

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
19^H OF AUGUST 2003**

On the 19th day of August 2003 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 A. Bronaugh	Mayor
Jack Gorden, Jr.	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Rose Faine Boyd	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Don Langston	Councilmember, Ward No. 4
C. G. Maclin	City Manager
Atha Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
David Koonce	Director of Human Resources
Stephen Abraham	Director of Planning
Kenneth Williams	Director of Public Works

being present, and

Dennis Robertson	Councilmember, Ward No. 6
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Bettie Kennedy.
2. Mayor Bronaugh welcomed visitors present.

3. PRESENTATION RECOGNIZING THE CITY OF LUFKIN AS A ‘STORM READY COMMUNITY’

Mayor Bronaugh stated that the first item for consideration was a presentation from Lee Harrison recognizing the City of Lufkin as a “Storm Ready Community”.

Kenneth Williams, Director of Public Works, stated that the City applied with the National Weather Service for a Storm Ready designation. Mr. Williams stated that it is quite an honor to be designated as a Storm Ready City. Mr. Williams stated that it basically says that the City of Lufkin is not “storm proof”, but is ready in case a storm comes. Mr. Williams stated that the City had to go through a process of being able to satisfy certain requirements in which Mr. Harrison would explain later. Mr. Williams stated that one is being able to receive information, being able to disseminate information, and being able to have money and equipment for different weather events.

Mr. Williams stated that he would like to thank the local Sky Warn group, Michael Miles, Allen Haynes, Travis and Cynthia Newton, who have been a big help to the City.

Mr. Harrison stated that he was present to present the official recognition of Lufkin as a Storm Ready community. Mr. Harrison stated that there has always been a partnership between National Weather Service and local communities, especially emergency management officials of those communities. Mr. Harrison stated that one of their sole purposes is to make sure that people are ready to deal with severe weather and then when the severe weather threatens it is their job to get the watches and warnings out to the people so they will know that it is coming and be ready to respond to it.

Mr. Harrison stated that some of the criteria for being a Storm Ready City are: having a 24-hour communications center, which the City has in the Police Department, and also an EOC which is activated during threatening severe weather; a certain number of ways of getting severe weather information in from the National Weather Service whether it

be by Internet, by radio, or whatever means. Mr. Harrison stated that Lufkin had more than met the criteria there. Mr. Harrison stated that there are criteria for getting severe weather information out to the City itself and Mr. Williams has six ways of getting this information out to the public. Mr. Harrison stated that there needs to be a way of monitoring the on-going weather situation as it approaches the City, then have an emergency operations plan in place for dealing with severe weather and then community preparedness activities. Mr. Harrison stated that all the criteria were met by Mr. Williams and his staff and he was present to show the results of that with recognition as a Storm Ready Community. Mr. Harrison stated that that gets the City a Certificate of Recognition from the National Weather Service and a Storm Ready sign that can be mounted beside the road so people who either live in Lufkin or are traveling through will know that this is a Storm Ready community.

Mr. Harrison presented the Certificate and sign to Mayor Bronaugh.

4. RECYCLING EDUCATION/MARKETING PROGRAM – LOGO FOR RECYCLING TRUCKS

Mayor Bronaugh stated that the next item was to review the new recycling education/marketing program and logo for City of Lufkin recycling trucks. Mayor Bronaugh stated that the City of Lufkin has been recycling for approximately 15 years.

City Manager Maclin stated that the Recycling Department Coordinator Melinda Karyte is going to give Council a preview of the introduction of a new plan and a new education/marketing campaign for the City's recycling program. Mr. Maclin stated following Mrs. Karyte's presentation Council will adjourn briefly out to Third Street for a viewing of the new logo that will be on the City garbage trucks to help market the new program.

Mrs. Karyte stated that she had provided Council members with a red tagging results list and a route sheet. Mrs. Karyte stated that the Department has been "red tagging" since February of this year and in those eight months they have found that there is a tremendous response to recycling. Mrs. Karyte stated that they have checked a total of 7,837 carts through this eight month period and of those carts that they checked, they have tagged approximately 1,031 carts. Mrs. Karyte stated that the areas that they needed to target as far as education and public awareness were Route 2 and Route 6. Mrs. Karyte stated that there has been a decrease of contamination on those two routes.

In response to question by Councilmember Gorden, Mrs. Karyte stated that this is an on-going program depending upon the amount of staff that is available.

Mrs. Karyte presented a power point presentation of the recycling program. Mrs. Karyte stated that Nicholas Popovich in the Engineering Department had assisted her in developing the power point presentation. Mrs. Karyte stated that Committee members who helped with this program were: Krista Cloonan with AB/C, Rufus Duncan, Derrick Brown, Lynn Torres, Lela Simmons, John Courtenay and Mayor Bronaugh.

