

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY  
OF LUFKIN, TEXAS HELD ON THE 6<sup>th</sup> DAY OF SEPTEMBER, 2005**

On the 6<sup>th</sup> day of September 2005, 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	Asst. City Manager/Public Works
Kenneth Williams	Asst. City Manager/Administrative Services
David Koonce	Human Resource Director
Larry Brazil	Police Chief
Pete Prewitt	Fire Chief
Dorothy Wilson	Director of Planning
Doug Wood	Finance Director
Jim Wehmeier	Economic Development Director
Belinda Southern	Finance Department
Bill Cameron	City of Lufkin Webmaster
Jack Jumper	
Joseph Collmorgan	

being present, when the following business was transacted:

1. The meeting was opened with prayer by Brother Bryan Lipscomb, Providence Baptist 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 August 16, 2005 and the Special Called Meeting held on August 30, 2005 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Rose Faine Boyd. A unanimous affirmative vote was recorded.

**OLD BUSINESS:**

4. **SECOND READING OF AN APPROPRIATIONS ORDINANCE – APPROVED -  
ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005,  
AND ENDING SEPTEMBER 30, 2006**

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of an Appropriations Ordinance adopting a Budget for the Fiscal Year beginning October 1, 2005, and ending September 30, 2006. City Manager Paul Parker stated that City Council had reviewed the budget on several occasions and that this is the Second Reading of this Budget Ordinance. City Manager Parker reiterated that the budget is built on the assumption of a three and one half percent (3 ½ %) estimated increase in Sales Tax and an increase in Ad Val Orem Tax of 5.4%. City Manager Parker explained that this allowed Staff to present to City Council a balanced budget. City Manager Parker stated that Staff recommended that Council approve the FY2006 Operating Budget.

Councilmember Rose Faine Boyd moved to approve on Second Reading an Appropriations Ordinance adopting a Budget for the Fiscal Year beginning October 1, 2005, and ending

September 30, 2006. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

**5. SECOND READING OF AN ORDINANCE 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 2006 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE**

Mayor Louis Bronaugh stated that the next item for consideration was to consider on Second Reading an Ordinance 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 2006 and apportioning each levy for the specific purpose. City Manager Paul Parker stated that the proposed tax rate for Fiscal Year 2005/2006 would remain the same as last year at \$0.5585 per \$100 of valuation. City Manager Parker explained that this would generate additional revenue for the City of Lufkin due to re-appraisals and modifications to the tax roll. City Manager Parker added that if the Council wished to approve the Ordinance levying taxes, the exact language was set for the motion by the legislature this year and would have to be used in the motion.

Councilmember Lynn Torres moved that property taxes be increased by the adoption of a tax rate of \$0.5585 per \$100 valuation. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

**6. SECOND READING OF THE REQUEST OF JACK J. JUMPER AND JOE COLLMORGAN - APPROVED - TO CHANGE THE ZONING ON 5.419 ACRES OF LAND DESCRIBED AS PARTS OF LOT 1 AND 2 OF THE JUMPER SUBDIVISION FROM "COMMERCIAL" TO "LIGHT MANUFACTURING". THIS REQUEST WILL ALSO ENCOMPASS AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION OF THE PROPERTY FROM "COMMERCIAL" TO "INDUSTRIAL"**

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of the request of Jack J. Jumper and Joe Collmorgan to change the Zoning on 5.419 acres of land described as parts of Lot 1 and 2 of the Jumper Subdivision from "Commercial" to "Light Manufacturing". This request will also encompass amending the Future Land Use Map of the Comprehensive Plan by changing the designation of the property from "Commercial" to "Industrial". City Manager Parker stated that Council had previously reviewed this item. City Manager Parker added that he would be happy to answer any questions that Council had concerning the Zone Change.

Councilmember Don Langston moved to approve on Second Reading the request of Jack J. Jumper and Joe Collmorgan to change the Zoning on 5.419 acres of land described as parts of Lot 1 and 2 of the Jumper Subdivision from "Commercial" to "Light Manufacturing". This request will also encompass amending the Future Land Use Map of the Comprehensive Plan by changing the designation of the property from "Commercial" to "Industrial". Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

**7. SECOND READING OF APPROPRIATE ZONING AND FUTURE LAND USE CLASSIFICATION FOR APPROXIMATELY 12.307 ACRES OF LAND BEING CONSIDERED FOR ANNEXATION - APPROVED - AND GENERALLY LOCATED ON THE NORTH SIDE OF ELLEN TROUT DRIVE NEAR KURTH DRIVE**

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of the appropriate Zoning and Future Land Use classification for approximately 12.307 acres of land being considered for annexation and generally located on the north side of Ellen Trout Drive near Kurth Drive. City Manager Paul Parker stated that was also thoroughly reviewed by Council in a previous meeting. City Manager Parker added that he would answer any questions that Council had concerning the item.

Councilmember Lynn Torres moved to approve on Second Reading the appropriate Zoning and Future Land Use classification for approximately 12.307 acres of land being considered for annexation and generally located on the north side of Ellen Trout Drive near Kurth Drive.

Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

8. **SECOND READING THE ORDINANCE WHICH SHALL CONSTITUTE AN INTERIM ORDER OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS TO REQUIRE CENTERPOINT ENERGY ENTEX TO PUBLISH NOTICE OF ITS CHANGES IN RATES FOR A TYPICAL RESIDENTIAL CUSTOMER AND A TYPICAL COMMERCIAL CUSTOMER AND THE CHANGES IN SERVICE CHARGES IN A CONSPICUOUS MANNER; TO REQUIRE CENTERPOINT TO RE-FILE ITS STATEMENT OF INTENT UTILIZING A CURRENT HISTORIC TEST YEAR, ENDING MARCH 31, 2005 AND TO REQUIRE CENTERPOINT TO CONTACT THE CITY MANAGER ON THE DATE WHEN IT INTENDS TO RE-FILE ITS STATEMENT OF INTENT USING A CURRENT TEST YEAR AND WHEN CENTERPOINT INTENDS TO PUBLISH NOTICE CONSISTENT WITH THIS ORDINANCE; - APPROVED - FINDING AND DETERMINING THAT THE MEETING WHICH THIS ORDINANCE WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS RELATED TO CENTERPOINT'S STATEMENT OF INTENT; AND DECLARING AN EFFECTIVE DATE**

