. Abraham responded that it has to be coordinated with them in order to get a permit on their road, but they would not deny them total access. The City might limit the width of the driveway and the location of the driveway, but the City would not prohibit access to the highway.

Councilmember Jack Gorden asked Mr. Abraham, that in a case like this, the space between that property in the intersection, is that a local business, and why would that not already be zoned, other than "residential large". In response, Mr. Abraham stated that the past practices were really to just zone property as somebody came forward to tell what they wanted to build. Mr. Abraham further stated that they are currently working on new Building Ordinances and a new Zoning District Map, which would be filled in better. Mr. Abraham stated that they are not going to sit back and wait, but are going to put in what they believe is an appropriate zoning classification on it. Mr. Abraham stated that it just hasn't been done yet because they don't like to jeopardize the applicant's chances because owners of 20% of the land within the zone change protest. Mr. Abraham stated that sometimes they don't like to bring other people in because that one person could protest the zone change, and require six out of seven votes. Mr. Abraham stated that unless they know the adjacent property owner wants commercial zoning, they just leave that to the applicant's request.

Mayor Bronaugh stated that since this is a Zoning request change, we open comments from the audience for anyone wishing to speak for or against this item to step to the mike. Mayor Bronaugh stated that since no one is wishing to speak, what was the pleasure of the Council. Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Don Langston to approve the request of Kirk & Diana Collard for Zoning change. A unanimous affirmative vote was recorded.

5. REQUEST FOR "BULLETPROOF VEST PROGRAM" GRANT - APPROVED - FOR THE POLICE DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was to consider the "Bulletproof Vest Program (BVP) Grant for Fiscal Year 2004-2005 for the Police Department. The Police Department has been approved by Bureau of Justice Assistance to receive a reimbursement grant of \$6,500.00, which is 50% of the cost to replace twenty (20) bullet proof vests at a price \$650.00 each. The City's share of the expenditure was already budgeted. The Police Department was requesting City Council's approval to accept this grant. Lt. Harold Cottle, Grant Coordinator of the Police Department, was present for comments and to answer questions.

Lt. Cottle stated that this is the third year they have requested permission to participate in this Grant program. Lt. Cottle stated that they recycle their vests every five years and try to get about ¼ of the department each time, and this will just about finish them out with having everyone's vest replaced at the 50% savings.

In response to Mayor Bronaugh's question regarding trade-in value on the vests, Lt. Cottle stated that there really is not a trade-in value. Lt. Cottle stated that the reason they replace them is that the industry recommends they be replaced approximately every three to five years because of deterioration and the ineffectiveness of the material. Lt. Cottle stated that he did not know if they ever do become ineffective, but theoretically, this is a precautionary measure.

Councilmember R. L. Kuykendall stated that he did not disagree with the program, but wanted to state that he had read in an article where a City chose not to do this in this fashion because they did not have the money. Councilmember Kuykendall stated that in the article, they mentioned that the 50% was not a good feel, and that the prospective company would not guarantee the vests. In response to Councilmember Kuykendall's question of the logical reasoning stated in the article, Lt. Cottle stated that the National Institute of Justice, (who are the people giving 50% of the money) have a list of vests they have approved, and they approve them based upon this system. Lt. Cottle stated that he was not aware of any company that would guarantee their vests, to where they could survive a hit, but they do guarantee that it will stop penetration of certain firearm rounds. Lt. Cottle stated that the vests are "top of the line", and they believe are the best that can be obtained. Councilmember Kuykendall stated that perhaps there could have been some problems with this other City; followed by a response from Lt. Cottle stating that perhaps they might have been trying to get something that was not approved by the National Institute of Justice to save money. Lt. Cottle stated that by being able to order in quantities of 15 or 20 at a time, they also get a cost break by the supplier, too.

Councilmember Don Langston stated that in response to a recyclable use, he had also read an article where vests were being sent to the Military for purposes of reinforcing those Humvees that don't have sight armor. Councilmember Langston stated that there might be an opportunity for the City to check into that and perhaps find a source to send those to for that purpose.

