

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS HELD ON THE 15th DAY OF MARCH, 2005**

On the 15th day of March 2005, the City Council of the City of Lufkin, Texas convened in a Regular Meeting in the Council Chambers of City Hall with the following members, thereof to wit:

Louis Bronaugh	Mayor
Rose Faine Boyd	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Don Langston	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Dennis Robertson	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Renee Thompson	City Secretary
Robert Flournoy	City Attorney
Kenneth Williams	Public Works Director
David Koonce	Director of Human Resources
Scott Marcotte	Asst. Police Chief
Doug Wood	Director of Accounting
Dorothy Wilson	City Planner
Jim Wehmeier	Director of Economic Development
Pete Prewitt	Fire Chief
Steve Poskey	Street Department, Superintendent
Gorden Henley	Ellen Trout Zoo Director
Debbie Fitzgerald	Asst. Public Utilities Director

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 Pastor C. C. Jammer, Abundant Life United Methodist Church
2. Mayor Louis Bronaugh welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Special Called Meeting on February 24 and the Regular Meeting on March 1, 2005 were approved on a motion by Councilmember Rose Faine Boyd, and seconded by Councilmember Don Langston. A unanimous affirmative vote was recorded.

OLD BUSINESS:

4. **SECOND READING OF AN ORDINANCE AMENDING THE "FUTURE LAND USE" PLAN - APPROVED - FOR APPROXIMATELY EIGHT (8) ACRES OF LAND FRONTING ATKINSON DRIVE, BETWEEN HEMLOCK ROAD AND TRENTON STREET AS REQUESTED BY ROBERT MASSINGILL AND CARROLL JOHNSON.**

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of an Ordinance amending the "Future Land Use" plan for approximately eight (8) acres of land fronting Atkinson Drive, between Hemlock Road and Trenton Street as requested by Robert Massingill and Carroll Johnson. City Manager Paul Parker stated that there was nothing to add other than what Council had previously gone over in the last meeting.

Councilmember Dennis Robertson moved to approve on Second Reading of an Ordinance amending the "Future Land Use" plan for approximately eight (8) acres of land fronting Atkinson Drive, between Hemlock Road and Trenton Street as requested by Robert Massingill and Carroll Johnson. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

5. **PURCHASE OF 2005 FORD F250 ¾ TON TRUCK - APPROVED - FOR THE PARKS AND RECREATION DEPARTMENT**

Mayor Louis Bronaugh stated that the next item for consideration was the purchase of 2005 Ford F250 ¾ Ton Truck for the Parks and Recreation Department. City Manager Paul Parker stated that this item was in the 2004/2005 Fiscal Budget, that was previously approved by the City Council. City Manager Parker added that there was \$18,000 budgeted for a truck for the Parks and Recreation Department.

City Manager Parker stated that the price was obtained through the BuyBoard at a cost of \$15,343. City Manager Parker added that Staff recommended awarding the bid to Philpott Motors in the amount of \$15,343.

Councilmember Dennis Robertson moved to approve the purchase of a 2005 Ford F250 ¾ Ton Truck for the Parks and Recreation Department. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

6. BID FOR A 2006 MACK 14 YARD DUMP TRUCK – APPROVED - FOR THE STREET DEPARTMENT

Mayor Louis Bronaugh stated that the next item for consideration was a bid for a 2006 Mack fourteen (14) yard Dump Truck for the Street Department. City Manager Paul Parker stated that this was also a budgeted item in the 2004/2005 Fiscal Budget. City Manager Parker explained that the lowest bid for the dump truck was from Performance Truck in Lufkin in the amount of \$84,334.79. City Manager Parker added that Staff recommended that Council award the bid to Performance Truck.

Councilmember Don Langston asked what was budgeted for this item. City Manager Parker stated that there was approximately \$83,000 budgeted and that the Street Department would have to transfer the balance from their budget. Councilmember Langston also asked why the City was not purchasing a sixteen (16) yard truck that is a more common size of dump truck. Steve Poskey, Street Department Superintendent explained that the truck would be used to haul asphalt and the fourteen (14) yard dump truck would be able to haul more than was actually legal to haul in asphalt.