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of the Ordinance which shall constitute an Interim Order of the City Council of the City of Lufkin, Texas to require CenterPoint Energy Entex to publish notice of its changes in rates for a typical residential customer and a typical commercial customer and the changes in service charges in a conspicuous manner; to require CenterPoint to re-file its Statement of Intent utilizing a current historic test year, ending March 31, 2005 and to require CenterPoint to contact the City Manager on the date when it intends to re-file its Statement of Intent using a current test year and when CenterPoint intends to publish notice consistent with this Ordinance; finding and determining that the meeting which this Ordinance was passed was in accordance with the requirements of the Texas Open Meetings Act; making other findings related to CenterPoint's Statement of Intent; and declaring an effective date. City Manager Paul Parker stated that this item had previously been reviewed by Council. City Manager Parker added that the City of Lufkin is asking CenterPoint Energy to base its rate request on twelve months of data ending on March 31, 2005. City Manager Parker explained that the City believes that the data being used by CenterPoint is stale and out of date and used the twelve months of data ending on March 31, 2004. City Manager Parker stated that the City feels that CenterPoint should file written notice in the local newspaper showing the actual increase for the City of Lufkin area. City Manager Parker pointed out that the notice that was originally published in the newspaper was a general ordinance that covered the CenterPoint area and added that it stated that the increase did not constitute a "major change" in rates. City Manager Parker stated that the Ordinance allows a time for CenterPoint to respond with written notice by September 14, 2005 when it expects to comply with the Ordinance. City Manager Parker then stated that Tommy Scherry with CenterPoint Energy was present and would like to speak to Council concerning the item.

Tommy Scherry, representative for CenterPoint Energy, then stated that CenterPoint Energy is in opposition to a couple of points in the proposed Ordinance before the City Council. Mr. Scherry explained that the public notice was the same form of statutory notice that CenterPoint has used and presented to the Railroad Commission and has been approved for decades. Mr. Scherry added that this form of notice is used consistently by other natural gas utilities across the state. Mr. Scherry stated that an attorney argued that a similar notice provided by TXU in the gas utilities docket 9400 was inadequate and insufficient according to the law. Mr. Scherry stated that this argument was rejected by both the Railroad Commission and the District Court. Mr. Scherry added that the Ordinance states that the data is stale and that this is factually incorrect. Mr. Scherry explained that the Ordinance states that the data used by Commission in establishing the division wide rates only ran through the first quarter of 2004. Mr. Scherry stated that CenterPoint started the data in March of 2004 as a base period in its Commission filing and during the course of the Commission's extensive review, the base data was revised to reflect operations through the year 2004 and beyond. Mr. Scherry stated that CenterPoint is asking for division rates that were approved outside and inside the municipalities. Mr. Scherry added that these rates were approved in April for the environs customers. Mr. Scherry stated that although the Commission's rates were only made effective in those areas of the division, the Commission set the rates based on all relevant information for the division, including the operations within the

municipalities. Mr. Scherry stated that if the Ordinance was passed by Council, it would be a formal rejection of CenterPoint's Statement of Intent to file the rate changes. Mr. Scherry added that if the Ordinance is passed, CenterPoint's course of action would be to appeal to the Railroad Commission. Mr. Scherry explained that the appeal to the Railroad Commission would run up a lot of litigation expenses. Mr. Scherry added that the data had previously been reviewed by the Railroad Commission. Mr. Scherry stated that the litigation expenses would ultimately be passed on to the gas customers and the municipalities that joined the coalition. Mr. Scherry added that passing the Ordinance would be a trigger mechanism that would accelerate the process. Mr. Scherry reiterated that CenterPoint is in direct opposition to the major points in the Ordinance. Mr. Scherry added that CenterPoint did comply with the public notice and that the data was not old data.

City Manager Parker stated that the City of Lufkin and CenterPoint Energy has a difference of opinions and views. City Manager Parker added that the attorneys for the Coalition believe that the data is stale. City Manager Parker explained that if the City of Lufkin does not challenge CenterPoint, the proposed rates would go into effect. City Manager Parker stated that if the City does challenge, the City of Lufkin customers may still have a lower rate than what is proposed. City Manager Parker stated that Staff recommends that Council approve this Ordinance on Second Reading.

Mr. Scherry reiterated that once the Ordinance is filed, it would be a rejection of CenterPoint's rates. Mr. Scherry stated that it would then go to Austin and added that CenterPoint has no problem with anyone reviewing their data. Mr. Scherry stated that it appeared to CenterPoint that the Coalition's attorneys are directing cities to begin at square one while all of the historical data had been previously been provided to the Railroad Commission. Mr. Scherry stated that the Coalition could incur a lot of litigation expenses that duplicate rate proceedings that have already taken place and have been approved by the Railroad Commission in April for both the environs customers and customers within the City of Lufkin as well as other cities across East Texas and Beaumont.

Councilmember R. L. Kuykendall asked Mr. Scherry if the facts concerning litigation had been mentioned in previous meetings. Councilmember Kuykendall added that it appeared that CenterPoint is saying that if the cities do not agree with their proposed rates they will go into litigation and that it would be costly. Councilmember Kuykendall added that CenterPoint points out the cost factor but may not be considering what is right or wrong in the matter.

Councilmember Don Langston stated that he understood that the action that Council was considering was rejecting the proposed rate request from CenterPoint Energy. Councilmember Langston added that he also understood that by rejecting the request, it would trigger a corporate response or a review by the Railroad Commission. Councilmember Langston stated that his only concern was if the City did not have adequate information to determine whether the rate adjustments were fresh or stale. Councilmember Langston added that Council did not want litigation, but all want the most appropriate and cost effective utility service available to the citizens of Lufkin. Councilmember Langston stated that he is concerned that the City of Lufkin may be stepping off on either good or bad advice. Councilmember Langston explained that he would defer his judgment to the City Manager because the City Manager has taken the time and effort to review the item, gain more understanding, and has visited with other cities that have been involved with the Ordinance Change. Councilmember Langston added that he is not stating that he is in full agreement, but that he trusts the person that Council put in charge of researching the information to attain the most appropriate action for the City on behalf of the citizens.

City Manager Parker stated that Mr. Scherry, stating that the Ordinance would be a rejection of the proposed CenterPoint rates, is incorrect. City Manager Parker stated that the City is asking for a new filing of the Statement of Intent based on more current information. City Manager Parker added that CenterPoint's views are that the information is current and look at it as a rejection of rates. City Manager Parker explained that the City is also asking CenterPoint to provide the information on what the actual rate would be to the citizens of Lufkin. City Manager Parker pointed out that the notice states that the rates do not constitute a "major change". City Manager Parker stated that the question the City asks is "What is a major change?" City Manager Parker stated that "major change" is in the eye of the beholder. City Manager Parker added that the City is looking for "Lufkin specific" information on rate changes.

Mr. Scherry reiterated that the Coalition attorney had argued the point on public notice and that he lost at both the Railroad Commission and the District Court. Mr. Scherry added that CenterPoint feels that they are following the statutes that are in place for the notice. City Manager Parker then asked Mr. Scherry if CenterPoint is following the statutes, why wouldn't CenterPoint want to say what the rate would be for a typical Lufkin resident. Mr. Scherry stated that the statute is in compliance with the law.

