

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 5th DAY OF DECEMBER, 2006**

On the 5th day of December, 2006, 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:

Jack Gorden, Jr.	Mayor
Rose Faine Boyd	Mayor Pro-Tem
R. L. Kuykendall	Councilmember, Ward No. 1
Don Langston	Councilmember, Ward No. 4
Rufus Duncan, Jr.	Councilmember, Ward No. 5
Phil Medford	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Renee Thompson	City Secretary
Robert Flournoy	City Attorney
Vance Hendrix	Asst. City Attorney
Keith Wright	Asst. City Manager
David Koonce	Human Resource Director
Larry Brazil	Police Chief
Pete Prewitt	Fire Chief
Doug Wood	Finance Director
Steve Floyd	Solid Waste and Recycling Director
Barbara Thompson	Main Street Director
Dorothy Wilson	Planning Director
Tara Jones	Interim Inspection Services Director
Jim Wehmeier	Economic Development Director
Scott Rayburn	City Planner
Randy Innerarity	Fleet Services Director
Steve Poskey	Street Superintendent
Bryant McCollum	Senior Building Inspector
Bobby Cranford	
William Ricks	

being present, and

Lynn Torres	Councilmember, Ward No. 3
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being absent, when the following business was transacted:

1. The meeting was opened with prayer by Dr. John Greene, Harmony Hill Baptist Church.
2. Mayor Jack Gorden welcomed visitors present. Mayor Gorden recognized LHS students who were present, satisfying their government class requirement.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting on November 21, 2006 were approved with necessary corrections on a motion by Councilmember Rose Faine Boyd, and seconded by R.L. Kuykendall. A unanimous affirmative vote was recorded.

OLD BUSINESS:

4. **SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY CHANGING THE ZONING AND FUTURE LAND USE PLAN DESIGNATION ON APPROXIMATELY 1.4 ACRES OF LAND DESCRIBED AS BLOCK 8, LOT 1 OF THE WOODLAND HEIGHTS SUBDIVISION AND BLOCK 5, LOT 4 OF THE E. J. MANTOOTH ADDITION TO A "LOCAL BUSINESS" ZONING DISTRICT AND THE FUTURE LAND USE PLAN OF THE 2001**

COMPREHENSIVE PLAN TO THE CLASSIFICATION OF "RETAIL"

Mayor Jack Gorden stated that the next item for consideration was to conduct a Public Hearing and consider on Second Reading an Ordinance amending the Zoning Ordinance and the Future Land Use Plan of the 2001 Comprehensive Plan of the City of Lufkin, Texas, by changing the Zoning and Future Land Use Plan designation on approximately 1.4 acres of land described as Block 8, Lot 1 of the Woodland Heights Subdivision and Block 5, Lot 4 of the E.J. Mantooth Addition to a "Local Business" Zoning District and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of Retail.

Mayor Gorden opened the Public Hearing at 5:10 p.m.

City Manager Paul Parker stated that this was the third time that this issue has been brought before Council, and reminded Council that Planning and Zoning staff recommended approval. City Manager Parker also stated that the parties involved had come to an agreement that resolved any previous conflicts; however, this agreement was solely between the parties, and not enforceable by the City of Lufkin.

Mayor Gorden stated that it would be good to move forward on this issue.

With no one wishing to speak on this issue, Mayor Gorden closed the Public Hearing at 5:11 p.m., and entertained a motion from Council.

Councilmember Rufus Duncan moved to approve the Ordinance amending the Zoning Ordinance and the Future Land Use Plan of the 2001 Comprehensive Plan of the City of Lufkin, Texas, by changing the Zoning and Future Land Use Plan designation on approximately 1.4 acres of land described as Block 8, Lot 1 of the Woodland Heights Subdivision and Block 5, Lot 4 of the E.J. Mantooth Addition to a "Local Business" Zoning District and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of Retail. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

5. **SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY CHANGING THE ZONING DESIGNATION OF A CERTAIN TRACT OR PARCEL OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, DESCRIBED AS TRACT 335 OF THE J. A. BONTON SURVEY, ABSTRACT NO. 5 AND A .618 ACRE WESTERLY PORTION OF TRACT 339 OF THE J. A. BONTON SURVEY, ABSTRACT NO. 5 FROM THE ZONING CLASSIFICATION OF "RESIDENTIAL LARGE SINGLE FAMILY DWELLING" TO A "RESIDENTIAL SMALL SINGLE FAMILY DWELLING" ZONING DISTRICT AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP**

Mayor Jack Gorden stated that the next item for consideration was to conduct a Public Hearing and consider on Second Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation of a certain tract or parcel of land within the corporate limits of the City of Lufkin, Texas, described as Tract 335 of the J. A. Bonton Survey, Abstract No. 5 and a .618 acre westerly portion of Tract 339 of the J. A. Bonton Survey, Abstract No. 5 from the zoning classification of "Residential Large Single Family Dwelling" to a "Residential Small Single Family Dwelling" Zoning District and authorizing the City Planner to make such changes on the Official Map. Mayor Gorden stated that Mr. Herman Bates was present in regard to this issue and asked for comments from City Manager Paul Parker.