The power point presentation can be seen on the City of Lufkin's website.

5. APPROVAL OF MINUTES

Minutes of the Regular Meeting of August 5, 2003 were approved on a motion by Councilmember Don Langston and seconded by Councilmember Lynn Torres as presented. A unanimous affirmative vote was recorded.

6. AMENDMENT – APPROVED – SECOND READING – FUTURE LAND USE PLAN – COMPREHENSIVE PLAN – WOOD AVENUE EAST OF RIDGE STREET TO THE END OF WOOD AVENUE – NORTH SIDE OF WOOD AVENUE EAST OF WALTERS STREET TO END OF WOOD AVENUE

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Amendment to the Future Land Use Plan contained in the Comprehensive Plan for the area described as the south side of Wood Avenue east of Ridge Street to the end of

Wood Avenue, and the north side of Wood Avenue east of Walters Street to the end of Wood Avenue.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Rose Faine Boyd that the Amendment to the Future Land Use Plan contained in the Comprehensive Plan for the area described as the south side of Wood Avenue east of Ridge Street to the end of Wood Avenue, and the north side of Wood Avenue east of Walters Street to the end of Wood Avenue be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. AMENDMENT – APPROVED – SECOND READING - FUTURE LAND USE PLAN – COMPREHENSIVE PLAN – NORTH SIDE OF FRANK AVENUE BETWEEN PERRY DRIVE AND HILL STREET

Mayor Bronaugh stated that the next item for consideration was Second Reading an Amendment to the Future Land Use Plan contained within the Comprehensive Plan for the north side of Frank Avenue, between Perry Drive and Hill Street.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember Jack Gorden, Jr. that Amendment to the Future Land Use Plan contained within the Comprehensive Plan for the north side of Frank Avenue, between Perry Drive and Hill Street be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE – APPROVED – FIRST READING – SPECIAL USE PERMIT – RESTAURANT WITH PRIVATE CLUB – COMMERCIAL ZONING DISTRICT – 1005 TIMBERLAND DRIVE – OCTAVIO VELAZQUEZ – JESUS BERRELES

Mayor Bronaugh stated that the next item for consideration was the request of Octavio Velazquez and Jesus Berreles to consider granting a Special Use Permit for a restaurant with private club within a “Commercial” zoning district on property described as tracts 181 and 182 out of the J. L. Quinalty Survey (Abstract No. 40) and more commonly known as 1005 Timberland Drive.

City Manager Maclin stated that this location was formerly known as the Grandy’s restaurant and the owner is turning it into a Mexican restaurant, Las Palmas, and is seeking a Special Use Permit. Mr. Maclin stated that the Planning & Zoning Commission, by unanimous vote, recommends approval of the Special Use Permit for a restaurant with a private club with the following conditions: That this Special Use Permit shall be for the sale of alcoholic beverages in conjunction with a full service restaurant facility; and shall not be construed as allowing the structure to be used in a manner which constitutes a night club, tavern, lounge, dance hall or commercial amusement establishment.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember Lynn Torres that Ordinance requesting a Special Use Permit for a restaurant with private club within a “Commercial” zoning district on property described as Tracts 181 and 182 out of the J. L. Quinalty Survey (Abstract No. 40) and more commonly known as 1005 Timberland Drive as requested by Octavio Velazquez and Jesus Berreles be approved on First Reading with the following condition: That this Special Use Permit shall be for the sale of alcoholic beverages in conjunction with a full service restaurant facility; and shall not be construed as allowing the structure to be used in a manner which constitutes a night club, tavern, lounge, dance hall or commercial amusement establishment. A unanimous affirmative vote was recorded.

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9. TAX RATE FOR FISCAL YEAR 2003-2004

Mayor Bronaugh stated that the next item for consideration was setting the tax rate for Fiscal Year 2003-2004.

City Manager Maclin stated that on the Council table is a bar graph provided by the Director of Accounting that illustrates the City's tax rate from 1999 to the proposed tax rate for 2004. Mr. Maclin stated that there is a two cent increase in the total rate that goes to Interest and Sinking for debt retirement. Mr. Maclin stated that this obviously reflects the third and final year of payment for the tax increase approved by the voters in 2001 in the street bond election. Mr. Maclin stated that staff is seeking Council's consideration to set the tax rate today and following the vote of today's tax rate then we will comply with State laws that provide for notice and advertisement in a local paper and then on the September 2nd meeting there will be a Public Hearing followed by First Reading of our Ordinances.