Councilmember Dennis Robertson stated that there should be full disclosure of information. Councilmember Robertson added that it is important that Council asks for this information for the citizens of Lufkin. Councilmember Robertson reiterated what Councilmember Kuykendall stated earlier that it is about what is right and what is wrong. Councilmember Robertson added that the City needs open and honest communication and full disclosure. Councilmember Robertson stated that if state statutes do not allow for adequate public review, then Council should ask for a statute that does give full disclosure. Mr. Scherry stated that he agreed with Councilmember Robertson but felt that CenterPoint had full disclosure.

Councilmember Rose Faine Boyd stated that the filings before the municipalities that the end of the test year not occur more than six to seven months prior to the filing of the Statement of Intent relied upon by CenterPoint with the City Secretary is not in compliance. Councilmember Boyd stated that when Mr. Scherry previously appeared before the City Council, he stated that it was in compliance. Mr. Scherry stated that the information was in compliance and added that the test year data went through the end of 2004 and into the first quarter of 2005. City Manager Parker stated that this was the difference between the Coalition's interpretation and the interpretation of CenterPoint Energy. City Manager Parker added that part of the data was based on the budget and not on actual expenditures. City Manager Parker explained that budgets are usually more inflated than actual expenditures. City Manager Parker stated that when the environs rates were changed there was no challenge to the process. City Manager Parker reiterated that there are differing opinions about what would be best for the citizens of Lufkin. City Manager Parker added that Staff's opinion is that there needs to be a more thorough review.

Councilmember Langston stated that he appreciated the information given by Mr. Scherry and that he has represented his company well. Councilmember Langston added that he also appreciated the research that the City Manager has done. Councilmember Langston stated that if the City and CenterPoint are "at odds", then the appropriate action would be to get the information clarified.

Councilmember Jack Gorden moved to approve on Second Reading the Ordinance which shall constitute an Interim Order of the City Council of the City of Lufkin, Texas to require CenterPoint Energy Entex to publish notice of its changes in rates for a typical residential customer and a typical commercial customer and the changes in service charges in a conspicuous manner; to require CenterPoint to re-file its Statement of Intent utilizing a current historic test year, ending March 31, 2005 and to require CenterPoint to contact the City Manager on the date when it intends to re-file its Statement of Intent using a current test year and when CenterPoint intends to publish notice consistent with this Ordinance; finding and determining that the meeting which this Ordinance was passed was in accordance with the requirements of the Texas Open Meetings Act; making other findings related to CenterPoint's Statement of Intent; and declaring an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

#### **NEW BUSINESS:**

- 9. FIRST READING OF THE REQUEST FROM JACK JUMPER AND CHARLIE CAVER - DENIED -TO CONSIDER CHANGING THE ZONING ON 6.888 ACRES DESCRIBED AS PARTS OF LOTS 3 OF THE JUMPER CAVER SUBDIVISION LOCATED ON W. LOOP 287 FROM THE CURRENT CLASSIFICATIONS OF "COMMERCIAL", "HEAVY MANUFACTURING", AND "LARGE SINGLE-FAMILY DWELLING" TO A SINGLE ZONING CLASSIFICATION OF "COMMERCIAL". THIS REQUEST WILL ALSO ENCOMPASS AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION OF THE PROPERTY FROM "COMMERCIAL" AND "LOW DENSITY RESIDENTIAL" TO A SINGLE "COMMERCIAL" DESIGNATION**

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of the request from Jack Jumper and Charlie Caver to consider changing the zoning on 6.888 acres described as parts of Lots 3 of the Jumper Caver Subdivision located on W. Loop 287 from the current classifications of "Commercial", "Heavy Manufacturing", and "Large Single-Family Dwelling" to a single zoning classification of "Commercial". This request will also encompass amending the Future Land Use Map of the Comprehensive Plan by changing the designation of the property from "Commercial" and "Low Density Residential" to a single "Commercial" designation. City Manager Paul Parker stated that the applicants' application that was filed in 2000 was rejected. City Manager Parker added that a new application had been filed to request a Zone Change from "Commercial", "Heavy Manufacturing", and "Large Single-Family Dwelling" to a single Zoning Classification of "Commercial". City Manager Parker stated that the intent of the applicant is to develop the property, in the future, for commercial usage. City Manager Parker added that there is no specific use at this time that was intended. City Manager Parker explained that because there was an over twenty percent (20%) written protest in opposition of the request, Council must pass the Zone Change by three fourths (3/4) of the City Council's vote of approval, which is six (6) of the seven (7) Council Members positive votes. City Manager Parker stated that the Planning and Zoning Commission considered the request along with the posted opposition. City Manager Parker stated that the Planning and Zoning Commission unanimously recommended the request to City Council for approval.

Mayor Bronaugh then stated that the floor was open to anyone in the audience that wished to speak for or against this Zone Change.

Jack Jumper stated that he was the applicant requesting the Zone Change. Mr. Jumper added that he bought the piece of property approximately five (5) years earlier. Mr. Jumper stated that they had been trying to develop the property as a "Commercial" piece of property. Mr. Jumper stated that when the property came into the City of Lufkin under the rules of annexation, the property was zoned as "Residential Large" unless there was a specific reason not to give the property that classification. Mr. Jumper then presented a slide show to show uses of property in the area near the proposed Zone Change. Mr. Jumper explained that the reason for the Zone Change request was he had a customer that had asked for a building to be built on the property. Mr. Jumper stated that the customer's request could not be granted unless part of the property that is now zoned "Residential Large" be changed to "Commercial". Mr. Jumper explained that the proposed used would be a large retailer with office area and display or show room with access to a warehouse on the property. Mr. Jumper added that the customer wants something that would be attractive and appealing to customers. Mr. Jumper stated that the residential access is the only access to Loop 287. Mr. Jumper stated that at the present time the property on the north side is "Heavy Manufacturing". Mr. Jumper stated that much of the "Commercial" property backs up to the "Residential" area. Mr. Jumper stated that it would not be practical to develop the proposed property as "Residential". Mr. Jumper then presented plans for the future development of the property. Mr. Jumper stated that he would try to maintain the landscaped fence line for a site and sound barrier. Mr. Jumper stated that they are working to have the area zoned in a more rational manner and fits in with the Comprehensive Plan.

Councilmember Dennis Robertson stated that leaving the landscaped area would help to get favorable action on the request. Councilmember Robertson added that the City's Ordinances don't require the developer to do that and if the property were sold, the new owner may not leave the landscaped area. City Manager Robertson stated that the adjacent residents of the area would then lose their screening to noise and other environmental issues. Councilmember Robertson explained that once the area is Zoned "Commercial" then all available commercial activities could take place without regard to previous promises from developers. Councilmember Robertson stated that there is a valid concern of the residents of the area and asked Mr. Jumper what guarantee he could give the residents that the trees and vegetation would remain to screen the area. Mr. Jumper stated that there is nothing on the table that would guarantee that to the residents. Mr. Jumper added that if the area were to be developed residentially, the same damage could happen to the vegetation. Mr. Jumper stated that it was his intention to leave the vegetation along the fence line.

