

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
LUFKIN, TEXAS HELD ON THE 2<sup>ND</sup> DAY OF AUGUST, 2005**

On the 2<sup>ND</sup> day of August 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
Lynn Torres	Councilmember, Ward No. 3
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
Keith Wright	Asst. City Manager/Public Works
Kenneth Williams	Asst. City Manager/Administrative Services
David Koonce	Human Resource Director
Scott Marcotte	Asst. Police Chief
Pete Prewitt	Fire Chief
Drew Squyres	Director of Utility Collections
Dorothy Wilson	Director of Planning
Doug Wood	Finance Director
Jim Wehmeier	Economic Development Director
Rhonda McLendon	Court Supervisor, Municipal Court
Bill Cameron	City of Lufkin Webmaster
Tommy Scherry	CenterPoint Energy – Area Manager – Lufkin
J. C. Burch	Pinecrest/Altersgate Trust

being present, when the following business was transacted:

1. The meeting was opened with prayer by Chaplain Billy Dunn, Lufkin State School.
2. Mayor Louis Bronaugh welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting on July 19, 2005 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 THE REQUEST OF DENE ALLRED ON BEHALF OF ALIECE ALLRED - APPROVED - TO CHANGE THE ZONING FROM "LARGE SINGLE-FAMILY DWELLING" TO A "LOCAL BUSINESS" DISTRICT ON 1.26 ACRES OF LAND DESCRIBED AS TRACTS 207 THRU 209 OF THE J. A. BONTON SURVEY AND MORE COMMONLY KNOWN AS 603 LARGENT STREET**

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of the request of Dene Allred on behalf of Aliece Allred to change the zoning from "Large Single-Family Dwelling" to a "Local Business" District on 1.26 acres of land described as Tracts 207 thru 209 of the J. A. Bonton Survey and more commonly known as 603 Largent Street. City Manager Paul Parker stated that since Council had reviewed this item in the last Council meeting, he had no further comments, unless Council had questions.

Councilmember Don Langston moved to approve on Second Reading the request of Dene Allred on behalf of Aliece Allred to change the zoning from "Large Single-Family Dwelling" to a "Local Business" District on 1.26 acres of land described as Tracts 207 thru 209 of the J. A. Bonton Survey and more commonly known as 603 Largent Street. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

**5. SECOND READING OF THE REQUEST OF ROBERT A. KNAPP ON BEHALF OF BEVERLY BENNETT – APPROVED - TO CHANGE THE ZONING FROM “MEDIUM SINGLE-FAMILY DWELLING” WITH A SPECIAL USE FOR DAY CARE TO A “LOCAL BUSINESS” DISTRICT ON PROPERTY DESCRIBED AS BLOCK 54, LOT 4 OF THE CITY OF LUFKIN SURVEY AND MORE COMMONLY KNOWN AS 600 N. RAGUET STREET. THIS REQUEST WILL ALSO ENCOMPASS AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION OF THE PROPERTY FROM “LOW DENSITY RESIDENTIAL” TO “RETAIL”**

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of the request of Robert A. Knapp on behalf of Beverly Bennett to change the zoning from “Medium Single-Family Dwelling” with a Special use for Day Care to a “Local Business” District on property described as Block 54, Lot 4 of the City of Lufkin Survey and more commonly known as 600 N. Raguet Street. This request will also encompass amending the Future Land Use Map of the Comprehensive Plan by changing the designation of the property from “Low Density Residential” to “Retail”. City Manager Paul Parker stated that he had no comments on this item unless there were specific questions from the Council.

Councilmember Rose Faine Boyd moved to approve on Second Reading the request of Robert A. Knapp on behalf of Beverly Bennett to change the zoning from “Medium Single-Family Dwelling” with a Special use for Day Care to a “Local Business” District on property described as Block 54, Lot 4 of the City of Lufkin Survey and more commonly known as 600 N. Raguet Street. This request will also encompass amending the Future Land Use Map of the Comprehensive Plan by changing the designation of the property from “Low Density Residential” to “Retail”. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

**NEW BUSINESS:**

**6. FIRST READING OF THE REQUEST OF GLORIA TORAN (AGENT) ON BEHALF OF ROBBIE PELHAM (OWNER) – APPROVED - TO CHANGE THE ZONING FROM “SMALL SINGLE-FAMILY DWELLING” TO “LIGHT MANUFACTURING” ON PROPERTY DESCRIBED AS BLOCK 1, LOT 1 AND 2 OF ANGELINA COUNTY LUMBER COMPANY AND MORE COMMONLY KNOWN AS 910 AND 912 THOMPSON STREET. THIS REQUEST WILL ALSO ENCOMPASS AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION OF THE PROPERTY FROM “LOW DENSITY RESIDENTIAL” TO “INDUSTRIAL”**