City Manager Paul Parker stated that this issue was again being recommended for approval by Planning & Zoning staff.

Mayor Gorden opened the Public Hearing at 5:12 p.m.

There not being anyone wishing to speak, Mayor Gorden closed the Public Haring at 5:13 p.m., and requested comments or motions from Council.

Councilmember Don Langston moved to approve the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation of a certain tract or parcel of land within the corporate limits of the City of Lufkin, Texas, described as Tract 335 of the J. A. Bonton Survey, Abstract No. 5 and a .618 acre westerly portion of Tract 339 of the J. A. Bonton Survey, Abstract No. 5 from the zoning classification of "Residential Large Single Family Dwelling" to a "Residential Small Single Family Dwelling" Zoning District and authorizing the City Planner to make such changes on the Official Map. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

6. SECOND READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LUFKIN - APPROVED - BY DESIGNATING CERTAIN NEWLY ANNEXED AREAS INTO SPECIFIC WARDS AND ESTABLISHING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was to consider on Second Reading an Ordinance amending the Code of Ordinances of the City of Lufkin by designating certain newly annexed areas into specific wards and establishing an effective date.

Mayor Gorden then requested comments from City Manager Paul Parker.

City Manager Paul Parker stated that this item was concerning the recent annexations; and would assign the following areas to Wards: Area B being designated to Ward 2, Areas G3, G4 and G5 to Ward 4, and Areas G6 and G7 to Ward 5. City Manager Parker added that this was the recommendation of the Planning and Zoning Staff.

Mayor Gorden reminded Council that this was the Second Reading of the item and requested comments and/or motions from Council.

Councilmember Rose Boyd moved to approve the Ordinance amending the Code of Ordinances of the City of Lufkin by designating certain newly annexed areas into specific wards and establishing an effective date. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

7. SECOND READING OF AN ORDINANCE REVISING THE BUILDING REGULATIONS IN THE CODE OF ORDINANCES SECTION 150.036 AND SECTION 150.005 FOR THE CITY OF LUFKIN, - APPROVED - REPEALING ALL ORDINANCES AND PROVISIONS IN CONFLICT THEREWITH AND ESTABLISHING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was to consider on Second Reading an Ordinance revising the Building Regulations in the Code of Ordinances Section 150.036 and Section 150.005 for the City of Lufkin, repealing all Ordinances and provisions in conflict therewith and establishing an effective date.

City Manager Paul Parker stated that City Staff recommended approval unless there were specific questions in regard to this item.

Mayor Gorden stated that this would enhance development and simplify the lives of people who were trying to refurbish older buildings.

Mayor Gorden then entertained comments and/or motions from Council.

Councilmember R. L. Kuykendall moved to approve the Ordinance revising the Building Regulations in the Code of Ordinances Section 150.036 and Section 150.005 for the City of Lufkin, repealing all Ordinances and provisions in conflict therewith and establishing an effective date. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS

8. FIRST READING OF AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BEING ORDINANCE NO. 3549, TO INCORPORATE "AGRICULTURAL" REFERENCES REPEALING CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Jack Gorden stated that the next item for consideration was to Conduct a Public Hearing and consider on First Reading an Ordinance amending the Future Land Use Plan of the 2001 Comprehensive Plan of the City of Lufkin, Texas, being Ordinance No. 3549, to incorporate "Agricultural" references repealing conflicting provisions; and providing an effective date.

City Manager Paul Parker stated to Council that recently the City of Lufkin had adopted an Agricultural Zoning designation and that this would allow the Comprehensive Plan to also have this designation.

Mayor Gorden opened the Public Hearing at 5:12 p.m., and requested that anyone wishing to speak on the issue to please come forward.

William R. Ricks approached the podium to speak on the issue. Mr. Ricks questioned what could be done in an "Agricultural" Zone.

