

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 3rd DAY OF JULY, 2007**

On the 3rd day of July, 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
Rufus Duncan	Councilmember, Ward No. 5
Phil Medford	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Keith Wright	Assistant City Manager
Robert Flournoy	City Attorney
Kara Atwood	Acting City Secretary
Larry Brazil	Police Chief
Scott Marcotte	Assistant Police Chief
Pete Prewitt	Fire Chief
Doug Wood	Finance Director
David Koonce	Human Resource Director
Barbara Thompson	Main Street Director
Jim Wehmeier	Economic Development Director
Dale Allred	Inspection Services Director
Harold Cottle	Lieutenant – Police Department

being present, and

Renee Thompson

City Secretary

being absent, when the following business was transacted:

1. The meeting was opened with prayer by Winfred Johnson, Lufkin Family Worship Center
2. Mayor Jack Gorden welcomed visitors present and reminded the citizens of Lufkin about the 4th of July Celebration at the Ellen Trout Park and Zoo. Mayor Gorden said that he understood that the celebration would be bigger and better than last year. Mayor Gorden invited everyone to the Park for the events concluding with the fireworks show.

3. APPROVAL OF MINUTES

Minutes of the Regular Meeting on June 19, 2007 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. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF LUFKIN, TEXAS, - APPROVED - AND EXTENDING THE BOUNDARIES OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF THE SAID CITY**

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and Second Reading of an Ordinance annexing the hereinafter described territory to the City of Lufkin, Texas, and extending the boundaries of said city so as to include said hereinafter described property within the city limits, and granting to said territory and to all future inhabitants of said property all of the rights and privileges of other citizens and binding said future inhabitants by all of the acts and Ordinances of the said City.

City Manager Paul Parker stated that the item had been before the Council numerous times. City Manager Parker added that the property was a 1.4 acre tract that was voluntarily requested to being annexed into the City of Lufkin

Mayor Gorden then opened the Public Hearing at 5:05 p.m. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the annexation. There were none. Mayor Gorden then closed the Public Hearing at 5:06 p.m.

Councilmember Don Langston moved to approve the Second Reading of the Ordinance annexing the hereinafter described territory to the City of Lufkin, Texas, and extending the boundaries of said city so as to include said hereinafter described property within the city limits, and granting to said territory and to all future inhabitants of said property all of the rights and privileges of other citizens and binding said future inhabitants by all of the acts and Ordinances of the said City. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

5. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN OF THE CITY OF LUFKIN, TEXAS – APPROVED - BY CHANGING THE ZONING DESIGNATION AND FUTURE LAND USE CLASSIFICATION FOR APPROXIMATELY 1.4 ACRES OF LAND GENERALLY LOCATED ON OLD UNION ROAD.

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and First Reading of an Ordinance amending the Zoning Ordinance and Future Land Use Plan of the 2001 Comprehensive Plan of the City of Lufkin, Texas by changing the zoning designation and Future Land Use classification for approximately 1.4 acres of land generally located on Old Union Road.

City Manager Paul Parker stated that this was the same property that was just annexed and was the original zoning of the property. City Manager Parker added that during the last month the Council rezoned the front portion of the property. City Manager Parker explained that the request before Council would make the entire property consistent with all property being in one (1) zone. City Manager Parker stated that Staff recommended approval of the subject property being zoned “Duplex” with a Future Land Use designation of “Medium Density Residential”.

Mayor Gorden then opened the Public Hearing at 5:08 p.m. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the Zoning Ordinance. There were none. Mayor Gorden then closed the Public Hearing at 5:09 p.m.

Councilmember Rose Faine Boyd moved to approve the First Reading of the Ordinance amending the Zoning Ordinance and Future Land Use Plan of the 2001 Comprehensive Plan of the City of Lufkin, Texas by changing the zoning designation and Future Land Use classification for approximately 1.4 acres of land generally located on Old Union Road. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

6. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND FUTURE LAND USE PLAN OF THE 2001

**COMPREHENSIVE PLAN OF THE CITY OF LUFKIN, TEXAS - APPROVED -
BY CHANGING THE ZONING DESIGNATION FROM “RESIDENTIAL
MEDIUM” AND “RESIDENTIAL LARGE” TO “APARTMENT” AND
GRANTING A “SPECIAL USE PERMIT” FOR A SHELTERED CARE
FACILITY ON APPROXIMATELY 10 ACRES OF LAND DESCRIBED AS LOT 1
OF THE WOMEN’S SHELTER ON DAVISVILLE ROAD. THIS REQUEST WILL
GENERALLY LOCATED ON DAVISVILLE ROAD. THIS REQUEST WILL
ALSO ENCOMPASS A FUTURE LAND USE CHANGE FROM THE CURRENT
DESIGNATION OF “LOW DENSITY RESIDENTIAL” TO “HIGH DENSITY
RESIDENTIAL”**