Larry Cain stated that he lives at 1511 Henderson Street. Mr. Cain added that his residence is directly across the street from the subject property. Mr. Cain explained that he was not part of any organized opposition to the proposed Zone Change. Mr. Cain stated that he owns

approximately six (6) acres on the east side of Henderson and that he lives on that property. Mr. Cain added that he bought the property approximately one and one half (1 ½) years earlier and that he has a substantial investment in the property. Mr. Cain stated that he has mixed feeling about appearing before Council and that as a business man in the City of Lufkin; he is very pro-business and understands Mr. Jumper's concerns. Mr. Cain added that as a resident of the area, he is about seventy-five percent (75%) opposed to converting the residential strip to commercial use. Mr. Cain stated that he believes the City should maintain that residential area of town. Mr. Cain explained that he understands the need for developing the commercial activity along the loop, but that his concern is the buffer between the residential and commercial activity. Mr. Cain added that by not knowing what that property would eventually be used for, if Zoned Commercial, he would ask that Council vote against the Zone Change.

Councilmember R. L. Kuykendall stated that as Mr. Jumper could not promise any buffer to the residents in the area, it may be possible why the residents of the area have fears of what might happen. Councilmember Kuykendall added that there had been other cases where individuals stated that they would do certain things, but that these residents have no idea of what to expect; therefore they are worried about the proposed development. Councilmember Kuykendall stated that the developer may stay within legal boundaries, but not meet the concerns and expectations of the residents in the area.

Wilkin Mickey stated that he lives at 1208 Henderson. Mr. Mickey added that he owns the property adjacent to the subject property. Mr. Mickey explained that there is a serious problem with flooding in the area. Mr. Mickey added that he is concerned with the houses being flooded as the area is more developed. Mr. Mickey stated that he would like to keep the area as a "nice neighborhood" and did not want to see more businesses in the area. Mr. Mickey added that he was concerned that more and more of the area would be commercially developed and that it would no longer be a good neighborhood. Mr. Mickey asked the Council to vote against the proposed Zone Change.

Nancy Hutto stated that resides at 1304 Henderson Street. Ms. Hutto added that she is also representing her mother who lives at 2406 Homer Alto Road. Ms. Hutto explained that both properties are adjacent to the area in question. Ms. Hutto thanked Councilmember Robertson for speaking out about the landscape and vegetation along the fence line. Ms. Hutto explained that she and her husband are bird watchers and that they see a lot of wildlife in the area. Ms. Hutto stated that the Zone Change would change the area. Ms. Hutto explained that her family understands that the City of Lufkin is changing and that the property is close to the loop. Ms. Hutto added that she had lived in the area her entire life and that her mother has lived there for over sixty (60) years. Ms. Hutto stated that one of her concerns is about the water run-off. Ms. Hutto added that there had not been a problem with the water flow until recently. Ms. Hutto stated that the water flows from the loop and from the street. Ms. Hutto explained that the property owners have seen the land change through the years. Ms. Hutto added that her back yard had actually risen. Ms. Hutto explained that she had to bring in a backhoe to bring the level of the yard down. Ms. Hutto stated that her home had flooded until the problem was addressed. Ms. Hutto added that the neighbor across the street had been flooded numerous times. Ms. Hutto stated that Mr. Jumper had been polite and had discussed the problem with her. Ms. Hutto stated that if the Zone Change were to take place, she would like to have Mr. Jumper be the person who would be her neighbor. Ms. Hutto added that Mr. Jumper would not however live forever. Ms. Hutto furthered that she intended to hand her property down to her children, as her parents did to her.

Ms. Hutto again expressed her concerns about flooding of the residential property in the area. Ms. Hutton submitted a letter and photographs to Council. Ms. Hutton then presented the photos showing the area in question, in regards to flooding problems.

Councilmember Lynn Torres asked Mr. Jumper about access to the property in question.

Mr. Jumper then addressed the water issue in the area. Mr. Jumper stated that the area is flat and added that every effort would be made to mitigate any changes to the water flow. Mr. Jumper stated that the City Engineer overlooks the plans for development. Mr. Jumper reiterated that every effort had been made to make the property look attractive, help it to fit in the neighborhood, and impact the privacy of the residents in a minimal way. Mr. Jumper stated that he believes the property can be developed without increasing problems with flooding.

Mayor Louis Bronaugh stated that he understood that the City Engineering Department addresses the drainage plans for the area. Mayor Bronaugh asked Mr. Jumper if the Engineering Department had seen his plans for the area. Mr. Jumper stated that there are several proposals on the table for the development of the area. Mr. Jumper explained that when those plans are finalized they would be presented to the City for approval. Mayor Bronaugh stated that the City Council is also concerned about drainage in the City.

Councilmember Dennis Robertson asked Mr. Jumper if the other commercial businesses along the loop have detention ponds for their businesses. Mr. Jumper stated that some of the businesses do have detention ponds but most do not, because they were built before the City required the detention ponds. Councilmember Robertson asked Mr. Jumper how he would handle the water flowing on to his property. Mr. Jumper stated that the water would be directed through the detention pond that would be built. Councilmember Robertson asked if there was a way for the residents to get a zero discharge of water from Mr. Jumper's property. Mr. Jumper explained that would not be possible and explained how the water flows through the area.

Assistant City Manager/Public Works/City Engineer Keith Wright stated that the design of the detention pond would depend on the size of the property. Mr. Wright added that the existing drainage area would be analyzed. Mr. Wright stated that the City had not had access to the property to be able to open up the drainage. Mr. Wright explained the problems with the drainage in the area. Mr. Wright stated that for a "Low Density Residential" area no detention would be required.

Councilmember Don Langston asked Mr. Wright if the pending work on Lotus Lane would increase problems in drainage and if the area had been studied. Mr. Wright explained that the crossings at Lotus Lane had been examined to reduce the frequency of flooding of Lotus Lane on most conditions. Mr. Wright added that there are large enough storms to exceed whatever the City builds. Mr. Wright stated that the Lotus Lane work would actually improve the residential area in question as it would allow more water to drain from the property. Councilmember Langston expressed his concern that the future development would increase the problems with drainage in the subject area.

City Attorney Bob Flournoy pointed out that the buffer area that was previously mentioned could be insured by an easement or setback guaranteeing that buffer area would not be cleared or cut. Mr. Jumper stated that his intention was to leave the buffer. Mr. Jumper stated that some of the water would be redirected into the detention pond.

