

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 1st DAY OF MAY, 2007**

On the 1st day of May, 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	Asst. City Manager
Robert Flournoy	City Attorney
Renee Thompson	City Secretary
Larry Brazil	Police Chief
Scott Marcotte	Asst. Police Chief
Pete Prewitt	Fire Chief
Doug Wood	Finance Director
Dorothy Wilson	Planning Director
Barbara Thompson	Main Street Director
Randy Innerarity	Fleet Maintenance Director
Jim Wehmeier	Economic Development Director
Scott Rayburn	City Planner
Linda Parker	Economic Development

being present, when the following business was transacted:

1. The meeting was opened with prayer by Captain Hank Harwell, Salvation Army 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 on April 17, 2007 were approved on a motion by Councilmember Rose Faine Boyd, and seconded by Councilmember Lynn Torres. A unanimous affirmative vote was recorded.

OLD BUSINESS:

4. **SECOND 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 WHICH IS 148 ACRES LOCATED NEAR EAST LOOP 287 BETWEEN HWY 103 EAST AND OLD MOFFETT ROAD AND ANNEXED BY ORDINANCE NUMBER 3968 AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAPS**

Mayor Jack Gorden stated that the next item for consideration was the Second Reading of 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 which is 148 Acres located near East Loop 287 between HWY 103 East and Old

Moffett Road and Annexed by Ordinance Number 3968 and Authorizing the City Planner to make such changes on the Official Maps.

City Manager Paul Parker stated that this was the Second Reading of the proposal and that he would answer any questions that Council had concerning the Ordinance.

Mayor Jack Gorden opened the Public Hearing at 5:14 p.m.

Mayor Gorden closed the Public Hearing at 5:15 p.m.

Councilmember Don Langston moved to approve the Second Reading of 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 which is 148 Acres located near East Loop 287 between HWY 103 East and Old Moffett Road and Annexed by Ordinance Number 3968 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.

5. SECOND READING OF AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF LUFKIN, TEXAS; - APPROVED - PROVIDING FOR A CHANGE IN THE SPEED LIMIT ON WHITEHOUSE DRIVE, TULANE DRIVE, PERSHING AVENUE, MARTIN LUTHER KING DRIVE, AND PAUL AVENUE; AND REPEALING ALL INCONSISTENT ORDINANCES AND ESTABLISHING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the Second Reading of an Ordinance amending the Traffic Ordinance of the City of Lufkin, Texas; providing for a change in the speed limit on Whitehouse Drive, Tulane Drive, Pershing Avenue, Martin Luther King Drive, and Paul Avenue; and repealing all inconsistent ordinances and establishing an effective date.

City Manager Paul Parker stated that the Ordinance would establish maximum speed limits in certain areas to forty (40) miles per hour and correcting some where the speed limit was different depending on the direction the driver was traveling. City Manager Parker added that the change would be helpful to the traveling public by increasing the speed limit on the designated streets.

Councilmember Rose Faine Boyd moved to approve the Second Reading of the Ordinance amending the Traffic Ordinance of the City of Lufkin, Texas; providing for a change in the speed limit on Whitehouse Drive, Tulane Drive, Pershing Avenue, Martin Luther King Drive, and Paul Avenue; and repealing all inconsistent ordinances and establishing an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS :

6. PROCLAIM THE MONTH OF APRIL AS YOUTH ALCOHOL AWARENESS MONTH

Mayor Jack Gorden stated that the next item for consideration was to proclaim the month of April as Youth Alcohol Awareness Month.

District Attorney Clyde Herrington stated that he was a member of the Board for the Coalition for a Better Community. Mr. Herrington explained that Janet Taylor and her staff were out of town at training and that he was present to support the young people representing the Drug Free Allstars for Angelina County. Mr. Herrington stated that as a prosecutor he works to combat the drug problem in the area. Mr. Herrington stated that by the time he deals with the young person it was too late. Mr. Herrington stated that there was a real correlation between alcohol abuse and drug abuse. Mr. Herrington stated that he strongly supported the Proclamation.

Councilmember Lynn Torres asked the Drug Free Allstars that were present to come forward to participate in the reading of the Proclamation. Mayor Jack Gorden asked the students to identify themselves. Those present were: Lindsay Anderson, Brenda Salazar, Maria Caldera and Teresa Chang.

Mayor Gorden then read the Proclamation declaring the month of April as “Youth Alcohol Awareness Month”. Mayor Gorden then presented the Proclamation to Clyde Herrington on behalf of the Lufkin City Council.