City Manager Parker then stated that the item was not concerning zoning, but the future land use and that the zoning had been approved in a previous Ordinance. City Manager Parker then requested that Dorothy Wilson, Planning Director, address the question.

Dorothy Wilson, Planning Director, stated that the property required that each dwelling unit have 0.75 acre of property, and that it was a continuation of the land use size that was required by the County. Ms. Wilson also stated that copies of the Ordinance were available, should Mr. Ricks request one. Ms. Wilson also reiterated City Manager Parker's statement; that the issue was for the Land use, not the zoning, and its passage would allow Planning Staff to complete mapping of the area.

City Manager Parker then asked if this answered Mr. Ricks' question.

Mr. Ricks stated that he lived next to one of the districts, and that he was curious as to how many houses would be allowed.

City Manager Parker requested that Planning staff see that Mr. Ricks receive a copy of the Zoning Ordinance in regard to this use. City Manager Parker also stated that any other use of the land, for example "multi - family" apartments, would have to come back before the Planning and Zoning Commission before that use would be allowed.

Dorothy Wilson commented that if the property was developed for other uses; it would have to be rezoned.

Mr. Ricks then stated that his question was answered.

Mayor Gorden closed the public hearing at 5:19 p.m., and entertained a motion from Council.

Councilmember Rufus Duncan moved to approve the Ordinance amending the Future Land Use Plan of the 2001 Comprehensive Plan of the City of Lufkin, Texas, being Ordinance No. 3549, to incorporate "Agricultural" references repealing conflicting provisions; and providing an effective date. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

9. FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE COMPREHENSIVE PLAN 2001 OF THE CITY OF LUFKIN, TEXAS - APPROVED - BY ESTABLISHING ZONING AND FUTURE

**LAND USE PLAN DESIGNATIONS FOR LAND DESCRIBED AS AREA "G-7"
AND ANNEXED BY ORDINANCE NUMBER 3914 AND AUTHORIZING THE
CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAPS**

Mayor Jack Gorden stated that the next item was to Conduct a Public Hearing and consider on First Reading an Ordinance amending the Zoning Ordinance and the Comprehensive Plan 2001 of the City of Lufkin, Texas by establishing Zoning and Future Land Use Plan Designations for land described as Area "G-7" and annexed by Ordinance Number 3914 and authorizing the City Planner to make such changes on the Official Maps.

City Attorney Bob Flournoy stated that since Items nine (9) through fourteen (14) were all addressing the same issue, that the Public Hearing for all items could be conducted at one time.

Mayor Gorden asked for objections and/or comments from Council. There being none, Mayor Gorden opened the Public Hearing for Items nine (9) through fourteen (14) at 5:21p.m.

There appearing not to be anyone present wishing to speak on the items, Mayor Gorden closed the Public Hearing at 5:22 p.m., and requested comments and/or motions from the Council in relation to Items nine (9) through fourteen (14).

Councilmember Don Langston stated that he had been asked a question that he could not soundly answer, and requested that Dorothy Wilson, Planning Director, clarify the answer to the question. Councilmember Langston explained that the question was in order for a citizen to get the "Ag" (agricultural) use exemption for property, was it the individual property owner's responsibility to get the information to the Angelina County Appraisal District or would the Appraisal District pick it up immediately since it was zoned for this use.

City Manager Parker stated that individuals would need to handle the issue themselves, since the exemption through the County was separate from the City of Lufkin's zoning. The "Ag" would provide the County Appraisal District with notice; however, it was still the responsibility of the property owner to see that the exemption was filed.

City Manager Parker then stated that City of Lufkin staff was in agreement that anyone coming forward in the next six (6) months, from the newly annexed area, for a zone change would not be charged fees or publication costs in order to assist them with the zone change process.

Councilmember Don Langston stated that he had also been approached by a citizen who would now be in his ward, and that his future land use would be designated "Commercial", but that it was currently designated "Single Family Residential". Councilmember Langston wanted to know how this could be changed.

City Manager Parker stated that this was an issue for the Council to consider; but added that the City did not enforce deed restrictions. City Manager Parker stated that it could be amended prior to Second Reading of the Ordinance, or could be changed at a later date.

Councilmember Langston added that there were going to be special circumstances in the future and that some were beginning to surface and that he appreciated Planning and Zoning's efforts to make the process as easy as possible for the next six (6) months.

Councilmember Rose Faine Boyd questioned exactly which piece of property was being discussed. Councilmember Langston stated that it was located on FM 324; that there were a number of houses located there.

Mayor Jack Gorden stated that problems would begin to surface and that Council would begin dealing with them as they arose.