Mr. Wright reiterated that the work on Lotus Lane should help with the water flow situation in the area. Councilmember Robertson asked how the work on Lotus Lane would help the problem. Mr. Wright explained that Lotus Lane acts as a detention pond for the subject area and would allow more water to flow out of the residential area. Councilmember Robertson discussed the culvert problems on Henderson Street and the drainage problems around that culvert. Mr. Wright explained that the City has no access to the property to address the problems. Mr. Wright added that the City would have to purchase easements, fee title, and acquire a wetlands permit. Mr. Wright stated that the problem could be improved, but that it is a matter of allocation of funds to be able to accomplish it. Councilmember Robertson explained that the City should make sure the drainage system works and not cause additional flooding to residents if the City continues to allow the development of residential and commercial areas. Councilmember Robertson stated that there should be Ordinances or drainage manuals in place that take care of the flooding problems in the City.

Mr. Wright stated that the City of Lufkin has built one hundred eighty-two (182) acres of regional detention facilities. Mr. Wright added that this lowered the flooding on several of the major streams, implemented the drainage criteria manual in 1996, and have improved the development process. Mr. Wright stated that the City has constructed several streets where drainage and storm sewer capabilities have been improved. Mr. Wright explained that the City has had to correct problems from the past. Mr. Wright added that all of the problems could be addressed, corrected, and changed but added that it is a matter of funding and bonded indebtedness. Mr. Wright stated that the City has improved the flooding problems and are aware of the needs and problems. Mr. Wright explained that there are limitations and must gradually work on the issues. Mr. Wright stated that more funds are allocated each year



to try to do more storm sewer improvements, but the situation will take time. Mr. Wright added that flooding events change in intensity.

Mr. Jumper asked Mr. Wright if the drainage problem could be addressed if the neighbors could acquire an easement in the subject area. Mr. Wright explained that the City would work on alleviating the problem with the proper access and permitting to excavate the area.

Ms. Hutto expressed concerns of how the culvert work was done by the City. Mr. Wright explained the City's capabilities and restrictions.

Ms. Douglas Lawrence expressed that she had concerns for the future of the area and the views of future residents of the area.

Councilmember Jack Gorden stated that he believed this development is a reasonable approach to the use of the property, and moved to approve on First Reading the request from Jack Jumper and Charlie Caver to consider changing the zoning on 6.888 acres described as parts of Lots 3 of the Jumper Caver Subdivision located on W. Loop 287 from the current classifications of "Commercial", "Heavy Manufacturing", and "Large Single-Family Dwelling" to a single zoning classification of "Commercial". This request will also encompass amending the Future Land Use Map of the Comprehensive Plan by changing the designation of the property from "Commercial" and "Low Density Residential" to a single "Commercial" designation. Councilmember Lynn Torres seconded the motion. The following voice vote was recorded:

Aye: Council Members Torres, Gorden, Langston, Boyd, and Mayor Bronaugh

Nay: Council Members Kuykendall and Robertson,

The motion failed for lack of the required three fourths (3/4) votes in favor of the Ordinance.

**10. FIRST READING OF THE REQUEST OF JIMMY WARREN ON BEHALF OF ELM TEXAS PROPERTIES – APPROVED - TO CONSIDER CHANGING THE ZONING ON .46 ACRES DESCRIBED AS PARTS OF TRACTS 51.1 OF THE M. BOYCE SURVEY AND LOCATED BETWEEN HELEN AND SLACK STREET AND MORE COMMONLY KNOWN AS 1308 SLACK STREET FROM THE CURRENT CLASSIFICATIONS OF "COMMERCIAL" AND "LARGE SINGLE-FAMILY DWELLING" TO A SINGLE ZONING CLASSIFICATION OF "COMMERCIAL". THIS REQUEST WILL ALSO ENCOMPASS AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION OF THE PROPERTY FROM "LOW DENSITY RESIDENTIAL" TO A "RETAIL" DESIGNATION**

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of the request of Jimmy Warren on behalf of ELM Texas Properties to consider changing the zoning on .46 acres described as parts of Tracts 51.1 of the M. Boyce Survey and located between Helen and Slack Street and more commonly known as 1308 Slack Street from the current classifications of "Commercial" and "Large Single-Family Dwelling" to a single zoning classification of "Commercial". This request will also encompass amending the Future Land Use Map of the Comprehensive Plan by changing the designation of the property from "Low Density Residential" to a "Retail" designation. City Manager Paul Parker stated this property is split between a "Commercial" and a "Large Single-Family Dwelling" unit designation. City Manager Parker added that the applicant asks that the property be unified in one classification of "Commercial". City Manager Parker stated that the Planning and Zoning Commission unanimously recommended that Council approve the Zone Change. Mayor Bronaugh then asked if there was anyone in the audience that wished to speak for or against this Ordinance.

Jimmy Warren with Warren Construction stated that he is requesting the Zone Change. Mr. Warren explained that the area is one piece of property with two zoning classifications. Mr. Warren stated that they had proposed to place a metal building on the property and needed a zone change to allow them to build a larger structure on the property.

Councilmember Don Langston asked how the subject property had been cut diagonally during the zoning process. City Planner Dorothy Wilson stated that she noted that this was a

problem throughout the City of Lufkin. Ms. Wilson added that Staff is rezoning many areas, as requested by the public, and also are looking at the problem comprehensively with the Planning and Zoning Commission. Ms. Wilson stated that they are working to correct the properties throughout the City to be more usable and logical.

Councilmember Dennis Robertson moved to approve on First Reading the request of Jimmy Warren on behalf of ELM Texas Properties to consider changing the zoning on .46 acres described as parts of Tracts 51.1 of the M. Boyce Survey and located between Helen and Slack Street and more commonly known as 1308 Slack Street from the current classifications of "Commercial" and "Large Single-Family Dwelling" to a single zoning classification of "Commercial". This request will also encompass amending the Future Land Use Map of the Comprehensive Plan by changing the designation of the property from "Low Density Residential" to a "Retail" designation. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

#### **11. ABATEMENT AGREEMENT BETWEEN THE CITY OF LUFKIN AND PRECISE INDUSTRIES -APPROVED - OF LUFKIN FOR AN EXPANSION PROJECT**

Mayor Louis Bronaugh stated that the next item for consideration was the abatement agreement between the City of Lufkin and Precise Industries of Lufkin for an expansion project. City Manager Paul Parker deferred to Economic Development Director Jim Wehmeier.