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of the request of Gloria Toran (Agent) on behalf of Robbie Pelham (Owner) to change the Zoning from “Small Single-Family Dwelling” to “Light Manufacturing” on property described as Block 1, Lot 1 and 2 of Angelina County Lumber Company and more commonly known as 910 and 912 Thompson Street. This request will also encompass amending the Future Land Use Map of the Comprehensive Plan by changing the designation of the property from “Low Density Residential” to “Industrial”. City Manager Paul Parker stated that these two pieces of property for consideration are vacant and the owner desires to sell the property and is pursuing the zone change and a Future Land Use Amendment to allow for the sale. City Manager Parker explained that the applicant indicates that the use of the land, in the future, would be for an “Auto Repair Shop and Tow Truck Service”. City Manager Parker added that based on the location of the property in relation to the Floodway and 100 Year Floodplain, the property would require extreme caution in development to prevent encroachment on the Floodplain by vehicles in storage if the property is used for auto repair or a tow truck storage area. City Manager Parker stated that the general character of the area is a mix of manufacturing, commercial and small residential dwellings. City Manager Parker explained that the property is adjacent to the Texas Southeastern Railroad to the north, and there is no access to the right-of-way on the east, which is North Raguet. City Manager Parker added that all traffic would utilize Thompson Street to access the property. City Manager Parker stated that the Future Land Use Map indicates the current long-range development of the property as “Small Single-Family Dwelling”. City Manager Parker added that the Planning Department’s evaluation is the Future Land Use Plan could be amended to “Light Manufacturing”. City Manager Parker stated that the Planning and Zoning Commission unanimously recommended that the Future Land Use Plan be amended to change the designation of the property from “Low Density Residential” to “Industrial” and to the change of zoning from “Small Single-Family Dwelling” to “Light Manufacturing” be approved. Mayor Bronaugh then asked if there was anyone in the audience that wished to speak for or against this Ordinance. There was none.

Councilmember Lynn Torres moved to approve on First Reading the request of Gloria Toran (Agent) on behalf of Robbie Pelham (Owner) to change the Zoning from “Small Single-Family Dwelling” to “Light Manufacturing” on property described as Block 1, Lot 1 and 2 of Angelina County Lumber Company and more commonly known as 910 and 912 Thompson Street. This request will also encompass amending the Future Land Use Map of the Comprehensive Plan by changing the

designation of the property from "Low Density Residential" to "Industrial". Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

**7. FIRST READING OF THE REQUEST OF J. C. BURCH OF PINECREST/ALTERSGATE TRUST AND MARK STRONG, ARCHITECT - APPROVED - TO CHANGE THE ZONING OF 32.143 ACRES OF LAND DESCRIBED AS TRACT 43 OF THE J. L. QUINALTY SURVEY AND TRACTS 119 AND 120 OF THE J. A. BONTON SURVEY AND LOCATED NEAR MAGGIE STREET FROM "MEDIUM SINGLE-FAMILY DWELLING" TO A "PLANNED UNIT DEVELOPMENT" (PUD)"**

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of the request of J. C. Burch of Pinecrest/Altersgate Trust and Mark Strong, Architect to change the Zoning of 32.143 acres of land described as Tract 43 of the J. L. Quinalty Survey and Tracts 119 and 120 of the J. A. Bonton Survey and located near Maggie Street from "Medium Single-Family Dwelling" to a "Planned Unit Development" (PUD)". City Manager Paul Parker stated this property is 32.143 acres located east of Feagin Drive, west of South First Street, and north of South John Redditt Drive/Loop 287. City Manager Parker added that the area is bounded by the existing portion of Pinecrest Retirement Community to the east and by single-family residential units on the other sides of the property. City Manager Parker explained that that a floodway does exist along the eastern portion of this property, between the proposed development and the existing retirement facility. City Manager Parker stated that the general character of the area is residentially oriented, though there are some commercial services in the vicinity of the Loop. City Manager Parker added the area has experienced flooding in the past, and the applicant is working with the Engineering Department to develop plans to ensure that no flooding will occur due to this construction.