Planning Director Dorothy Wilson stated that Staff had looked at the subject property and did not understand why the future land use was "Commercial", so Staff left the land's designation as "AG" (agricultural). Ms. Wilson explained that the "Commercial" designation was put in by Duncan Sefco, and that this occurred prior to her employment with the City of Lufkin, but the zoning was left as "AG" (agricultural). Ms. Wilson added that if another zoning was more appropriate, it could certainly be looked at.

Mayor Gorden then requested action from the Council on item No. Nine (9).

Councilmember Don Langston moved to approve the Ordinance amending the Zoning Ordinance and the Comprehensive Plan 2001 of the City of Lufkin, Texas by establishing Zoning and Future Land Use Plan Designations for land described as Area "G-7" and annexed by Ordinance Number 3914 and authorizing the City Planner to make such changes on the Official Maps. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

10. FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE COMPREHENSIVE PLAN 2001 OF THE CITY OF LUFKIN, TEXAS – APPROVED - BY ESTABLISHING ZONING AND FUTURE LAND USE PLAN DESIGNATIONS FOR LAND DESCRIBED AS AREA "G-6" AND ANNEXED BY ORDINANCE NUMBER 3915 AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAPS

Mayor Jack Gorden confirmed with City Attorney Bob Flournoy that the Public Hearing requirements for items nine (9) through fourteen (14) had been met.

Mayor Gorden then entertained a motion from the Council in regard to this item.

Councilmember Rufus Duncan moved to approve Ordinance amending the Zoning Ordinance and the Comprehensive Plan 2001 of the City of Lufkin, Texas by establishing Zoning and Future Land Use Plan Designations for land described as Area "G-6" and annexed by Ordinance Number 3915 and authorizing the City Planner to make such changes on the Official Maps. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

11. FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE COMPREHENSIVE PLAN 2001 OF THE CITY OF LUFKIN, TEXAS – APPROVED - BY ESTABLISHING ZONING AND FUTURE LAND USE PLAN DESIGNATIONS FOR LAND DESCRIBED AS AREA "G-5" AND ANNEXED BY ORDINANCE NUMBER 3916 AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAPS

The Public Hearing requirement being previously met, and there being no questions or comments on this item, Mayor Gorden entertained a motion from Council.

Councilmember R. L. Kuykendall moved to approve the Ordinance amending the Zoning Ordinance and the Comprehensive Plan 2001 of the City of Lufkin, Texas by establishing Zoning and Future Land Use Plan Designations for land described as Area "G-5" and annexed by Ordinance Number 3916 and authorizing the City Planner to make such changes on the Official Maps. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

12. FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE COMPREHENSIVE PLAN 2001 OF THE CITY OF LUFKIN, TEXAS – APPROVED - BY ESTABLISHING ZONING AND FUTURE LAND USE PLAN DESIGNATIONS FOR LAND DESCRIBED AS AREA "G-4" AND ANNEXED BY ORDINANCE NUMBER 3917 AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAPS

The Public Hearing requirement being previously met, and there being no comments or questions on this item, Mayor Gorden entertained a motion from Council.

Councilmember Phil Medford moved to approve the Ordinance amending the Zoning Ordinance and the Comprehensive Plan 2001 of the City of Lufkin, Texas by establishing Zoning and Future Land Use Plan Designations for land described as Area "G-4" and annexed by Ordinance Number 3917 and authorizing the City Planner to make such changes on the Official Maps. Councilmember R.L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

13. FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE COMPREHENSIVE PLAN 2001 OF THE CITY OF LUFKIN, TEXAS - APPROVED - BY ESTABLISHING ZONING AND FUTURE LAND USE PLAN DESIGNATIONS FOR LAND DESCRIBED AS AREA "G-3" AND ANNEXED BY ORDINANCE NUMBER 3918 AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAPS

The Public Hearing requirement being previously met, and there being no comments or questions on this item, Mayor Gorden entertained a motion from Council.

Councilmember Don Langston moved to approve the Ordinance amending the Zoning Ordinance and the Comprehensive Plan 2001 of the City of Lufkin, Texas by establishing Zoning and Future Land Use Plan Designations for land described as Area "G-3" and annexed by Ordinance Number 3918 and authorizing the City Planner to make such changes on the Official Maps. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

14. FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE COMPREHENSIVE PLAN 2001 OF THE CITY OF LUFKIN, TEXAS - APPROVED - BY ESTABLISHING ZONING AND FUTURE LAND USE PLAN DESIGNATIONS FOR LAND DESCRIBED AS AREA "B" AND ANNEXED BY ORDINANCE NUMBER 3919 AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAPS

The Public Hearing requirement being previously met, and there being no comments or questions on this item, Mayor Gorden entertained a motion from Council.