Economic Development Director Jim Wehmeier stated the opportunity before the Council is good news. Mr. Wehmeier explained that the proposal went before the Lufkin 4-B Economic Development Corporation earlier that day and unanimously recommended to Council for approval. Mr. Wehmeier stated that Precise Industries currently has a tax abatement agreement with the City of Lufkin that was signed on December 16, 2003. Mr. Wehmeier added that the current facility has grown and are planning an expansion of 10,000 square feet on a piece of property that has been purchased. Mr. Wehmeier stated that the expansion would create a minimum of ten (10) new jobs. Mr. Wehmeier stated that the City encourages expansion of businesses and industries in the area. Mr. Wehmeier stated that Precise Industries requested an identical abatement schedule as their initial project. Mr. Wehmeier added that the initial project created eight (8) jobs. Mr. Wehmeier stated that this application scored significantly higher than the original project. Mr. Wehmeier explained that Precise Industries is not only expanding, but tripling in size with the expansion. Mr. Wehmeier added that the application is in order and a written statement guaranteeing that all stipulations will be met has been provided and written into the abatement agreement. Mr. Wehmeier stated that Precise Industries is a registered Historically Underutilized Business. Mr. Wehmeier added that he would take any questions that the Council might have.

Councilmember Dennis Robertson asked about what procedures are in place for monitoring the companies' performance in terms of job requirements and development costs. Mr. Wehmeier stated that he could not speak for the prior history but that there are written watermarks for businesses and there is now an annual reporting requirement to the Economic Development office that provides backup information. Mr. Wehmeier added that it is his responsibility to watch over the abatement agreements. Mr. Wehmeier stated that Staff recommended that Council approve the abatement agreement for Precise Industries.

Councilmember Dennis Robertson moved to approve the abatement agreement between the City of Lufkin and Precise Industries of Lufkin for an expansion project. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

#### **12. RECOMMENDATIONS FROM THE CITY OF LUFKIN PARKS BOARD FOR NEW PROJECTS AT JONES PARK**

Mayor Louis Bronaugh stated that the next item for consideration was the recommendations from the City of Lufkin Parks Board for new projects at Jones Park. City Manager Paul Parker stated that in May of 2005, the Jones Park Pool House had substantial structural damage and could not be utilized during the 2005 pool operations. City Manager Parker added that Council held a Public Hearing in the North Lufkin area in May of 2005, concerning Jones Park. City Manager Parker explained that it was a consensus of the community members present that there was a strong desire to maintain the pool operation in Jones Park. City Manager Parker stated that under the direction of the Council, and with

additional funding, the City was able to construct additional sidewalks to the adjacent restroom and add an outdoor shower. City Manager Parker added that Jones Pool operated from May 28<sup>th</sup> through the remainder of the summer months. City Manager Parker stated that as a result of the Public Hearing, there were several residents that expressed concerns that additional improvements were needed at Jones Park. City Manager Parker explained that there were a variety of concepts such as a "Spray Play Pad", replacing the pool house, constructing a recreation facility, constructing concession stands, developing walking trails, more lighting, having more park security, and building a fishing pier. City Manager Parker stated that in June of 2005, the City Council allocated \$85,000 for improvements for Jones Park. City Manager Parker added that Council stated that Staff should hold community meetings and utilize the Park Board to give recommendations back to the Council. City Manager Parker stated that the Park Board hosted a Public Hearing on August 16, 2005 and citizens were given the opportunity to place suggestions on improvements for the park. City Manager Parker added that the majority of those citizens indicated that they would like to have a recreation center built with the funds. City Manager Parker added that the second indication was for a pool house. After the Public Hearing, the Parks Board considered the projects and determined that \$85,000 would not be sufficient to build a recreation facility to serve the citizens of the area. City Manager Parker added that the Parks Board was also concerned about putting additional funds into a pool house, while the operations seemed to work well during the 2005 summer season. City Manager Parker stated that the final recommendation from the Parks Board was to modernize the existing restroom facilities and build a "Spray Play Pad". City Manager Parker stated that after the meeting, Parks Director Don Hannabas was asked to determine the amount it would take to bring the restrooms into good shape. City Manager Parker stated that the amount was approximately \$35,000. City Manager Parker explained that the \$35,000 needed to improve the restrooms and the \$85,000 needed to build the "Spray Play Pad" would exceed the \$85,000 that was previously allocated by Council. City Manager Parker added that Staff believes that a "Spray Play Pad" could be built and the restrooms could be renovated to an acceptable level with the allocated funds and the funds in the maintenance area of the Parks Budget. City Manager Parker stated that the Parks Board recommended that Council approve the renovation of the restroom area and to construct a "Spray Play Pad" in Jones Park. City Manager Parker stated that Staff is looking for directions from the City Council on how to proceed and use the funds that are allocated.

Councilmember R. L. Kuykendall stated that he visited with residents in the community that were familiar with Jones Park for many years. Councilmember Kuykendall added that many residents grew up in Lufkin and remember Jones Park, as it was in the past. Councilmember Kuykendall explained that he, along with Louise LaVane, drew a detailed plan that illustrates the desires of the citizens in the community, along with the funds needed for the project. Councilmember Kuykendall stated that items in the packet that was mailed by the Parks Board had no connection to what was requested by the citizens. Councilmember Kuykendall referenced a note that was in his packet concerning the letter that he had written pertaining to recommendations for Jones Park. City Manager Paul Parker explained that Mr. Kuykendall's letter was included in the packet and his recommendation was being taken into consideration by Staff and Council.

Councilmember Dennis Robertson wanted to know the status of the Park Master Plan. City Manager Parker deferred the item to City Planner Dorothy Wilson.

City Planner Dorothy Wilson stated that Staff had been trying to get information that the City is required to provide to the state on the Lufkin ISD facilities for the Master Plan. Ms. Wilson stated that Councilmember Lynn Torres is going to help Staff acquire that information. Ms. Wilson explained that Staff could not go forward with the Master Plan until they receive additional inventory information. Ms. Wilson added that once the City receives that information, there are approximately seven (7) to ten (10) steps that need to be completed with the public. Ms. Wilson stated that they will then take the proposed parks plan to the public so that they could vote on different options. Ms. Wilson explained that the Parks Committee received a draft and added that draft was made available to the Parks Board, the City Manager, and to the State for input. Ms. Wilson stated that the State gave advisory comments on timelines and specifics in the goals that they wanted clarified. Ms. Wilson stated that the Parks Master Plan is still underway and the next timeline for submission to the State would be November 30, 2005 and Staff would be working on finalizing it in the next two (2) months.