Councilmember Rose Faine Boyd moved to approve the bid for a 2006 Mack fourteen (14) yard Dump Truck for the Street Department. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

7. BID FOR THE ELLEN TROUT ZOO ADA SIDEWALK AND PARKING MODIFICATIONS PROJECT AND ADOPTING A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2004/2005 OPERATING BUDGET (BUDGET AMENDMENT NO. 14), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE ZOO BUILDING FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Louis Bronaugh stated that the next item for consideration was awarding the bid for the Ellen Trout Zoo ADA Sidewalk and Parking Modifications Project and adopting a Resolution authorizing an Amendment to the 2004/2005 Operating Budget (Budget Amendment No. 14), providing for the supplemental appropriation of funds in the Zoo Building Fund; and providing an effective date. City Manager Paul Parker stated that the City of Lufkin was recently audited by the State and found to be deficient in the ADA Compliance for the sidewalk at the Ellen Trout Zoo parking lot. City Manager Parker added that the bid included the bid from Cox Contractors, Inc. for \$28,980 for the sidewalk modifications and additional funds in the amount of \$3,520 that would be needed for engineering fees, asphalt, striping, concrete wheel stops, and signs. City Manager Parker pointed out that the low bidder was Richardson Dozer Service in the amount of \$28,425 but added that this firm did not provide the required bid bond, which disqualified them from bidding. City Manager Parker added that Staff recommended awarding the contract to Cox Contractors, Inc. in the amount of \$29,980 and approval of the Resolution authorizing an Amendment to the 2004/2005 Operating Budget in the amount of \$32,500.

Councilmember Dennis Robertson asked if the State inspected ADA standards on an annual basis or sporadically. Debbie Fitzgerald, Assistant Public Utilities Director, explained that when the new restroom and picnic pavilion was built, the City of Lufkin was required to meet ADA standards. Ms. Fitzgerald added that the State came to do the ADA inspection for the restroom and picnic pavilion. Ms. Fitzgerald furthered that as the inspector was leaving, he stated that the parking lot was not in compliance. Ms. Fitzgerald explained that during two previous inspections, the inspectors said the sidewalk was in compliance. Ms. Fitzgerald added that in order to get the State inspector to sign off on the restroom and picnic area, they would also have to comply with the requirements for ADA compliancy for the parking lot. Councilmember Rose Faine Boyd asked if the City of Lufkin builds a new building would require an ADA inspection. Ms. Fitzgerald explained that if the building was a public building then it would require an ADA inspection. City Manager Parker explained that the State was not limited to inspection of only the new construction but could inspect any buildings or structures in the facility or area surrounding the facility. Councilmember Don Langston asked Ms. Fitzgerald what triggered the ADA inspectors to find the parking lot from being in compliance. Ms. Fitzgerald explained that wheel chair access from a vehicle and inadequate slopes at the railroad track, road, and sidewalks were the problems found by the inspector. Ms. Fitzgerald added that the City of Lufkin is adding a new ADA compliant area by pavilion number one (#1) and this parking area would have two (2) new handicap parking areas along with six (6) additional parking spaces. This addition would make the park compliant with State requirements.

Councilmember Rose Faine Boyd moved to approve awarding the bid for the Ellen Trout Zoo ADA Sidewalk and Parking Modifications Project and adopting a Resolution authorizing an Amendment to the 2004/2005 Operating Budget (Budget Amendment No. 14), providing for the supplemental

appropriation of funds in the Zoo Building Fund; and providing an effective date. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

8. BID TO WAUKESHA-PEARCE INDUSTRIES, INC. FOR THE PURCHASE OF A 200KW GENERATOR – APPROVED - FOR THE POLICE DEPARTMENT

Mayor Louis Bronaugh stated that the next item for consideration was awarding of the bid to Waukesha-Pearce Industries, Inc. for the purchase of a 200kw Generator for the Police Department. City Manager Paul Parker stated that this generator would be paid for through the State Homeland Security Grant. City Manager Parker explained that this bid is just for the generator and that another bid would go out for the installation of the generator. City Manager Parker added that the City's "911" Dispatch Center, the Emergency Operations Center, and key departments would be served by this generator to allow them to remain powered if electrical outages occurred. City Manager Parker stated that the generator that the City currently uses would be used as a backup to this generator. City Manager Parker added that Staff would recommend the Council allow the purchase of the 200kw generator from Waukesha-Pearce Industries, Inc. in the amount of \$51,607.68 which would be paid for by the State Homeland Security Program.