City Manager Parker explained that the applicant is requesting a "Planned Unit Development" designation in order to construct forty-three (43) individual single-family retirement homes associated with the existing Pinecrest Retirement Community services. City Manager Parker stated that Pinecrest Retirement Community will own and develop the units within this proposed development. City Manager Parker added that the homes are planned to range in size from approximately 1,800 square feet to 2,500 square feet and a site bearing fence will also be provided around the developed portions of the property where the housing units are placed. City Manager Parker stated that additionally, a small detention pond is to be constructed in the southeast portion of the Planned Unit Development, adjacent to the driveway, which is providing access to the development. City Manager Parker added that a playground is proposed for the eastern portion of the development.

City Manager Parker stated that several property owners sent in letters of protest and some spoke in opposition of request at the Planning and Zoning Meeting. City Manager Parker added that there is a nine percent (9%) written protest filed in opposition to the request. City Manager Parker explained that an approval from a simple majority of the Council is all that is required to pass the proposed request. City Manager Parker stated that the proposed zone change meets the department's standards and is consistent with the recommendations of the Comprehensive Plan, which indicates that such a property would be appropriate for "Low Density Residential Use" and added that the Planning and Zoning Commission unanimously recommended that Council approve this item.

Councilmember Dennis Robertson asked if there was a gated design on the proposal for the development. J. C. Burch of Pinecrest/Altersgate Trust then presented the design plans for the proposed development. Mr. Burch explained that the main street entering the development would be off Janeway and that there would be a gated entry that would be the main entrance into the development. Mr. Burch added that there would be a controlled access gated entrance off of Maggie Street also. Mr. Burch explained that they did not want a thoroughfare through the development that would cause more traffic in the area. Councilmember Jack Gorden asked if the gated entrances would be controlled access. Mr. Burch stated that they had not yet determined the method of control that would be used. Councilmember Robertson asked about the planned detention pond and the concerns about flooding in the area. Councilmember Robertson added that many of the residents that were concerned with flooding were located above the development and that it shouldn't affect flooding of their property. Councilmember Robertson asked if the planned detention pond was designed to carry the excess amount of rainfall for this development. Mr. Burch stated that the ponds were on the design for the site plan and would be engineered to carry the rainfall for the development. Assistant City Manager/Public Works Keith Wright stated that the detention ponds would have to be designed for a twenty-five (25) year storm and a letter of map revision would have to be submitted to FEMA, due to the bridge structure that crosses the creek. City Councilmember Don Langston stated that he thought was a wonderful use for the property, and is in keeping with the Council's hopes to make Lufkin a retirement community. Mayor Bronaugh then asked if there was anyone in the audience that wished to speak for or against this Ordinance. There was none.

Councilmember Don Langston moved to approve on First Reading the request of J. C. Burch of Pinecrest/Altersgate Trust and Mark Strong, Architect to change the Zoning of 32.143 acres of land described as Tract 43 of the J. L. Quinalty Survey and Tracts 119 and 120 of the J. A. Bonton Survey

and located near Maggie Street from "Medium Single-Family Dwelling:" to a "Planned Unit Development" (PUD)". Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

**8. FIRST READING OF A PETITION FOR ANNEXATION BY JOSEPH COLLMORGAN AND JACK J. JUMPER - APPROVED - ON APPROXIMATELY 12.307 ACRES OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF ELLEN TROUT DRIVE NEAR KURTH DRIVE**

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of a Petition for Annexation by Joseph Collmorgan and Jack J. Jumper on approximately 12.307 acres of land generally located on the north side of Ellen Trout Drive near Kurth Drive. City Manager Paul Parker stated that Joseph Collmorgan and Jack Jumper desire to have the 12.307 acres of land annexed into the City of Lufkin. City Manager Parker added that this would allow them to develop light manufacturing, warehousing, and professional business buildings and be on City water and sewer. City Manager Parker explained that the area meets all requirements for annexation and that the Planning and Zoning Commission unanimously recommended that Council consider annexing this property.

Councilmember Dennis Robertson asked if the City of Lufkin was legally bound to also annex the area on the west side of this property because it would now be bound on three sides. City Manager Parker explained that it is not mandatory that this area be annexed, but may be considered in the ongoing annexation study that is being done by staff this year.

Councilmember Robertson asked if this property is in our water district. Assistant City Manager/Public Works Keith Wright stated that the property is in our water district.