Councilmember Rufus Duncan moved to approve the Ordinance amending the Zoning Ordinance and the Comprehensive Plan 2001 of the City of Lufkin, Texas by establishing Zoning and Future Land Use Plan Designations for land described as Area "B" and annexed by Ordinance Number 3919 and authorizing the City Planner to make such changes on the Official Maps. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

15. FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY GRANTING A "SPECIAL USE" PERMIT FOR A RESTAURANT WITH A PRIVATE CLUB WITHIN A "COMMERCIAL" ZONING DISTRICT ON CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, DESCRIBED AS PART OF TRACT 7 OF THE MCKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 463, AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP

Mayor Jack Gorden stated that the next item on the agenda was to conduct a Public Hearing and consider on First Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a "Special Use" Permit for a Restaurant with a Private Club within a "Commercial" Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, described as part of Tract 7 of the McKinney and Williams Survey, Abstract No. 463, and authorizing the City Planner to make such changes on the Official Map.

Mayor Gorden opened the Public Hearing at 6:34 p.m.

City Manager Paul Parker stated that this item was in regard to the opening of the Tokyo Japanese Restaurant on Loop 287, in the shopping center known as "The Palms". City Manager Parker explained that the shopping center was a thirty-three thousand seven-hundred (33,700) square foot building, but the request was only be for the Tokyo Japanese Restaurant which covered four-thousand two-hundred (4,200) square feet and that the space was previously occupied by Heartland Hams. City Manager Parker added that the request was to allow for the sale of alcoholic beverages in the establishment and that Planning and Zoning staff recommended approval with the standard stipulations.

There not being anyone wishing to speak on the issue; Mayor Gorden closed the Public Hearing at 6:35 p.m. Mayor Gorden then requested comments and/or motions from the Council.

Councilmember Rose Faine Boyd moved to approve the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a "Special Use" Permit for a Restaurant with a Private Club within a "Commercial" Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, described as part of Tract 7 of the McKinney and Williams Survey, Abstract No. 463, and authorizing the City Planner to make such changes on the Official Map. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

16. FIVE (5) MODEL YEAR 2007 ½ TON FORD F150 PICKUP TRUCKS - APPROVED - FOR THE FOLLOWING DEPARTMENTS: ZOO - TWO (2), WATER COLLECTIONS - ONE (1), WATER POLLUTION CONTROL - ONE (1), AND WATER PRODUCTION - ONE (1)

Mayor Jack Gorden stated that the next item for consideration was authorizing the purchase of five (5) Model Year 2007 ½ Ton Ford F150 Pickup Trucks for the following Departments: Zoo – two (2), Water Collections – one (1), Water Pollution Control – one (1), and Water Production – one (1).

Mayor Gorden asked if the City of Lufkin had received bids on the trucks.

City Manager Paul Parker stated that several bids were submitted and that the per unit cost of the lowest bid was from Five Star Ford in the amount of thirteen-thousand nine-hundred twenty-three dollars and fifteen cents (\$13,923.15), for a combined total of sixty-nine thousand six hundred fifteen dollars and seventy-five cents (\$69,615.75) for the five (5) pickups. City Manager Parker explained that the original budget in the Amortization Fund was for seventy-eight thousand seven hundred fifty dollars (\$78,750.00) and the bid amount was below the amount originally budgeted. City Manager Parker stated that City Staff recommended that Council award the bid to Five Star Ford in the amount of sixty-nine thousand six hundred fifteen dollars and seventy-five cents (\$69,615.75) for the purchase of the five (5) pickup trucks.

Mayor Gorden asked if this was through HGAC.

City Manager Parker replied that it was not, and that Five Star Ford's price was actually lower than HGAC.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston commented that he wanted to reiterate his thanks to City Manager Parker and Staff for getting the policies and amortization schedule put together; and that it would continue to benefit the City.