Councilmember Dennis Robertson asked if this generator would operate off of natural gas. Scott Marcotte, Assistant Police Chief stated that it would operate with natural gas as does the current generator. Councilmember Robertson stated that he noticed that the warranty would be for either two (2) years or 2000 hours and wanted to know if the generator would have a meter on it to measure the hours used. Assistant Police Chief Marcotte explained that it would have a meter on it and the current generator has a meter also. Assistant Chief Marcotte explained that the City has had the current generator for twenty (20) years and it has a total of 350 hours on it. City Manager Parker added that most of the hours were the weekly tests of the generator. Councilmember Don Langston asked if the Police Department and City Hall has single service or dual service. City Manager Parker explained that this generator would serve the "911" Dispatch Center, the IT Department, Emergency Operations Center, and several selected key offices for the City of Lufkin.

Councilmember Dennis Robertson moved to approve awarding the bid to Waukesha-Pearce Industries, Inc. for the purchase of a 200kw Generator for the Police Department. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

9. BID TO PID SERVICES – APPROVED - FOR WATER WELLS NO. 5 AND NO. 12

Mayor Louis Bronaugh stated that the next item for consideration was awarding the bid to PID Services for Water Wells No. 5 and No. 12. City Manager Paul Parker explained that items number ten (#10) and eleven (#11) were bid as three separate projects for the maintenance of the water wells. City Manager Parker explained that this would be for the renovation of the switch gear equipment for the wells. City Manager Parker added that this maintenance was figured in the 2004/2005 Operating Budget and would be a preventative measure. City Manager Parker stated that the low bidder for water wells number five (#5) and number twelve (#12) was PID Services, Inc. City Manager Parker explained that the bid for water well number five (#5) was for \$31,200 and for water well number twelve (#12) was for \$30,400. City Manager Parker added that Staff recommended the low bid from PID Services, Inc. for \$61,600.

Councilmember Don Langston moved to approve awarding the bid to PID Services for Water Wells No. 5 and No. 12. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

10. BID TO WEISINGER ELECTRIC – APPROVED - FOR WATER WELL NO. 6

Mayor Louis Bronaugh stated that the next item for consideration was awarding the bid to Weisinger Electric for Water Well No. 6. City Manager Parker explained that the low bidder for water well number six (#6) was Weisinger Electric in the amount of \$14,750.

Councilmember Dennis Robertson moved to approve awarding the bid to Weisinger Electric for Water Well No. 6. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

11. ACCEPTED CERTIFICATION FROM CITY SECRETARY CANCELING CITY COUNCILMEMBER WARDS NUMBER FIVE (5) AND SIX (6) MUNICIPAL ELECTION SCHEDULED FOR MAY 7, 2005 AND FIRST READING OF AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 07, 2005 GENERAL CITY ELECTION, ELECTED TO OFFICE; - APPROVED - CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

Mayor Louis Bronaugh stated that the next item for consideration was accepting Certification from City Secretary canceling City Councilmember Wards Number Five (5) and Six (6) Municipal Election scheduled for May 7, 2005 and First Reading of an Ordinance declaring unopposed candidates in the May 07, 2005 General City Election, elected to office; canceling the election; providing a severability

clause, and providing an effective date. Mayor Louis Bronaugh congratulated candidates Jack Gorden of Ward Number Five (No. 5) and Dennis Robertson of Ward Number Six (No. 6) for being elected to their respective Wards.

