

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 18th DAY OF DECEMBER, 2007.**

On the 18th day of December 2007, 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
Lynn Torres	Councilmember, Ward No. 3
Don Langston	Councilmember, Ward No. 4
Phil Medford	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Keith Wright	Assistant City Manager
Bob Flounoy	City Attorney
Renee Thompson	City Secretary
Larry Brazil	Police Chief
Scott Marcotte	Assistant Police Chief
Doug Wood	Finance Director
David Koonce	Human Resource Director
Barbara Thompson	Main Street Director
Dorothy Wilson	Planning Director
Scott Rayburn	City Planner
Jim Wehmeier	Economic Development Director
J. B. Smith	Patrolman- Police Department
Lee Fran Skelton	Fire Marshall
Bill Cameron	City Webmaster

being present, and

Rufus Duncan

Councilmember, Ward No. 5

being absent, when the following business was transacted:

1. The meeting was opened with prayer by Pastor Michael Jordan, Homer United Methodist Church.
2. Mayor Jack Gorden 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 of December 4, 2007 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Rose Faine Boyd. A unanimous affirmative vote was recorded.

NEW BUSINESS:

4. **PUBLIC HEARING AND FIRST 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 28.015 ACRES OF LAND DESCRIBED AS PART OF TRACT 222 AND TRACT 88.2 OF THE J. M. SOTO SURVEY ABSTRACT 44 TO A “RESIDENTIAL LARGE SINGLE-FAMILY DWELLING” ZONING DISTRICT AND THE FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN TO THE CLASSIFICATION OF “LOW DENSITY RESIDENTIAL”**

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and the First 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 by changing the Zoning and Future Land Use Plan designation on approximately 28.015 acres of land described as part of Tract 222 and Tract 88.2 of the J. M. Soto Survey Abstract 44 to a “Residential Large Single-

Family Dwelling” Zoning District and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of “Low Density Residential”.

City Manager Paul Parker stated that the request was from Kevin Gee, of Goodwin Lasiter Engineering, on behalf of Sabine Investment Company. City Manager Parker explained that the request was for a zone change from “AG – Agricultural District” to a classification of “Residential Large Single-Family Dwelling” on property located east of FM 819 near Champions Drive. City Manager Parker added that the approximate 28.015 acre section was currently part of a larger tract. City Manager Parker stated that the overall property was part of a larger annexation which took place in 2006 (Ordinance 3917), which went into effect January 2, 2007. City Manager Parker added that the zoning classification assigned, following the annexation, was “AG – Agricultural District”. City Manager Parker stated that Sabine Investment Company was requesting that the property be zoned as “Residential Large Single-Family Dwelling”, which was the larger lot subdivision within the City. City Manager Parker added that all of the surrounding property was zoned either “AG – Agricultural District” or “Residential Large Single-Family Dwelling. City Manager Parker stated that the Planning and Zoning Commission and the Planning Staff recommended that the zoning classification be changed to “Residential Large Single-Family Dwelling” and the Future Land Use classification be “Low Density Residential”. City Manager Parker furthered that Staff would answer any questions that the Council had.

Mayor Gorden opened the Public Hearing at 5:10 p.m. and asked anyone wishing to speak on this item to please step forward. There appearing to be no one wishing to speak, Mayor Gorden closed the public hearing at 5:11 p.m.

Mayor Jack Gorden then asked for comments or questions from the Council.

Councilmember Don Langston asked if there had already been a preliminary plat of the lots. City Manager Parker stated the area was platted earlier in the year and the proposed zoning would allow the construction to go forward. Councilmember Langston asked how many lots there were on the property. City Planner Scott Rayburn answered that he thought that there were twenty-eight (28) lots on the property. Mayor Gorden stated that it would connect Champions Drive to the back of Crown Colony.

Councilmember Don Langston moved to approve the First 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 by changing the Zoning and Future Land Use Plan designation on approximately 28.015 acres of land described as part of Tract 222 and Tract 88.2 of the J. M. Soto Survey Abstract 44 to a “Residential Large Single-Family Dwelling” Zoning District and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of “Low Density Residential”. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

5. PUBLIC HEARING FOR PROPOSED ANNEXATION OF APPROXIMATELY FIFTY-FIVE (55) ACRES LOCATED ON U. S. HIGHWAY 69 SOUTH AND EXTENDING JUST EAST OF GARRISON DRIVE

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing for proposed annexation of approximately fifty-five (55) acres located on U. S. Highway 69 South and extending just east of Garrison Drive.