Councilmember Langston asked if staff had received our total assessed property ad valorem values. Mr. Maclin stated that we had but there is still one pending major industry dispute and until that dispute is resolved we will not receive the final report. Mr. Maclin stated that what staff anticipates when we receive that is that it will actually go up a little bit.

Councilmember Langston asked if the increase in property values that we saw would be reflected in the budget numbers as anticipated or what did we use to determine our budget number. Mr. Maclin stated that, as it relates to the ad valorem, we used what the Central Appraisal District gave us and then an estimated collection rate a little less than 100%.

Councilmember Langston asked when we would know the absolute ad valorem tax base. Mr. Maclin stated that we would not know what the estimated number is until this disputed value increase of a local industry is resolved, but it is a very small portion of the total dollar. Mr. Maclin stated that we will not know what we will actually collect on it until this time next year. Mr. Maclin stated that you will know the vast majority of it by February. Mr. Maclin stated that we base our collection rates on the history of what we have collected in the past.

In response to question by Councilmember Langston, Mr. Maclin stated that the vote tonight is a preliminary action to actually vote on adopting a tax rate in accordance with the State law process, then the action of the vote on this setting of the tax rate tonight will then trigger the newspaper notice followed by the Public Hearing.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall to approve the tax rate of .5585 for Fiscal Year 2003-2004. A unanimous affirmative vote was recorded.

10. ADOPTION OF 2002 NATIONAL ELECTRICAL CODE

Mayor Bronaugh stated that the next item for consideration was adoption of the 2002 National Electrical Code as the new City Electrical Code.

City Manager Maclin stated that included in the Council packet is a memorandum from the Director of Inspection Services, Beauford Chapman. Mr. Maclin stated that Mr. Chapman notes that this Code was reviewed by the City of Lufkin Electrical Board on July 15th and it was unanimously agreed to recommend these changes. Mr. Maclin stated that Mr. Chapman has noted out the changes as it involves the use of romex and PVC conduit.

Mr. Maclin stated that staff thinks that this is the appropriate time to adopt this Code because most of the communities have already switched or are switching and for uniformity sake in the building community this will provide some consistence and continuity.

In response to question by Councilmember Gorden, Mr. Maclin stated that the Department sends notices to those who are registered with the City.

In response to question by Mayor Bronaugh, Mr. Chapman stated that the Southern Standard Building Code is the Building Code that a building is actually constructed by. Mr. Chapman stated that the National Electrical Code is NFPA 70, which is the electrical part of the structure. Mr. Chapman stated that a lot of cities are now adopting the International Building Code, which he will eventually recommend in the next few months. Mr. Chapman stated that this is upgrading from the 1999 to the 2002 edition of the National Electrical Code.

Mr. Chapman stated that at the State Legislature this year they passed a Bill that basically adopted the National Electrical Code as the State Electrical Code and that fell in with the same Bill in which they are State licensing electricians. Mr. Chapman stated that currently there is no State license on electricians, only on HVAC contractors, plumbers, irrigations contractors, etc. Mr. Chapman stated that only the cities have licensed electricians as of September 1 of this year, and taking effect on September 2004 you will have to obtain a State license to perform electrical work in the State of Texas. Mr. Chapman stated that the Committee that will be established will be the enforcement arm that will have the authority to enforce that licensing requirement. Councilmember Langston stated that it is a very positive move for electricians statewide to have a State wide licensing system. Councilmember Langston stated that it has been very subjective in some cities as to whether or not an electrician can obtain a license due to the onerousness of the test that the City might present. Councilmember Langston stated that, in his opinion, this is a very positive thing that the Legislature has done.

Mr. Chapman stated that the Electrical Board reviewed this Code in detail last year and again this year and he feels this is the proper thing to do at this time.

In response to question by Councilmember Langston, Mr. Chapman stated that the current Ordinance was adopted back in 1993 and there was a list of 12 exceptions to the NEC. Mr. Chapman stated that three of those exceptions were eliminated two years ago and now they are coming back eliminating three more exceptions. Mr. Chapman stated that the National Electrical Code allows you to use PVC pipe in a lot of different places. Mr. Chapman stated that basically what they are saying is that we don't need to divert from what the NEC says, we agree with that, so let's install it where the NEC says install it and not have an exception to that rule.

Councilmember Langston stated that as he understands it the NEC does allow PVC in concealed spaces on one and two story buildings. Mr. Chapman stated that the exception was "PVC may be used underground below grade, and may be used above grade in concealed spaces in buildings of one and two stories only". Mr. Chapman stated that was an exception and the City of Lufkin is going back to what the NEC says.