Councilmember Dennis Robertson stated that his comments are along the same lines as Councilmember Langston in terms of the old vests. Councilmember Robertson stated that while the vests may be recyclable in terms of using in the military; it is also important to ensure that they did not get into the hands of any "undesirables". Lt. Cottle stated that what they have done in the past is, that if they keep the vests, they destroy them to prevent that from happening. Also, at times they will do tests if there is new ammunition that comes out that they are concerned about. Lt. Cottle stated that to test the effectiveness of their body armor, they might use some of their old vests for testing. Lt. Cottle

further stated that in the past they have donated some of the old vests to some of the less unfortunate departments in the area who may not be able to purchase any kind of protective body armor for their officers. Lt. Cottle stated that this is based on the belief that "some are better than none at all". Lt. Cottle stated that as far as recycling, they have done some in the past, but they do not have an established program.

A motion was made by Councilmember Lynn Torres and seconded by Councilmember Jack Gorden to approve the request of the "Bulletproof Vest Program Grant for the Police Department. A unanimous affirmative vote was recorded.

6. CONSIDER "LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM" GRANT - APPROVED - FOR FISCAL YEAR 2004 – 2005 FOR THE POLICE DEPARTMENT

The Lufkin Police Department has qualified for a "Law Enforcement Terrorism Prevention Program Grant from Texas Engineering Extension Service (TEEX) and Deep East Texas Council of Government (DETCOG) in the amount \$23,803.55. If approved by the City Council, the Police Department proposes to buy new hand held radios for the Special Response Team. Lt. Harold Cottle, Grant Coordinator of the Police Department, was present for comments and to answer questions.

Lt. Cottle stated that TEEX is a relatively new federal government program, which is in cooperation with local communitative government as a Terrorism Prevention Program. Lt. Cottle stated that they will have to use some of the monies to insure that they are able to participate in the JRIES program, which is a Joint Regional Information Exchange System. Lt. Cottle stated that this means they will have to have computer equipment of such sophistication to allow them to communicate with other law enforcement agencies. The cost of that if started at ground zero would be about \$3,000. Lt. Cottle stated that they think that with their current technology, the cost should be minimal. Lt. Cottle stated that if the grant is approved, they would have to use as much as \$3,000 of the Grant for that purpose, but that he did not think that it would be anywhere near that cost. Lt. Cottle stated that the hand-held radios that currently have been in service for about eight years are becoming pretty worn. Lt. Cottle further stated that there are various areas in town where the hand-helds' have no coverage (on the "walkie-talkies" or the hand-held radios) and that if the officers (who are in the Special Response Team or SWAT Team) are out of the car, that is what they rely on. This Grant will allow them to purchase about 15 or 20, which would outfit their Special Response Team with new Hand-held Radios.

In response to Councilmember Jack Gorden statement that he was under the impression that part of that TEEX Program would give access to identified terrorists, Lt. Cottle stated that TEEX is involved in a lot of different programs that effect Law Enforcement and the Terrorism Information Sharing System. Lt. Cottle further stated that these programs would give them access to the "most up-to-date and current information" on Terrorist activities and identified Terrorists. Lt. Cottle stated that this is one of the reasons that they have to participate in the JRIES System; which is to have access to the coordinated distribution of the information. Lt. Cottle further stated however, that this does not limit them to use the monies just for that.

Councilmember Dennis Robertson commented regarding the radio frequency use of the radios. Councilmember Robertson stated that there was a discussion regarding the 911 incident in New York City where the emergency people were not able to have good communication with each other. Councilmember Robertson raised the question on whether the frequency of the radios were compatible to where the frequency can be adjusted in case of an emergency, to talk to other emergency personnel

(e.g. County, Police, Fire, and Sheriff departments). In response, Lt. Cottle stated that they could do that now on their hand-held radios they currently have in service. Lt. Cottle further stated that these radios have a six-channel capability and are a manual change, and they do have those frequencies in them. Lt. Cottle stated that this would not work with other smaller agencies, (e.g. Diboll), as they would not be able to reach them, due to not being able to key their towers. Since Lufkin Police Department is the 911 Center, and also does all the Fire & EMS broadcast and radio traffic, Lt. Cottle stated that their department's traffic would go through that 911 Center anyway.

In response to Councilmember Robertson's question regarding whether Lufkin would be able to change the frequencies on the radios to communicate with Diboll if it was necessary, Lt. Cottle stated that it would be possible if they had the range, which is the problem with the hand-helds', the range is so limited. Lt. Cottle stated that this would basically mean they would have to be within the City of Lufkin to reach the tower.