Councilmember Rose Faine Boyd moved to approve the purchase of five (5) Model Year 2007 ½ Ton Ford F150 Pickup Trucks for the following Departments: Zoo – two (2), Water Collections – one (1), Water Pollution Control – one (1), and Water Production – one (1). Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

17. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2006/2007 OPERATING BUDGET (BUDGET AMENDMENT NO. 3), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE 1999 CAPITAL IMPROVEMENT FUND; AND PROVIDING AN EFFECTIVE DATE AND APPROVAL FOR THE PURCHASE OF A GRADALL MODEL XL 3100 EXCAVATOR THROUGH HGAC FOR THE STREET DEPARTMENT

Mayor Jack Gorden stated that the next item for consideration was a Resolution authorizing an amendment to the 2006/2007 Operating Budget (Budget Amendment No. 3), providing for the supplemental appropriation of funds in the 1999 Capital Improvement Fund; and providing an effective date and approval for the purchase of a Gradall Model XL 3100 Excavator through HGAC for the Street Department.

City Manager Paul Parker stated that he wished to remind Council that this was one of three (3) items that were budgeted from the proceeds of the sale of the street bonds later this year.

Councilmember Don Langston stated that he did not like the idea of purchasing Equipment from the Capitol Improvement fund.

City Manager Parker stated that if the piece of equipment did not have a twenty (20) year life span, it would not be purchased using bond money. City Manager Parker added that the total price of the equipment was two hundred twenty-three thousand five hundred thirty-six dollars and sixty cents. (\$223,536.60) City Manager Parker stated that Staff recommended approval.

Councilmember Don Langston stated that he did not doubt the need for the purchase of the equipment; however, he hoped that another way could be found to deal with this sort of issue.

Mayor Gorden then asked Council for other comments. There were none. Mayor Gorden stated that he agreed with Councilmember Langston on his previous comments.

Councilmember Don Langston moved to approve the Resolution authorizing an amendment to the 2006/2007 Operating Budget (Budget Amendment No. 3), providing for the supplemental appropriation of funds in the 1999 Capital Improvement Fund; and providing an effective date and approval for the purchase of a Gradall Model XL 3100 Excavator through HGAC for the Street Department. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

18. RECONDITION THE 1995 KELLY-CRESWELL PAVEMENT MARKING MACHINE - APPROVED - FOR THE STREET DEPARTMENT.

Mayor Gorden stated the next item for consideration was the approval to recondition the 1995 Kelly-Creswell Pavement Marking Machine for the Street Department.

City Manager Paul Parker stated this was to refurbish the existing machine instead of purchasing a new machine. City Manager Parker added that the money was originally budgeted to replace the machine. City Manager Parker explained that the Street Department had determined that the City would receive the same quality machine by refurbishing the existing one instead of purchasing a new one. City Manager Parker commended the Street Department Staff for their efforts, which would save the City approximately ten thousand dollars (\$10,000) as well as provide for a quality piece of equipment. City Manager Parker recommended that Council approve the reconditioning of the Pavement Marking Machine at a total cost of twenty -seven thousand eight-hundred ninety dollars (\$27,890).

Councilmember Rose Faine Boyd asked Steve Poskey, Street Department Superintendent, what the life of the machine would be after refurbishing. Steve Poskey replied that the life of the machine would be ten (10) to eleven (11) years after refurbishing, and at that time, the machine would need to be refurbished again.

Councilmember Don Langston questioned whether the ten-thousand dollars (\$10,000) savings on this item would offset the additional ten-thousand dollars (\$10,000) on the previous budget amendment.

City Manager Parker stated that for the City of Lufkin it was equal, but not in the fund balances, since the monies came from two (2) separate funds.

Councilmember Rose Faine Boyd moved to approve to recondition the 1995 Kelly-Creswell Pavement Marking Machine for the Street Department. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

19. PURCHASE OF A PETERBILT CAB-OVER TRUCK AND A HEIL DURAPACK 28 CUBIC YARD REFUSE BODY - APPROVED - THROUGH HGAC FOR SOLID WASTE DEPARTMENT

Mayor Jack Gorden stated that the next item on the agenda was to consider approval for the purchase of a Peterbilt cab-over truck and a Heil Durapack 28 cubic yard refuse body through HGAC for Solid Waste Department.

City Manager Paul Parker reminded Council that this purchase was part of the amortization funds and that by going with the Peterbilt brand, that could be serviced locally, a tremendous amount of time and money should be saved. City Manager Parker also stated that even though the Peterbilt truck would be purchased through HGAC, the truck would come through the local Peterbilt dealer, Rush Peterbilt for one-hundred thirteen-thousand one-hundred eighty-one dollars (\$113,181) which included the HGAC administrative fee. City Manager Parker stated that the refuse body was purchased for eighty-three thousand nine-hundred ten dollars and thirteen cents (\$83,910.13) which also included the administrative fee, bringing the total for the entire piece of equipment to one-hundred ninety- seven thousand, ninety- one dollars and thirteen cents (\$197,091.13).