Mr. Herrington stated that the Drug Free Allstars was a county wide program and that there were Allstars from all seven schools in Angelina County. Mr. Herrington added that there were hundreds of students participating in the program.

7. **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, - TABLED - BY CHANGING THE ZONING AND FUTURE LAND USE PLAN DESIGNATION ON APPROXIMATELY 10 ACRES OF LAND DESCRIBED AS TRACT 294 AND 268 OF THE BARELA SURVEY, ABSTRACT 49 TO HEAVY MANUFACTURING ZONING DISTRICT AND THE FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN TO THE CLASSIFICATION OF “INDUSTRIAL”**

Mayor Jack Gorden stated that the next item for consideration was 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 ten (10) acres of land described as Tract 294 and 268 of the Barela Survey, Abstract 49 to Heavy Manufacturing Zoning District and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of “Industrial”.

Paul Parker stated that the application was to change approximately ten (10) acres of a sixty-six (66) acre tract. City Manager Parker explained that the remaining fifty-six (56) acres were currently zoned “Heavy Manufacturing”. City Manager Parker stated that the property was located at 3001 Minnie Lou. City Manager Parker explained that the owner was proposing to use the property for the construction of an electrical generation plant. City Manager Parker reminded the Council that regardless of the proposed use the Council was considering the rezoning of the property for the usage allowed and the proposed usage may or may not occur as proposed by the applicant. City Manager Parker reiterated that the Council was considering rezoning the property and not the usage. City Manager Parker stated that the Planning and Zoning Meeting there were nine (9) individuals who were present to oppose the zone change. City Manager Parker added that there was also three (3) letter of opposition received regarding the application. City Manager Parker stated that the main concerns of those present at the Planning and Zoning Commission Meeting centered around the property being used for a biomass power plant and the effect that it might have on the residential neighborhood. City Manager Parker stated that the applicant could construct a power plant on the balance of the fifty-six (56) acres and put parking or other usage on the “Residential Large” zone. City Manager Parker stated that the applicant wanted the zone change to have it be consistent with the other property and make it easier for permitting.

Mayor Jack Gorden opened the Public Hearing for the Zoning Ordinance Amendment at 5:25 p.m. Mayor Gorden requested that those wishing to speak would limit their comments to no longer than five (5) minutes in length. Mayor Gorden asked those wishing to speak to come to the microphone and identify themselves. Mayor Gorden then began the Public Hearing with those wishing to speak in favor of the Zoning Ordinance Amendment.

Those speaking in favor of the Zoning Ordinance Amendment were:

Danny Vines, President of Aspen Power

Those speaking in opposition of the Zoning Ordinance Amendment were:

Kenneth Timmons, Commissioner Precinct 2

Pastor Lonnie Williams

Reverend Betty Kennedy

A. J. Hunt

Victor Travis

Freddie Gibson

Amos Kiel

Dr. Dallas Pierre

Dennis Robertson

Myrtle Kennedy

Richard Donavan

Thurman Jones

Margie Kimble

Oletha Durham

Charlotte Traylor

Ben McClain

Mayor Jack Gorden then closed the Public Hearing at 6:15 p.m.

There were questions and discussion among the Mayor, City Council Members, and Mr. Danny Vines concerning the Zoning Ordinance Amendment and the proposed electrical generation plant.

Mayor Gorden and the Council reiterated to the citizens in the audience that they were listening to their concerns and hoped to reach a conclusion that would allow the City to function and have coexistence between business and neighborhoods and between industrial and residential areas.

Councilmember Rose Faine Boyd moved to table the First Reading of 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 10 acres of land described as Tract 294 and 268 of the Barela Survey, Abstract 49 to Heavy Manufacturing Zoning District and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of "Industrial" until the Town Hall Meeting could be held. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

8. UPDATE – APPROVED - OF THE CITY OF LUFKIN FINANCIAL POLICY

Mayor Jack Gorden stated that the next item for consideration was the update of the City of Lufkin Financial Policy.

Paul Parker stated that the Council discussed amending the Financial Policy at the recent Strategic Planning Workshop. City Manager Parker explained that the changes would allow the utilization of the Amortization and Solid Waste Fund and do away with the Depreciation Fund. City Manager Parker stated that Staff recommended that Council approved the amended City of Lufkin Financial Policy.

Councilmember Don Langston moved to approve the update of the City of Lufkin Financial Policy. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

9. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2006/2007 OPERATING BUDGET (BUDGET AMENDMENT NO. 21), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE WATER/WASTEWATER RENEWAL AND REPLACEMENT; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the Resolution authorizing an Amendment to the 2006/2007 Operating Budget (Budget Amendment No.