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and First Reading of an Ordinance amending the Zoning Ordinance and Future Land Use Plan of the 2001 Comprehensive Plan of the City of Lufkin, Texas by changing the zoning designation from “Residential Medium” and “Residential Large” to “Apartment” and granting a “Special Use Permit” for a Sheltered Care Facility on approximately 10 acres of land described as Lot 1 of the Women’s Shelter of East Texas Subdivision and generally located on Davisville Road. This request will also encompass a Future Land Use change from the current designation of “Low Density Residential” to “High Density Residential”.

City Manager Paul Parker stated that this was a request that would change the classification from “Residential Medium” and “Residential Large” to “Apartment” with a “Special Use Permit” for a sheltered care facility. City Manager Parker explained that Staff met with the agents that desired the shelter and determined that the “Apartment” classification, if approved by the Council, would be the least offensive classification to the neighborhood. City Manager Parker added that the proposed shelter would be thirteen thousand seven hundred twenty-eight square feet (13,728 sq. ft.) on ten (10) acres of land and would be a low residential density level for this type of property. City Manager Parker stated that the general vicinity of the area was a mix of “Residential Medium”, “Residential Large”, “Commercial”, and “Light Manufacturing” districts. City Manager Parker added that the Planning and Zoning Commission unanimously recommended, along with Planning Staff, that Council consider approval of the item.

Mayor Gorden then opened the Public Hearing at 5:11 p.m. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the Zoning Ordinance. There were none. Mayor Gorden then closed the Public Hearing at 5:12 p.m.

Mayor Jack Gorden stated that this was a tremendous project for the City of Lufkin and the surrounding area. Mayor Gorden added that there were people that were connected to the project in the audience and asked if there was any of the group that would like to make any comments.

Don Langston asked to be recused from voting on the project due business interest in the project.

Murphy George stated that he served as a Board Member of the Women’s Shelter of East Texas. Mr. George added that he also chaired the Facilities Committee. Mr. George stated that the group was present at the meeting in case the Council had any questions concerning the project. Mr. George stated that there was some opposition to the project, but that he felt that the major concern was the word “apartments” in the terminology. Mr. George stated that the two main concerns of the neighborhood were they did not want a high traffic neighborhood and how the project would affect their property value. Mr. George explained that before the death of Arthur Temple, he donated twelve (12) acres of land on McCall Drive for the facility. Mr. George stated that the group studied the property and decided that it was a high traffic area. Mr. George added that the group went out searching for property that would be more suitable for the Women’s Shelter that would be a low traffic and quiet neighborhood. Mr. George stated that once the neighborhood understood the plans for the facility they were satisfied. Mr. George added that there were also some concerns about the property value, but the facility would be

approximately a two million dollar (\$2,000,000) facility and should help enhance the property in that area.

Mr. George then introduced Morgan Preston, the Executive Director, and stated that Ms. Preston knew more about the Women's Shelter than any other representative.

Ms. Preston stated that she would answer any questions that the Mayor and Council had concerning the project or the Women's Shelter.

Mayor Gorden asked for an approximate completion date for the project. Ms. Preston stated that the group was not far along enough on the project to answer that question.

Councilmember Lynn Torres moved to approve the First Reading of the Ordinance amending the Zoning Ordinance and Future Land Use Plan of the 2001 Comprehensive Plan of the City of Lufkin, Texas by changing the zoning designation from 'Residential Medium' and 'Residential Large' to 'Apartment' and granting a 'Special Use Permit' for a Sheltered Care Facility on approximately 10 acres of land described as Lot 1 of the Women's Shelter of East Texas Subdivision and generally located on Davisville Road. This request will also encompass a Future Land Use change from the current designation of 'Low Density Residential' to 'High Density Residential'. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

7. PUBLIC HEARING AND AUTHORIZE POLICE DEPARTMENT TO APPLY APPROVED - FOR THE U.S. DEPARTMENT OF JUSTICE, "2007 JUSTICE ASSISTANCE GRANT"

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and to authorize the Police Department to apply for the U.S. Department of Justice, "2007 Justice Assistance Grant".