Councilmember Lynn Torres moved to approve on First Reading the Petition for Annexation by Joseph Collmorgan and Jack J. Jumper on approximately 12.307 acres of land generally located on the north side of Ellen Trout Drive near Kurth Drive. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

**9. FIRST READING OF THE ORDINANCE AMENDING CHAPTER 51.111 OF THE CODE OF ORDINANCES OF THE CITY OF LUFKIN, TEXAS; - APPROVED - MAKING CERTAIN CHANGES IN THE SEWER RATES; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE**

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of the Ordinance amending Chapter 51.111 of the Code of Ordinances of the City of Lufkin, Texas; making certain changes in the Sewer Rates; repealing all Ordinances in conflict therewith; and providing an effective date. City Manager Paul Parker stated that this Ordinance is in regard to the fourth (4<sup>th</sup>) year of the sewer rate analysis study that was performed by Reed, Stowe and Yanke, LLP. City Manager Parker added that this is in accordance with what was previously recommended by the Council and that the basic increase for residential rates would go from \$2.72 per thousand gallons to \$2.98 per thousand gallons, commercial rates would increase from \$3.00 per thousand gallons to \$3.30 per thousand gallons, and industrial rates would increase by approximately 6.25 percent. City Manager Parker added that 2006 would be the last year of the study and would only include the industrial rates.

Councilmember R. L. Kuykendall moved to approve on First Reading the Ordinance amending Chapter 51.111 of the Code of Ordinances of the City of Lufkin, Texas; making certain changes in the Sewer Rates; repealing all Ordinances in conflict therewith; and providing an effective date. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

**10. RESOLUTION AUTHORIZING THE REVIEW OF THE REASONABLENESS AND PRUDENCE OF THE PROPOSED RATES OF CENTERPOINT ENERGY'S BEAUMONT/EAST TEXAS DIVISION ("CENTERPOINT GAS"); AUTHORIZING THE PARTICIPATION IN A COALITION OF CITIES KNOWN AS ALLIANCE CENTERPOINT MUNICIPALITIES (ACM) IN ORDER TO HIRE ATTORNEYS AND EXPERTS WITH OTHER CITIES SERVED BY CENTERPOINT GAS; AUTHORIZING PARTICIPATION IN OTHER PROCEEDINGS RELATED TO CENTERPOINT'S RATE REQUEST; REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; DIRECTING THE CITY SECRETARY TO SEND A COPY OF THE RESOLUTION TO CENTERPOINT; - APPROVED - DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; AND ESTABLISHING AN EFFECTIVE DATE.**

Mayor Louis Bronaugh stated that the next item for consideration was a Resolution authorizing the review of the reasonableness and prudence of the proposed rates of CenterPoint Energy's Beaumont/East Texas Division ("CenterPoint Gas"); authorizing the participation in a coalition of cities known as Alliance CenterPoint Municipalities (ACM) in order to hire attorneys and experts with other cities served by CenterPoint Gas; authorizing participation in other proceedings related to

CenterPoint's rate request; requiring reimbursement of Municipal rate case expenses; directing the City Secretary to send a copy of the Resolution to CenterPoint; determining that the meeting at which this Resolution passed complied with the Texas Open Meetings Act; and establishing an effective date. City Manager Paul Parker stated this is primarily a Resolution authorizing the City of Lufkin to join in a coalition of cities that will be reviewing the CenterPoint rate application to determine whether or not the coalition wants to officially challenge the rate increase to the Railroad Commission. City Manager Parker added that the coalition would be looking into the proposed rate structures to see if the rate structure appears to be sufficient to be sent to the Railroad Commission. City Manager Parker explained that the coalition would be looking at the rates to see if they are excessive and what CenterPoint needs to conduct their business. City Manager Parker stated that several cities have already joined the coalition, and the City of Lufkin has been assured that by joining the coalition, the City of Lufkin would have a position on the steering committee. City Manager Parker added that Staff recommended that Council approve the City of Lufkin's participation in the coalition of cities, known as Alliance CenterPoint Municipalities (ACM) to review rates for their fairness and consider what would be the best interest for the citizens of Lufkin.

Councilmember Dennis Robertson asked if the City of Lufkin joins the coalition, what material affect it would have on what CenterPoint is proposing to do. City Manager Parker explained that the Council had already approved suspending the operation of proposed rate schedules and revised service charges filed by CenterPoint Energy for a period of ninety (90) days beyond the date of which the rate would otherwise be effective. City Manager Parker added that if the coalition takes a proposal to the Railroad Commission opposing the proposed rates and the Railroad Commission rules in favor of a reduced rate structure, the rates in the interim between the ninety (90) day suspension and the ruling would be refunded to the customers, and if the Railroad Commission ruled in favor of CenterPoint, the rates would stay as they are after the ninety (90) day suspension. City Manager Parker stated that in the past, legal fees due to legitimate rate case review has been born into the overall rate. City Manager Parker added that there is always some risk that there could be some direct cost to the City.