Mayor Gorden asked the Council for comments.

Councilmember Don Langston asked whether or not the existing front end loader would be auctioned. Solid Waste Director Steve Floyd stated that it would be going to the auction.

Councilmember Rufus Duncan asked how often the chassis were swapped out on the units. Mr. Floyd stated that it was more profitable to replace the entire unit, than to auction the chassis separately.

Councilmember Don Langston stated that he felt the last auction showed how profitable the sale of the older units could be.

Mayor Gorden then entertained a motion from Council.

Councilmember Rose Faine Boyd moved to approve the purchase of a Peterbilt cab-over truck and a Heil Durapack 28 cubic yard refuse body through HGAC for Solid Waste Department. Councilmember R.L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

20. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2006/2007 OPERATING BUDGET (BUDGET AMENDMENT NO. 4), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL, HOTEL/MOTEL TAX, ECONOMIC DEVELOPMENT, WATER/WASTEWATER AND SOLID WASTE AND RECYCLING FUNDS; AND PROVIDING AN EFFECTIVE DATE AND APPROVAL TO CHANGES IN THE CITY OF LUFKIN HEALTH INSURANCE PLAN

Mayor Gorden stated that the next item was to consider a Resolution authorizing an amendment to the 2006/2007 Operating Budget (Budget Amendment No. 4), providing for the supplemental appropriation of funds in the General, Hotel/Motel Tax, Economic Development, Water/Wastewater and Solid Waste and Recycling Funds; and providing an effective date and approval to changes in the City of Lufkin Health Insurance Plan.

City Manager Paul Parker stated that the Health Insurance Committee had met to determine how to possibly overcome a shortfall in the City of Lufkin Health Insurance Fund. City Manager Parker explained that the proposal included both additional monies from the City as well as increases on the employee side. City Manager Parker stated that currently the City contributed four-thousand eight-hundred dollars (\$4,800) per year per employee to the fund, and with passage of the Resolution, the amount would increase to five thousand dollars (\$5,000) per employee. City Manager Parker added that currently the City does not contribute to the Retiree health plan; but with this change, would begin to contribute the same amount as for current employees. City Manager Parker stated that those two (2) items combined would require additional funding on behalf of the City in the amount of two-hundred seventy-eight thousand dollars (\$278,000). City Manager Parker stated that the additional items on the proposal would actually affect benefits for both employees and retirees, including the increase of deductibles for both employees and retirees, and the increase of employee and retiree prescription co-pays.

City Manager Parker stated that all of the changes would enhance the fund by four-hundred fifty-five thousand nine-hundred fifty-eight dollars (\$455,958), which according to Blue Cross, would cover the next year's pay out of insurance.

City Manager Parker stated that it was the opinion of the Health Insurance Committee that the changes would put the fund in good standing for at least the next two (2) years, and recommended that the Council approve these changes.

Mayor Jack Gorden stated that even with the changes, it was still an excellent plan for the employees, and that Council appreciated all the work done by the Health Insurance Committee.

Mayor Gorden then entertained a motion from Council.

Councilmember Phil Medford moved to approve the Resolution authorizing an amendment to the 2006/2007 Operating Budget (Budget Amendment No. 4), providing for the supplemental appropriation of funds in the General, Hotel/Motel Tax, Economic Development, Water/Wastewater and Solid Waste and Recycling Funds; and providing an effective date and approval to changes in the City of Lufkin Health Insurance Plan. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

21. REQUEST FROM THE FULLER SPRINGS VOLUNTEER FIRE DEPARTMENT TO ALLOW THE FIRE DISTRICT TO INCLUDE THE ETJ TO THE LUFKIN CITY LIMITS BOUNDARY - TABLED

Mayor Jack Gorden stated that next item on the agenda was to consider the request from the Fuller Springs Volunteer Fire Department to allow the fire district to include the ETJ to the Lufkin city limits boundary.

City Manager Paul Parker stated that the City of Lufkin had a mutual agreement with the Fuller Springs Volunteer Fire Department, as the City did with numerous volunteer fire departments. City Manager Parker stated that the Fuller Springs Volunteer Fire Department was asking to be able to add a tax to vote in the ETJ area of their fire district to fund their department.

City Manager Parker stated that the City of Lufkin Fire Department supported this effort; however, the City did have some concerns.

City Manager Parker then explained to Council which areas on the map that the fire district encompassed.

Bobby Cranford, Assistant Fire Chief of the Fuller Springs Volunteer Fire Department, came forward to show exactly where the area was on the map.