City Manager Paul Parker stated that the City of Lufkin had the opportunity to apply for twenty-two thousand eight hundred one dollars (\$22,801) for the 2007 Justice Assistance Grant. City Manager Parker added that part of the requirements for the grant was the Council would have to hold a Public Hearing to receive input from the public on how the funds should be utilized.

Mayor Gorden then opened the Public Hearing at 5:15 p.m. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the grant. There were none. Mayor Gorden then closed the Public Hearing at 5:16 p.m.

City Manager Parker stated that no action was required by the Council but Staff would bring back the application in the future.

8. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE TO APPROVE THE CLOSURE OF PORTIONS OF UNDEVELOPED RIGHT-OF-WAY - APPROVED - OF LYNN AVENUE AND ANN STREET

Mayor Jack Gorden stated that the next item for consideration was Public Hearing and First Reading of an Ordinance to approve the closure of portions of undeveloped right-of-way of Lynn Avenue and Ann Street.

City Manager Paul Parker stated that this was an undeveloped street with most of the street being in the floodway and would not be developed by the City. City Manager Parker added that an adjacent property owner was interested in the property. City Manager Parker explained that the first step was the City would have to consider closing the street from the intersection of Carolyn Drive and Lynn Avenue and Carolyn Drive and Ann Street. City Manager Parker stated that the property consisted of approximately 0.9152 acres and had recently been appraised for \$6000. City Manager Parker added that the City's only request was that a fifteen foot (15') utility easement centering over the existing sewer main be retained. City Manager Parker added that the only other request

was that a later date the potential sale of the property be submitted to the Council for consideration

Mayor Gorden then opened the Public Hearing at 5:18 p.m. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the Ordinance. There were none. Mayor Gorden then closed the Public Hearing at 5:19 p.m.

There was discussion among Mayor, Council, City Manager, and Staff concerning the floodway, restrictions, and access to the property.

Councilmember R. L. Kuykendall moved to approve the First Reading of the Ordinance to approve the closure of portions of undeveloped right-of-way of Lynn Avenue and Ann Street. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

9. BID FOR THE CONSTRUCTION OF THE PROPOSED PUBLIC WORKS SERVICE CENTER FACILITY AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2006/2007 OPERATING BUDGET (BUDGET AMENDMENT NO. 29), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE SOLID WASTE DEPRECIATION FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was a bid for the construction of the proposed Public Works Service Center Facility and a Resolution authorizing an amendment to the 2006/2007 operating budget (Budget Amendment No. 29), providing for the supplemental appropriation of funds in the Solid Waste Depreciation Fund; and providing an effective date.

City Manager Paul Parker stated that for the past two (2) years Staff had been designing and working toward building a new Public Works Service Center to be located where the Service Center is currently. City Manager Parker reminded the Council that approximately two (2) years ago the City of Lufkin purchased additional property from the railroad that was adjacent to the current facility. City Manager Parker explained that the City allocated funds for the project and went out for a bid design with numerous alternatives to assure that the project would be fundable. City Manager Parker stated that the base bid with alternatives one (1), two (2), ten (10), and seventeen (17), which were the primary buildings was two million one hundred sixty-eight thousand seven hundred ninety-eight dollars (\$2,168,798). City Manager Parker added that the low bidder was Slone Construction Company. City Manager Parker stated that the City had previously allocated two hundred sixty thousand dollars (\$260,000) for professional services and land acquisition. City Manager Parker added that the City anticipated an additional three hundred thousand dollars (\$300,000) would be needed for materials for the parking lot, underground drainage, and other improvements to the site. City Manager Parker stated that the total project cost would be two million five hundred fifty-nine thousand nine hundred ninety-three dollars (\$2,559,993). City Manager Parker stated that Staff requested that Council award the bid to Slone Construction Company in the amount of two million one hundred sixty-eight thousand seven hundred ninety-eight dollars (\$2,168,798) which would include the base bid along with alternates one (1), two (2), ten (10), and seventeen (17) and an additional one hundred eighty thousand dollars (\$180,000) for contingency and to complete the project.

Councilmember Rose Faine Boyd moved to approve the bid for the construction of the proposed Public Works Service Center Facility and the Resolution authorizing an amendment to the 2006/2007 operating budget (Budget Amendment No. 29), providing for the supplemental appropriation of funds in the Solid Waste Depreciation Fund; and providing an effective date. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

City Manager Parker stated that Staff was looking for direction from the Council concerning a potential festival for the fall. City Manager Parker explained that Council had before them a projected budget and a sheet on the festival that the City of Bryan was

hosting. City Manager Parker explained that the reason for bringing to the Council at that time was that Staff was hoping to “tag on” to the Bryan festival with the hope of attracting some of the talent that would be in Bryan for their festival.