Councilmember Rose Faine Boyd moved to approve accepting Certification from City Secretary canceling City Councilmember Wards Number Five (5) and Six (6) Municipal Election scheduled for May 7, 2005 and First Reading of an Ordinance declaring unopposed candidates in the May 07, 2005 General City Election, elected to office; canceling the election; providing a severability clause, and providing an effective date. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

12. REPORT FROM PAUL PARKER, CITY MANAGER

Mayor Louis Bronaugh stated that the next item for consideration was a report from Paul Parker, City Manager.

- A. Financial Status Report: City Manager Paul Parker stated that he would like to highlight a few items in the Financial Status Report. City Manager Parker explained that in the most recent report the Sales Tax Revenue was up. City Manager Parker added that the City of Lufkin is approximately 8.5% above the projected 2% growth. City Manager Parker explained that the remaining revenue should come in on target and noted that expenditures from all of the City Departments continue to be well in-line.

City Manager Parker then explained that water consumption is down. City Manager Parker added that in the summer months that should improve. City Manager Parker stated that Wastewater and Solid Waste are both close to what the City projected. City Manager Parker added that the Hotel/Motel Revenue is running below the amount projected but added that the audit is about to begin but the results of that audit should take approximately six months. City Manager Parker also explained that entities receiving a portion of the revenues from the Hotel/Motel Tax get their funds before the taxes are actually collected. City Manager Parker stated that leaves the report somewhat distorted. City Manager Parker stated that the Recreation Fund is fine because the Parks and Recreation Department is about to be in their busy summer season and the revenue would increase.

City Manager Parker stated that expenditures have increased due to the purchase of some of the budgeted equipment. City Manager Parker added that the Zoo Fund is on target and should stay in good shape. City Manager Parker stated that the Economic Development Fund is also doing well with the reflected sales tax for three months at 30% of the anticipated revenue.

- B. Projects Status Report: City Manager Paul Parker stated Council had before them the Project Status Report that was lengthy and stated he would answer any questions concerning that report.

14. REPORT FROM PETE PREWITT, FIRE CHIEF

Pete Prewitt, City of Lufkin Fire Chief, stated that the City of Lufkin was awarded a \$576,000 grant from FEMA for the new aerial platform truck. Chief Prewitt added that the initial request was for \$450,000 leaving the City of Lufkin with a match of \$190,000. Chief Prewitt explained that the additional money awarded the City of Lufkin would drop the City's match down to a total of \$64,000.

City Manager Parker then explained that the City Staff is now looking at using the BuyBoard for the purchase of the new aerial platform truck. City Manager Parker explained that Chief Prewitt expects it to be between nine (9) months to a year before the truck is actually manufactured so these funds may have to be carried over into next year's budget. City Manager Parker added that a portion of the originally budgeted \$190,000 may have to be used to help modify the fire station for the truck to be able to be stored there. City Manager Parker also commended the staff of the Fire Department for their work on this project.

Councilmember Jack Gorden asked City Manager Parker to update the City Council in a future meeting concerning the progress of the Downtown Project.

13. Mayor Louis Bronaugh recessed the Regular Session at 5:32 p.m. to enter into Executive Session.

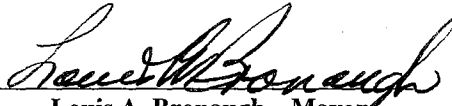
EXECUTIVE SESSION: In accordance with the Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Regular Session Agenda item requiring confidential, attorney/client advices necessitated by the deliberation or discussion of said items (as needed), and real estate and personnel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

Mayor Louis Bronaugh reconvened the Regular Session at 7:20 p.m.

18. City Manager Paul Parker stated that he wanted to notify some Council Members of an upcoming Finance Committee meeting on April 5, 2005. City Manager Parker added that the reason for an additional meeting of this Committee would be due to the City's audit being completed. City Manager

Parker stated that this would allow the committee to review it before it would go on the Council's agenda. City Manager Parker added that the regular meeting of that committee would be on April 19, 2005 and wanted those Council Members involved to put it on their calendars.

19. There being no further business for consideration, the meeting adjourned at 7:22 p.m.


Louis A. Bronaugh – Mayor

ATTEST:


Renee Thompson – City Secretary