City Manager Paul Parker stated that whenever the City of Lufkin has an annexation request the Council was required to hold two (2) Public Hearings and then the Planning and Zoning Commission would hold the third (3rd) Public Hearing to get more information and as a courtesy to the property owners. City Manager Parker explained that then if there was a decision to go forward there would be an Ordinance brought back to the Council. City Manager Parker added that there was no action necessary but this was simply the first (1st) of two (2) required Public Hearings. City Manager Parker stated that the next Public Hearing would be held on Wednesday, January 2, 2008 because the regularly scheduled Council Meeting would fall on the January 1, 2008 holiday. City Manager stated that this was an annexation request from Mr. Jimmy Warren and Mr. Craig Wood. City Manager Parker directed Council’s attention to each property owner’s location as shown on the map included in the packet, and explained that the remainder of the property in between the current City limits and the property being requested for annexation would be annexed as well to make the property contiguous to the existing City limits. City Manager Parker furthered that the

annexation request was for fifty-five (55) acres and the entire area proposed for annexation was designated in the 2001 City of Lufkin Comprehensive Plan as being Retail and Commercial, however, the zoning will be determined at a later date should the Council desire to move forward with the annexation of this property. City Manager Parker stated the dates for the required Public hearings and meetings and explained that these hearings and meetings were being held to make this annexation a positive experience and allow residents ample time to voice their concerns. City Manager Parker furthered that both Staff and the City Attorney, Bob Flournoy had taken all steps necessary for this annexation to legally move forward under State Law, Texas Local Government Code and all local laws. City Manager Parker continued that two (2) phone calls had been received by the Planning and Zoning Department in opposition to the annexation and that several residents were in attendance to voice their opposition in relation to the annexation. City Manager Parker concluded by stating that Staff recommended that City Council conduct the second (2nd) Public Hearing in relation to the requested annexation.

Mayor Gorden then opened the Public Hearing at 5:17 p.m. Speaking on the Ordinance were:

Kurt Johnson
Joe Pase
Stacy McKnight

Planning Director Dorothy Wilson addressed the issue of the effect of annexation on businesses currently located in the proposed annexation area, and stated that provisions were made in the State and Local Government code for these businesses to continue as is, but zoning adopted following annexation would restrict future uses to the applicable zoning. Planning Director Wilson also addressed the fireworks stand presently located in the proposed annexation area and explained that it could be eliminated by City Council, and that this business would be dealt with differently and that the City Attorney was presently working with the owner to resolve the issue. Planning Director Wilson furthered that several calls had been received in regard to a property on the north side of the area, but stated that the property use could continue as is. Councilmember Phil Medford questioned that should this annexation be completed, what would happen to businesses currently in operation should they cease to operate. Planning Director Wilson stated that the appropriate zoning would then be applied to each property. City Attorney Bob Flournoy stated that he had spoken with the property owner of the fireworks stand and that the owner had no objection to the annexation.

Mayor Gorden then closed the Public Hearing at 5:28 p.m. and entertained a motion from Council.

Mayor Jack Gorden asked for comments or questions from the Council.

Councilmember Lynn Torres questioned what would happen with Code Enforcement issues in the annexed area. City Manager Parker stated they would be addressed as normally done in the current City limits.

6. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE CLOSING AND VACATING AN ALLEY, - APPROVED - HEREINAFTER DESCRIBED AS BEING THE ALLEY BETWEEN FRANK AVENUE AND BYNUM STREET IN THE CITY OF LUFKIN, TEXAS

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and the First Reading of an Ordinance closing and vacating an alley, hereinafter described as being the alley between Frank Avenue and Bynum Street in the City of Lufkin, Texas.

City Manager Paul Parker stated that this item had been previously approved by a motion; but that an alleyway was considered right-of-way; and that the alleyway must be closed by the passing of an ordinance. City Manager Parker stated that Staff recommended approval of the ordinance and the sale of the property.

Mayor Gorden opened the Public Hearing at 5:30 p.m. and asked anyone wishing to speak on this item to please step forward. There appearing to be no one wishing to speak, Mayor Gorden closed the public hearing at 5:31 p.m.

Mayor Jack Gorden asked for comments or questions from the Council.

Councilmember Phil Medford moved to approve the First Reading of an Ordinance closing and vacating an alley, hereinafter described as being the alley between Frank Avenue and Bynum Street in the City of Lufkin, Texas. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

7. PROPOSED AMENDMENT TO ENERGY SERVICES CONTRACT FROM TAC AMERICAS, INC. AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2007/2008 OPERATING BUDGET (BUDGET AMENDMENT NO. 13) - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL AND SOLID WASTE/RECYCLING FUNDS; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was a proposed amendment to Energy Services Contract from TAC Americas, Inc. and a Resolution authorizing an amendment to the 2007/2008 Operating Budget (Budget Amendment No. 13), providing for the supplemental appropriation of funds in the General and Solid Waste/Recycling Funds; and providing an effective date.