Councilmember Dennis Robertson asked if there would be public meetings relating to the Parks Master Plan that citizens could attend to voice their concerns. Ms. Wilson stated that there would be public meetings. Ms. Wilson added that there were plans for two main projects. Ms. Wilson explained that one is an art contest for photography and artwork to go within the plan to have student participation. Ms. Wilson discussed several of the ideas for potential goals for the Parks Master Plan. Ms. Wilson added that the number one goal was for a large multi-purpose center with a recreational facility surrounding an indoor aquatic theater and activity center. Ms. Wilson added that another idea was to have another general participation contest to try to boost participation from the usual participants to a broader range of participants by providing public service announcements and contests on air that include prizes. Councilmember Robertson stated that Council had asked the public for ideas and input concerning Jones Park. Councilmember Robertson explained that the \$85,000 in allocated funds limited the project somewhat, but was concerned because he didn't see a relationship from what was requested by the public to the recommendation from the Parks Board. Councilmember Robertson stated that the City needs a Parks Master Plan that would fit with the City's Comprehensive Plan for a citywide effort. Councilmember Robertson expressed concerns that the City did not meet the citizen's expectations when they were given the opportunity to express their desires and then were given something different.

Ms. Wilson clarified that the Parks Master Plan that she is working on will be the new plan to be adopted, but does not govern any of the decisions that are currently being considered. Councilmember Robertson suggested that the City bank the \$85,000 that was allocated until the City could come to an agreement that would meet the expectations of the citizens of the area. City Manager Parker stated that Council could set the money aside in reserve. City Manager Parker added that Staff needed some direction from Council as to the intentions for the funds so they could go forward. City Manager Parker stated that the money would need to be earmarked and Staff could bring a Budget Amendment to Council the first week in October. City Manager Parker explained that the funds would then roll over until the next fiscal year. City Manager Parker added that Staff is looking for direction from Council. Councilmember Kuykendall stated that he was told by a professional that the project could be quite costly but felt that as Councilmember Robertson suggested, the money should be held in reserve for a future plan. Councilmember Kuykendall stated that he believes that Council should take into consideration the wishes of the citizens in the community.

Councilmember Don Langston stated that Council had set aside funds when they were available to add improvements to Jones Park. Councilmember Langston added that Council needs more information concerning the cost for the type facility that the people in the community want for the park. Councilmember Langston suggested that there be more advertising for future public meetings to allow for better attendance and more input in the future. Councilmember Langston stated that he would like to make sure that Staff does a thorough and adequate job of inviting the public that would be affected by the decisions to all future meetings. Councilmember Langston added that Council needs to be informed of the costs of not only what the Parks Board recommended, but also the recommendations that represented the opinions of a majority of the people attending that meeting.

Councilmember Robertson stated that the City needs Master Plans for the entire park system and also for each individual park. Councilmember Robertson added that parks are a premier part of what people city in our City and they often judge the City based on what they see in the parks system. Councilmember Robertson explained that the parks should be properly maintained and the City should not allow the facilities to deteriorate to the point that the bathhouse did at Jones Park. Councilmember Robertson added that the parks are the City's crown jewels just like the national parks are the crown jewels of the United States. Councilmember Robertson stated that the City has improved the parks system and should continue to develop it until it reaches to the maximum dollar that can be put into improvements.

Councilmember Langston stated that there is also a lack of neighborhood park facilities in southeastern Lufkin. Councilmember Langston added that this subject would continue to come up until the City develops parks in that part of the City also.

Councilmember Rose Faine Boyd stated that her recommendation would be to take the issue back to the public and have additional advertising for the meeting. Councilmember Boyd added that her understanding is the public that attended was not aware that the issue would go back to the Parks Board for recommendation to the Council. Councilmember Boyd stated

that she believes that the community thought that the funds that were set aside would be used for the priorities that they had expressed in the public meeting.

Mayor Bronaugh stated that Staff understands the wishes of the Council and would begin to develop plans according to the Council's recommendations.

**13. REQUEST FROM THE KIWANIS CLUB OF LUFKIN – APPROVED - TO HOLD THE “ANNUAL TURKEY SHOOT” AT KIT MCCONNICO PARK**

Mayor Louis Bronaugh stated that the next item for consideration was the request from the Kiwanis Club of Lufkin to hold the “Annual Turkey Shoot” at Kit McConnico Park. City Manager Paul Parker stated that the request before Council is an annual request, the City has had no problems with the event in the past, and that Staff recommends that Council approve the request of the Kiwanis Club to hold its “Annual Turkey Shoot” at Kit McConnico Park.

Councilmember Don Langston moved to approve the request from the Kiwanis Club of Lufkin to hold the “Annual Turkey Shoot” at Kit McConnico Park. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

**14. FIRST READING – APPROVED - OF THE AMENDMENT TO THE CITY’S SOLID WASTE AND RECYCLING ORDINANCE**

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of the proposed amendment to the City's Solid Waste and Recycling Ordinance. City Manager Paul Parker stated that Council had recently reviewed this Ordinance. City Manager Parker added that Council had raised several questions. City Manager Parker explained that Staff addressed those questions and concerns and is presenting the Ordinance for consideration by Council. City Manager Parker added that the format was the same as had been previously presented by showing both the original Ordinance and the recommended changes. City Manager Parker stated that Staff was recommending that Council approve the Ordinance and is prepared to answer any specific questions that Council might have concerning the Ordinance.

Councilmember Langston stated that he had been the most vocal Councilmember at the last meeting and that he appreciated Staff going back and looking at some of the issues. Councilmember Langston added that Staff had addressed his concerns very nicely and he commended them for the thorough job that was done and their hard work.

Councilmember Don Langston moved to approve on First Reading the proposed amendment to the City's Solid Waste and Recycling Ordinance. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

**15. BID FOR 2005-014 REFUSE BAGS – APPROVED - FOR SOLID WASTE**

Mayor Louis Bronaugh stated that the next item for consideration was the bid for 2005-014 Refuse Bags for Solid Waste. City Manager Paul Parker stated this is the annual bid for the bags for Solid Waste. City Manager Parker added that the City received a bid for \$3.77 per roll for the black bags. City Manager Parker stated that the bid is for 15,000 rolls which would come to a total \$56,550. City Manager Parker added that the City also received a bid for \$4.14 for the green bags. City Manager Parker explained that this bid would be for 12,000 rolls for a total of \$49,680. City Manager Parker stated that the total for all bags would come to \$106,230.

Councilmember Jack Gorden asked if the bags were the same mill but a different color. City Manager Parker stated that they were the same mill and explained that the black bags are used for trash and the green are to be used for yard waste. City Manager Parker added that the reason the City purchases more black bags is because the citizens buy more of the black bags. City Manager Parker stated that the City did away with the blue bags that were used for recycling and suggests that citizens put their recyclable materials directly in the container.

Councilmember Dennis Robertson moved to approve the bid for 2005-014 Refuse Bags for Solid Waste. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

#### **16. BID FOR 2005-015 LEAF BAGS – APPROVED - FOR SOLID WASTE**

Mayor Louis Bronaugh stated that the next item for consideration was the bid for 2005-015 Leaf Bags for Solid Waste. City Manager Paul Parker stated that this bid was for leaf bags and came in at \$.1487 per bag with a total quantity of 54,000 bags for a total bid of \$8,029.80. City Manager Parker added that Staff recommended approval of the low bidder on this item, which was Unisource from Nacogdoches, Texas.