City Manager Parker stated that the concern of the Staff, that was if it was voted in, that citizens would be double taxed if the area was ever annexed into the City of Lufkin.

David Crawford stated that this would fall with the Health and Safety Code 776, that once an ESD (Emergency Services District) was created, people falling within the limits would be taxed, but should the area be annexed by the City, the tax would go away for the area annexed. Mr. Crawford also stated that the remainder of the ESD would not be responsible for taxes that were lost due to annexation.

City Manager Parker asked that Mr. Crawford and Mr. Cranford speak with City Attorney Bob Flournoy to clarify the tax issue.

City Attorney Bob Flournoy stated that more research was necessary on the issue and that he was under the assumption that this would be bond indebtedness, and if so, the City would then be responsible for taxes lost due to annexation.

Mr. Crawford stated that this was not bond indebtedness, and the City would not be responsible for taxes lost due to annexation and that it was simply a taxing district.

Mayor Gorden then suggested that the issue be tabled to allow further research by City Attorney Flournoy but added that it was a great plan if it was passed by the voting public.

Councilmember Phil Medford asked Mr. Crawford and Mr. Cranford what the initial tax rate would be should the issue pass.

Mr. Cranford responded that an appraisal was underway to determine the tax rate. Mr. Cranford then stated that the funds would allow them to improve the department's equipment which in turn would increase the department's ISO rating; thereby saving homeowners on their homeowner's insurance.

Mayor Gorden asked how they could do this without borrowing the money to upgrade the department's equipment. Mr. Cranford responded that they would be able to improve their equipment without incurring debt; however, if any debt were created, it would be through the department, not the ESD. Mr. Crawford added that the fire department would create their own debt; but the ESD, once created, would fund the department. Mr. Crawford also stated that once the ESD was created, it would be a political subdivision funding the fire department, and would help the department if they needed to borrow or incur debt.

City Manager Parker advised Mr. Cranford to proceed with his paperwork and that as long as the City could be assured that its future citizens were being protected from double taxation, Council would not have an issue. City Manager Parker also advised Mr. Cranford to meet with City Attorney Flournoy to clarify this issue.

Mayor Gorden requested a motion to table the issue until the next Council meeting to allow for further research of the issue.

Councilmember R.L. Kuykendall moved to table the request from the Fuller Springs Volunteer Fire Department to allow the fire district to include the ETJ to the Lufkin city limits boundary. Councilmember Don Langston seconded the motion. A unanimous vote was recorded to table this issue.

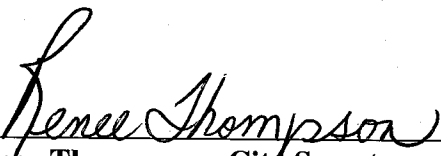
22. Mayor Jack Gorden recessed the Regular Session at 6:10 p.m. to enter into Executive Session.

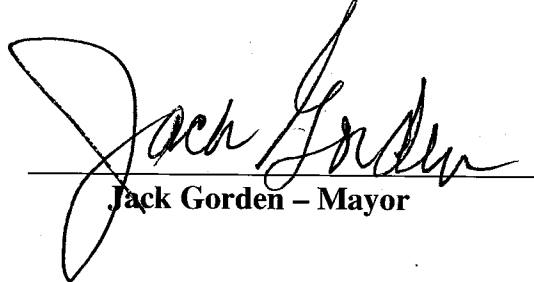
EXECUTIVE SESSION: In accordance with the Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Regular Session Agenda item requiring confidential, attorney/client advices necessitated by the deliberation or discussion of said items (as needed), and real estate, appointment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

Mayor Jack Gorden reconvened the Regular Session at 7:00 p.m.

23. Mayor Jack Gorden stated that the next item on the agenda was to discuss calendar notations. City Manager Paul Parker stated that on Tuesday, December 12, 2006 the City of Lufkin would host the Annual City of Lufkin Employees Awards and Christmas Banquet at the Lufkin Pitser Garrison Civic Center at 6:30 p.m. and asked the Council to RSVP to City Secretary Renee Thompson. The Council then RSVP'd for the Undoing Racism Christmas Party that would be held on December 18, 2006 at Manhattan's Restaurant at 6:00 p.m. City Manager Paul Parker stated that the application for the extension of the Azalea Trail and moving the train to Grace Dunne Richardson Park was denied.

24. There being no further business for consideration, the meeting adjourned at 7:04 p.m.


Renee Thompson – City Secretary


Jack Gorden – Mayor