Also in response to Councilmember Robertson's question, Kenneth Williams, Public Works Director stated that the City is currently working with DETCOG as an Emergency Management Committee, who are jointly working together on a Regional Communications Plan, where all entities and jurisdictions will be able to communicate and talk to each other. DETCOG has received a Grant to use the money to develop a plan to get the radios on the same frequency. Mr. Williams also stated that the State has worked out a plan in which they have come up with "set frequencies" for everybody to be able to communicate with each other.

In response to Mayor Bronaugh's question regarding the same subject matter on a letter from TEEX that he referred to Mr. Williams earlier, Mr. Williams stated that yes, this was in reference to Lt. Cottle's Grant that he is currently seeking Council's approval on tonight. Mr. Williams stated that last year, they received a \$277,000 Grant from TEEX through the Office of Domestic Preparedness, and that they have also already been approved for an additional \$200,000 dollars for 2004. Mr. Williams stated that although they have not yet received the money, they have been promised the money through a letter, with both the amounts totaling \$477,000. This money will allow them to spend on homeland security items for the Fire and Police Departments, and other Emergency Management and Public Works Departments, which is the most in this region.

After no further comments, a motion was made by Councilmember R. L. Kuykendall and seconded by Don Langston to approve the Grant from the Texas Engineering Extension Services (TEEX), along with DETCOG. A unanimous affirmative vote was recorded.

7. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:20 p.m. to enter into Executive Session. Regular Session reconvened at 6:14 p.m. and Mayor Bronaugh stated that Council had discussed Legal or Attorney Client privileges, appointments to Boards, where no decisions were made.

8. APPOINTMENT OF VOTING MEMBERS-APPROVED-TO THE FIREMEN'S PENSION FUND BOARD

Mayor Bronaugh stated that the next item on the Agenda was to consider appointment of voting members to the Firemen's Pension Fund Board. A motion was made by Councilmember Lynn Torres to appoint City Councilmember Jack Gorden, with a time factor set for Councilmember Gorden to be

from three to six months, and also City Manager Paul Parker to be on the Firemen's Pension Fund Board. Included in the motion by Councilmember Torres was that they continue to look for a citizen member to fill the third position appointed by City Council. The motion was seconded by Councilmember Dennis Robertson. A unanimous affirmative vote was recorded.

9. **CONSIDER AGREEMENT-APPROVED-WITH THE FIREMEN'S RELIEF AND RETIREMENT FUND**

Mayor Bronaugh stated that the next item on the Agenda was to consider the Agreement with the Firemen's Relief and Retirement Fund. Robert Flournoy, City Attorney stated that there is an Agreement, which is referenced in the City Council Minutes. Mr. Flournoy stated that he thought it had been previously agreed upon, but for some reason had not. Councilmember Lynn Torres thought that it had been signed also, along with Councilmember Don Langston stating the same.

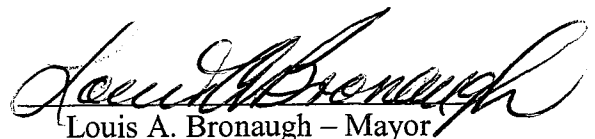
Councilmember Don Langston made the motion to approve the Agreement as presented by Council, followed by a second by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

10. **CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER**

Mayor Louis Bronaugh stated that Thursday, June 3rd, is the Lufkin TxDOT Regional Intertelligent Transportation System Kick-off at 9:00 a.m. at the Lufkin District Office at TxDOT. Mayor Bronaugh stated that a Reception welcoming the new City Manager, Paul Parker will be held on Friday, June 4th from 10 a.m. – 12 Noon in the Atrium at City Hall, with the First Friday Luncheon immediately following at Crown Colony at Noon. Mayor Bronaugh also stated that there will be a dedication of the Hippo Entrance Sign to the Ellen Trout Park at 10 a.m. on Tuesday, June 8th. Mayor Bronaugh stated that the date for the Flag Day Celebration will be held on Monday, June 14th at 5:30 p.m. at the City Hall Park.

The date for the Annual Budget Retreat was discussed at length, with a tentative date of Tuesday, June 22nd from 9:00 am. – 1:00 p.m., at Pine Island. Mayor Bronaugh stated that Nellie Matthews, Acting City Secretary, will call the Council Wednesday morning, June 5th, to confirm the date of the 22nd with Council's calendars.

11. There being no further business for consideration; meeting was adjourned at 6:28 p.m.


Louis A. Bronaugh – Mayor

ATTEST:


Nellie Matthews, Acting City Secretary