Councilmember Dennis Robertson asked if these bags were the green bags. City Manager Parker explained that these were not the green bags but the large leaf bags and they are used by many departments in the City.

Councilmember Langston asked if the expense of the bags were being allocated to each individual department. City Manager Parker stated that Solid Waste encumbers the expense for this item.

Councilmember Dennis Robertson asked if these were the bags that Council had discussed using for yard waste. Councilmember Robertson stated that the Council had once considered a bag that would go through the composting program better than the plastic bags. Assistant City Manager/Administrative Services Kenneth Williams explained that the recyclable type bags are cost prohibitive and are very expensive.

Councilmember Dennis Robertson moved to approve the bid for 2005-015 Leaf Bags for Solid Waste. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

#### **17. BID FOR FUEL – APPROVED - FOR ON THE ROAD VEHICLES**

Mayor Louis Bronaugh stated that the next item for consideration was the bid for fuel for On the Road Vehicles. City Manager Paul Parker stated there are two bids for the annual fuel bid. City Manager Parker explained that the City pays rack price for fuel which is increasing every week. City Manager Parker added that the City is actually bidding the fixed price differential (or the profit) for handling. City Manager Parker stated that the low bidder was Okay Food, who is the City's current supplier, at \$.0500 per gallon. City Manager Parker added that Staff recommends that Council accept the bid from Okay Foods.

Human Resource Director David Koonce pointed out that the rack price for fuel at this same time last year was \$1.22 per gallon, and this year it is \$2.16 per gallon.

Councilmember Jack Gorden asked how the City uses kerosene. Human Resource Director David Koonce explained that it is used in heaters and for cleaning tools.

Councilmember Lynn Torres moved to approve the bid for fuel for On the Road Vehicles. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

#### **18. BID FOR FUEL/LUBRICANTS – APPROVED - FOR OFF-ROAD EQUIPMENT**

Mayor Louis Bronaugh stated that the next item for consideration was the bid for fuel/lubricants for Off-Road Equipment. City Manager Paul Parker stated that the bid is for the price differential (profit). City Manager Parker explained that the bid is for fuel and also lubricants and H & W was the low bidder and also the only bidder to respond to the bid request for fuel for off road equipment. City Manager Parker added that the bid was \$.097 for unleaded fuel, \$.097 for diesel, and \$.0500 for kerosene. City Manager Parker stated that the City buys most of its fuel on the road and that Management is encouraging staff to fill up while on the road and not take fuel from the tank.

Councilmember Don Langston asked why the City is buying bulk unleaded in such a large quantity. City Manager Parker explained that a lot of the fuel is used for generators, small equipment, in the Parks Department, tractors, and has been used to top off vehicles in the past. City Manager Parker added that staff will no longer top off their fuel from the tank. Assistant City Manager/Public Works Keith Wright stated that it was needed for emergencies and for times when staff cannot get to the station to fill up.

Councilmember Jack Gorden noted that the City does not purchase high octane or "super unleaded fuel". City Manager Parker stated the gas card that is issued will not allow staff to purchase anything but "regular" unleaded fuel.

Councilmember Rose Faine Boyd moved to approve the bid for fuel/lubricants for Off-Road Equipment. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

Councilmember Langston noted that the City could perhaps attract more bidders if the hydraulic oil needs were separated from the fuel needs.

**19. BID FOR SALE OF TWO 1998 VOLVO EXPEDITORS – APPROVED -  
W/AUTOMATED SIDE LOADERS**

Mayor Louis Bronaugh stated that the next item for consideration was the awarding of bid for the sale of two 1998 Volvo Expeditors w/Automated Side Loaders. City Manager Paul Parker stated that these are two of the Solid Waste trucks that are being replaced this year. City Manager Parker explained that the City received bids for the sale of these vehicles and the apparent high bidder was Heil of Texas located in Houston, Texas in the amount of \$15,100 per unit. City Manager Parker added that the total for both units was \$30,200 and that Staff recommended that Council approve the award of contract for the sale of the two 1998 Volvo Expeditors with Automated Side Loaders to Heil of Texas.

Councilmember Langston asked what department is selling the vehicles. City Manager Parker explained that the vehicles are from the Solid Waste Department. Councilmember Langston asked if these were vehicles that are currently being replaced. Assistant City Manager/Administrative Services Kenneth Williams explained that these vehicles had been replaced.

Councilmember Rose Faine Boyd moved to approve awarding of the bid for the sale of two 1998 Volvo Expeditors w/Automated Side Loaders. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

20. City Manager Paul Parker stated that he would like to compliment the City of Lufkin Staff and the citizens of Lufkin for the excellent response to the evacuees from the Gulf Coast. City Manager Parker stated that many departments had been involved in the effort and that the response had been handled without any major hitches. City Manager Parker stated that the number of evacuees fluctuates from day to day and the City of Lufkin has been remarkable in their volunteerism, assistance, and donations. City Manager Parker also noted the great work of the Red Cross and Salvation Army. City Manager Parker reminded everyone that this will be an event that will have a longer duration period and added that he wanted to thank not only the City staff, but the citizens of Lufkin who have been so generous.

Councilmember Jack Gorden echoed the sentiments of City Manager Parker and added that the City needs to remember to thank the Pentecostal Camp for allowing the shelter to be opened on their site.

Councilmember Don Langston also agreed with City Manager Parker and stated that the City of Lufkin is uniquely fortunate to have a facility available like the Pentecostal Camp and the cooperation of the officials there. Councilmember Langston also noted that the City of Lufkin is a unique city in the area of volunteerism and dedication of the City Staff. Councilmember Langston commended all City of Lufkin employees that were out working and volunteering on their own time. Councilmember Langston expressed his hope that the City and citizens will continue to volunteer time, money and prayers to this effort.


21. Mayor Louis Bronaugh recessed the Regular Session at 7:23 p.m. to enter into Executive Session.


**EXECUTIVE SESSION:** In accordance with the Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Regular Session Agenda item requiring confidential, attorney/client advices necessitated by the deliberation or discussion of said items (as needed), and real estate, appointment to boards and personnel may be discussed.

Mayor Louis Bronaugh reconvened the Regular Session at 7:50 p.m.

22. City Manager Parker reminded Council that the Park Dedication and Grand Opening for Kit McConnico Park will be held on September 17, 2005.

23. There being no further business for consideration, the meeting adjourned at 7:52 p.m.

  
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Renee Thompson - City Secretary

  
\_\_\_\_\_  
Louis A. Bronaugh - Mayor