21), providing for the supplemental appropriation of funds in the Water/Wastewater Renewal and Replacement; and providing an effective date.

Paul Parker stated that this item had previously been discussed by the Council. City Manager stated that during the last six (6) years the City began installing the Radio Read water meters using City Staff. City Manager Parker added that six thousand six hundred fifty-four (6,654) meters remain to be installed and completing the project "in-house" was not cost effective. City Manager Parker stated that Staff was requesting the Council to approve the appropriation of funds to complete the project. City Manager Parker explained that Staff would need to transfer funds from the Depreciation Account to a budgeted item to complete the installation. City Manager Parker stated that currently six hundred thirty-one thousand two hundred twenty six dollars (\$631,226) was budgeted for the project. City Manager Parker stated that the total funds needed to complete the project with the City purchasing the meters and hiring a company to install the Radio Read meters was one million seven hundred seventy thousand six hundred thirteen dollars (\$1,770,613). City Manager Parker explained that there was presently two million two hundred forty-three thousand five hundred sixty-nine dollars (\$2,243,569) in the Water/Wastewater Depreciation Fund. City Manager Parker stated that amount combined with the six hundred thirty-one thousand two hundred twenty six dollars (\$631,226) would leave a need for one million one hundred thirty-nine three hundred eighty-seven dollars (\$1,139,387) to be transferred from the Depreciation Account to a Construction Account to complete the project. City Manager Parker stated that Staff recommended that Council approve Budget Amendment No. 21 to appropriate an additional one million one hundred thirty-nine three hundred eighty-seven dollars (\$1,139,387) to complete the Radio Read Program.

Mayor Jack Gorden asked how long it would take to complete the program. Assistant City Manager Keith Wright stated that it would depend on the contractor and the number of crews used, but would take approximately six (6) to eight (8) months.

Councilmember Rose Faine Boyd moved to approve the Resolution authorizing an Amendment to the 2006/2007 Operating Budget (Budget Amendment No. 21), providing for the supplemental appropriation of funds in the Water/Wastewater Renewal and Replacement; and providing an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

10. PURCHASE OF TWO (2) 2007 FORD F150 SUPERCAB PICKUPS - APPROVED - FOR THE POLICE DEPARTMENT

Mayor Jack Gorden stated that the next item for consideration was the purchase of two (2) 2007 Ford F150 Supercab Pickups for the Police Department.

Paul Parker stated that two (2) 2007 Ford F150 supercab pickups were included in the Amortization Program to be replaced. City Manager Parker explained that the pickups would be used by Assistant Chief of Police Scott Marcotte and Lt. Shapaka. City Manager Parker added that they were replacement vehicles and two (2) vehicles would be removed from the fleet. City Manager Parker stated that through the BuyBoard bid through Philpott Motors the vehicles would cost nineteen thousand seventy-one dollars (\$19,071) each for a total of thirty-eight thousand one hundred forty-two dollars (\$38,142). City Manager Parker stated that Staff recommended the Council award the bid to Philpott Motors for two (2) 2007 Ford F150 supercab pickups in the amount of nineteen thousand seventy-one dollars (\$19,071) each for a total of thirty-eight thousand one hundred forty-two dollars (\$38,142).

Councilmember Rufus Duncan moved to approve the purchase of two (2) 2007 Ford F150 Supercab Pickups for the Police Department. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

11. Mayor Jack Gorden recessed the Regular Session at 7:04 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

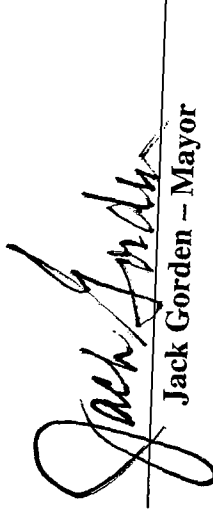
Mayor Jack Gorden reconvened the Regular Session at 8:22 p.m.

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

City Manager Paul Parker reminded Council that the First Friday Luncheon would be held on Friday, May 4, 2007 and that the guest speaker would be Gary Edwards with Lockheed Martin. City Manager Parker asked that Council let City Secretary Renee Thompson know if they planned to attend. City Manager Parker also noted that the Annual Expo Anniversary Party would be held on Wednesday, May 16, 2007 and that Ms. Thompson would be calling the Council to determine who would be attending.

13. There being no further business for consideration, the meeting adjourned at 8:25 p.m.


Renee Thompson – City Secretary


Jack Gorden – Mayor