Mr. Chapman stated that another bit of information on what the Legislature passed is all builders will have to be registered with the State of Texas after September 1, 2004.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Don Langston that the 2002 National Electrical Code be adopted as the City of Lufkin Electrical Code. A unanimous affirmative vote was recorded.

11. 9-1-1 INTER-LOCAL AGREEMENT

Mayor Bronaugh stated that the next item for consideration was the 9-1-1 Inter-local Agreement.

City Manager Maclin stated that this is a renewal with the Deep Texas Council of Governments for our 9-1-1 Agreement. Mr. Maclin stated that this provides the funding through the 9-1-1 fee that is tacked onto the telephone bills so that we can keep up our equipment for providing 9-1-1 dispatch for Angelina County citizens and citizens of Lufkin. Mr. Maclin stated that this is a routine agreement in terms of there being no significant changes. Mr. Maclin stated that this agreement has been reviewed by our Public Safety Department and staff is recommending approval of this Agreement.

In response to question by Mayor Bronaugh, Mr. Maclin stated that the 9-1-1 mapping will never be finished because of new houses being added but there has been a lot of progress made out in the County that previously had County road numbers and now have names.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Don Langston that the 9-1-1 Inter-local Agreement be approved as presented. A unanimous affirmative vote was recorded.

12. INPLANT WATER PUMPS – APPROVED – WASTEWATER TREATMENT PLANT – DEPRECIATION FUND

Mayor Bronaugh stated that the next item for consideration was the purchase of inplant water pumps at the Wastewater Treatment Plant utilizing the Depreciation Fund.

City Manager Maclin stated that staff is seeking Council’s authorization for the rehabilitation of this pump at a cost of \$6,310. Mr. Maclin stated that there are funds available in the renewal and replacement fund. Mr. Maclin stated that this is kind of an emergency type of situation and we can rehabilitate the pump cheaper than buying a new one.

In response to question by Councilmember Langston, Mr. Wright stated that the cost for a new pump would be approximately \$35,000.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember Lynn Torres that the request of the Wastewater Treatment Plant for \$6,310 from the Renewal and Replacement Fund for the repair of one inplant pump be approved as submitted. A unanimous affirmative vote was recorded.

13. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6 p.m. to enter into Executive Session. Regular Session reconvened at 7:20 p.m. and Mayor Bronaugh stated that attorney/client matters and appointments to Boards and Commissions.

City Attorney Flournoy stated that the Inspection Department and other City departments are involved in making determinations about houses that are below standard and dilapidated. Mr. Flournoy stated that City personnel have exhausted all their efforts in trying to get the various people who own these properties to upgrade them and bring them up to Code. Mr. Flournoy stated that in many of these cases the taxes have not been paid for a long period of time and many times there are non-resident owners who won’t respond. Mr. Flournoy stated that in all these cases that are being brought to Council tonight it’s the Inspection Department’s opinion that these houses are not repairable and they are making recommendation on 16 properties asking the City to proceed with the demolition of them after giving notice again to the owners and giving them the opportunity to fix them or tear them down themselves. Mr. Flournoy stated that those properties are:

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| 201 Margaret Street | 902 Clarke Avenue |
| 1510 Barto | 1504 Lufkin Avenue |
| 3104 Ford Chapel Road | 607 Lubbock Street |
| 517 Lubbock Street | 3306 Edwards |
| 1704 Higgins | 901 Shady Pine |
| 427 Fargo | 1621 Wood Avenue |
| 1503 Ford Chapel | 501 Ponderosa |
| 1007 Weaver | 211 Leach Street |

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember R. L. Kuykendall to approve the 16 dilapidated houses for demolition as recommended by the City Attorney. A unanimous affirmative vote was recorded.

14. APPOINTMENT – APPROVED – PLANNING & ZONING COMMISSION – RUFUS DUNCAN, JR.

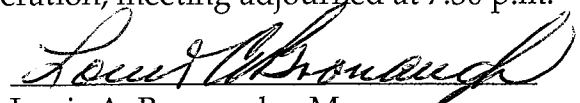
Motion was made by Councilmember Don Langston and seconded by Councilmember Lynn Torres that Rufus Duncan, Jr. be appointed to the Planning and Zoning Commission to fill the unexpired term of Philip DeWitt. A unanimous affirmative vote was recorded.

15. CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER

City Manager Maclin stated that next Monday, August 25th at 1:30 p.m. there will be a groundbreaking ceremony for the Brazos Transit District's new facility that will be built at the corner of Burke and First Street.

City Manager Maclin stated that Monday, September 1st will be a City holiday.

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


Louis A. Bonaugh – Mayor

ATTEST:

Atha Martin – City Secretary