Assistant City Manager Keith Wright stated that he along with Barbara Thompson, Kara Atwood, Renee Thompson, Debbie Fitzgerald, and Paula Metzinger had been working on the plans for the festival. Assistant City Manager Wright stated that the idea was to bring more attractions to Downtown. Assistant City Manager Wright added that the committee was looking at the possibility of hosting a music festival that could be held on an annual basis. Assistant City Manager Wright stated that the group was considering country music for this year. Assistant City Manager Wright added that the group was working with Greg Longino, a local attorney who had been doing some promotional events particularly with Christian artists. Assistant City Manager Wright stated that Mr. Longino had also worked with Pat Green and other artists and Mr. Longino assisted the committee in developing a budget for the event with a total cost of approximately forty thousand dollars (\$40,000). Assistant City Manager Wright added that the event would also be a potential revenue source depending on advanced ticket sales and sponsors. Assistant City Manager Wright stated that the committee felt that the event may “break even”. Assistant City Manager Wright stated that the City of Lufkin would have to provide the funds for the upfront. Assistant City Manager Wright stated that there was no guarantee that the funds could be reimbursed. Assistant City Manager Wright stated that the committee felt that the City could possibly “tag on” to the festival that would take place in Bryan/College Station and possibly attract someone popular that would already be in the area. Assistant City Manager Wright asked the Council for direction for the festival. Assistant City Manager Wright asked if the Council was interested in the event and wanted to move forward with the plans. The Council concurred that the music festival was a good idea. Assistant City Manager Wright stated that the committee were planning to hold the festival in Bronaugh Park and would provide more information to the Council as was available. City Manager Parker stated that Staff wanted to determine if the Council was interested in the music festival and would bring back further information in the future along with a funding scheme. Councilmember Lynn Torres stated that Council had been discussing an event such as this and would go against their own direction if they did not support the committee.

10. Mayor Jack Gorden recessed the Regular Session at 5:35 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, demolition of buildings, or appointments to boards and personnel may be discussed

Mayor Jack Gorden reconvened the Regular Session at 6:58 p.m.

11. APPOINTMENT TO BOARDS AND COMMITTEES

Mayor Jack Gorden stated that the next item for consideration was to consider Appointments to Boards and Committees.

Councilmember Lynn Torres moved that the following people be appointed to the following committees:

- A. Civil Service Commission – Royce Garrett
- B. Construction Board of Adjustment & Appeals – Wayne Stolz, Billy Weisinger, and David Miles
- C. 4B Economic Development Board – Trey Henderson , Bob Brown, Jay Shands, and Andra Self
- D. Kurth Memorial Library Board – Margie Brody, Don Allen, and Angelia McCarty
- E. Planning & Zoning Commission – Malcolm Deason

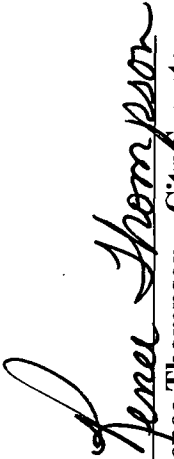
- F. Tree Board – Joe Pase, John Courtney, R. L. Kuykendall, Phil Medford, Lynn Torres, Dr. Darwin Foster, and Janet Clarke
- G. Zoning Board of Adjustment & Appeals – Ed Booth, Lt. General Orren Whiddon, and Karen Heaton
- H. DETCOG Board – Jack Gorden, Rose Faine Boyd, R. L. Kuykendall, and Rufus Duncan

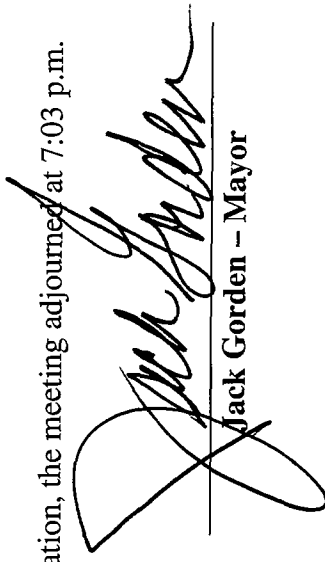
Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

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

City Manager Parker stated that Kara Atwood had contacted the Council and Staff about the upcoming First Friday Luncheon. City Manager Parker added that Mayor Pro Tem Rose Boyd would preside at the next Council Meeting.

- 13** There being no further business for consideration, the meeting adjourned at 7:03 p.m.


Renee Thompson – City Secretary


Jack Gorden – Mayor