City Manager Paul Parker stated as Council was aware the City had entered into a contract with TAC Americas, Inc. for various improvements to City buildings for energy saving measures and that previously Staff had requested improvements to the Information Technology room, which houses all servers and computer equipment for the City. City Manager Parker furthered that presently this room was inadequately cooled and that the City Hall second floor chiller / air handler unit must run continuously to cool this area. City Manager Parker stated that two (2) proposals had been reviewed; a conventional Liebert system of fifteen (15) tons of cooling capacity, and a proposal of modifications to the existing chilled water system currently servicing the Police Department and that both systems would provide savings for the City. City Manager Parker stated that the cost of the modifications to the chiller system to be performed by TAC Americas, Inc. was in the amount of forty-eight thousand seven hundred seventy-eight dollars (\$48,778) and that the Liebert system was in the amount of fifty-three thousand one hundred ninety-one dollars (\$53,191). City Manager Parker continued that Staff recommended approval of the modifications to the chiller system due to both lower initial costs and operating costs and that this be added to the current TAC project and that Council also approve Budget Amendment No. 12 which would provide the funds through an internal financing method.

Councilmember Don Langston commented that competitive bids were not taken on the chiller system modifications and questioned how the savings would be measured with the current TAC contract. Assistant City Manager Keith Wright answered that the chiller modifications were included in the savings in the current TAC contract, and that competitive bids were not taken, but that the City requested proposals. City Manager Parker added that Councilmember Langston furthered that his position had not changed on the matter. Mayor Gorden added that it could have been bid differently, but that the overall project would result in substantial savings to the City as far as utility costs.

Mayor Jack Gorden asked for comments or questions from the Council.

Councilmember Rose Faine Boyd moved to approve the proposed amendment to Energy Services Contract from TAC Americas, Inc. and a Resolution authorizing an amendment to the 2007/2008 Operating Budget (Budget Amendment No. 13), providing for the supplemental appropriation of funds in the General and Solid Waste/Recycling Funds; and providing an effective date. Councilmember Phil Medford seconded the motion. The following vote was recorded:

Aye: Mayor Jack Gorden, Council Members R.L. Kuykendall, Phil Medford, Lynn Torres and Rose Faine Boyd

Nay: Council Member Don Langston

The motion carried with five (5) affirmative votes.

8. CITY MANAGER'S REPORT

Mayor Jack Gorden stated that the next item for consideration was the presentation of the City Manager's Report.

City Manager Parker stated that the financial report was included and due to it being early in the year, there were no items of significance in the general fund. City Manager Parker stated that sales tax was still increasing and that after the February payment, which would be sales tax from the Christmas season, Staff would have a better idea of how sales tax revenue would be for the coming year. City Manager Parker then asked for questions on the financials and reiterated that Staff found no items of concern in the financials. City Manager Parker then highlighted several projects in the Project Status Report and asked that Assistant City Manager Keith Wright update Council on the Highway 59 project. Assistant City Manager Wright stated that TX Dot currently felt that the work schedule for the Highway 59 project would be shorter than previously thought; and that the Tulane Bridge should take fifteen (15) to eighteen (18) months, but that all scheduling would have to be approved by TX Dot. Assistant City Manager Wright continued that the January 2008 start date could be delayed due to the location of natural gas lines, but that the contractor, Zachary Construction and TX Dot were working on this issue and the projected start date was now either February or March 2008. Assistant City Manager Wright furthered that the City project of relocating water and sewer lines would be completed long before the start of construction and that the North bound lines were now fifty percent (50%) complete and this work would be completed prior to TX Dot beginning construction. City Manager Parker stated that the contractor had been asked not to begin the relocation work on FM 819 and the Whitehouse Bridge until after the holiday season. Assistant City Manager Wright then updated Council on the Crown Colony water project; stating that it was fifty percent (50%) complete and very few complaints had been received from residents during the course of the project. City Manager Parker stated that Fire Station No. four (4) was complete other than the installation of the doors and completion of the punch list. City Manager Parker also stated that the water meter replacement program was in the final stages; that all meters should soon be installed and final modifications would follow and this meant that all residential water meters were now radio read meters. City Manager Parker then asked for any questions or comments on any items in the Project Status Report.

9. Mayor Jack Gorden recessed the Regular Session at 5:50 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 advice necessitated by the deliberation or discussion of said items (as needed), and real estate, demolition of buildings, or appointments to boards and personnel may be discussed.

Mayor Jack Gorden reconvened the Regular Session at 7:28 p.m.

10. CALENDAR NOTATIONS FROM MAYOR, COUNCIL MEMBERS, AND CITY MANAGER

City Manager Parker reminded Council of the Annual Christmas DETCOG luncheon to be held on Thursday, December 20, 2007 in Jasper, Texas and of upcoming City holidays. City Manager Parker also noted that the next Council meeting would be held on Wednesday, January 2nd, 2008 due to the New Year's Holiday.

11. There being no further business for consideration, the meeting adjourned at 7:30 p.m.


Renée Thompson – City Secretary


Jack Gorden, Mayor