Councilmember Jack Gorden moved to approve the Resolution authorizing the review of the reasonableness and prudence of the proposed rates of CenterPoint Energy's Beaumont/East Texas Division ("CenterPoint Gas"); authorizing the participation in a coalition of cities known as Alliance CenterPoint Municipalities (ACM) in order to hire attorneys and experts with other cities served by CenterPoint Gas; authorizing participation in other proceedings related to CenterPoint's rate request; requiring reimbursement of Municipal rate case expenses; directing the City Secretary to send a copy of the Resolution to CenterPoint; determining that the meeting at which this Resolution passed complied with the Texas Open Meetings Act; and establishing an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

**11. BID FOR MATERIALS FOR THE REPLACEMENT OF 24" SEWER MAIN - APPROVED -ACROSS THE PROPOSED GARDEN DISTRICT SHOPPING VILLAGE**

Mayor Louis Bronaugh stated that the next item for consideration was the bid for materials for the replacement of 24" sewer main across the proposed Garden District Shopping Village. City Manager Paul Parker stated that the City has an existing sewer line in the area where the Garden District's proposed construction will take place and in the past the City has replaced a large amount of the current sewer line with twenty-four inch (24") pipe. City Manager Parker added that the City desires to continue the work before the Garden District begins development and adds parking lots and sidewalks over the sewer lines that have been a problem in the past. City Manager Parker stated that there were four bidders for the pipe, but two of the bidders did not provide bid bonds, and were disqualified. City Manager Parker added that the lowest qualified bidder was Golden Triangle Pipe, in the amount of \$60,102, and that Staff recommended approval of this item.

Councilmember Rose Faine Boyd moved to approve the bids for materials for the replacement of 24" sewer main across the proposed Garden District Shopping Village. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**12. AMENDMENT TO THE FORFEITED FUNDS BUDGET - APPROVED - FOR THE POLICE DEPARTMENT FOR YEAR 2005**

Mayor Louis Bronaugh stated that the next item for consideration was an Amendment to the Forfeited Funds Budget for the Police Department for year 2005. City Manager Paul Parker stated that by State law the Police Chief has the control of the expenditures from the Forfeiture Budget with the stipulation that it has to be submitted to the City Council for approval. City Manager Parker added that Chief Brazil was presenting three items for consideration by Council. City Manager Parker stated that the first item is the first year's payment on mobile digital videos for patrol vehicles in the amount of \$35,000, which would replace the VHS and 8mm tape recording devices that are in the police units that are approximately ten (10) years old. City Manager Parker explained that the digital

system would provide better quality audio/video, eliminate the necessity for tapes, and make compliance with racial profiling legislation easier. City Manager Parker stated that also included in the proposal, is the replacement of communication equipment in the amount of \$25,000. City Manager Parker explained that this communication equipment would include a radio console that will replace the current console that has been in operation since 1986. City Manager Parker stated that the last item for consideration would be the replacement of a vehicle that has been operated by Chief Brazil. City Manager Parker added that Chief Brazil currently has a 1999 model truck that has over 102,000 miles and has recently experienced considerable maintenance. City Manager Parker explained that the purchase of this vehicle would be held until the City's Amortization Policy could be completed and the Council could review the policy.

Councilmember Dennis Robertson asked if the funds from the Forfeiture Budget were in addition to what had been approved in January 2005. City Manager Parker stated that they were funds to be approved in addition to what had been approved in January 2005.

Councilmember Rose Faine Boyd moved to approve the Amendment to the Forfeited Funds Budget for the Police Department for year 2005. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

**13. RESOLUTION ESTABLISHING THE SIDEWALKS LOCATED IN THE PUBLIC RIGHT-OF-WAY FROM BURKE STREET TO JACKSON STREET - APPROVED - ALONG FIRST STREET (INCORPORATING THE EAST AND WEST SIDES OF SIDEWALK) AS AN AREA OF SLUM AND BLIGHT FOR THE PURPOSE OF EVALUATING AND CORRECTING DEFICIENCIES WITHIN THIS AREA, WHICH CURRENTLY ENDANGER THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF LUFKIN**

Mayor Louis Bronaugh stated that the next item for consideration was a Resolution establishing the sidewalks located in the public right-of-way from Burke Street to Jackson Street along First Street (incorporating the east and west sides of sidewalk) as an area of slum and blight for the purpose of evaluating and correcting deficiencies within this area, which currently endanger the health, safety and welfare of the citizens of Lufkin. City Manager Paul Parker stated that this was an opportunity for the City of Lufkin to apply for a grant through the Texas Capital Fund Main Street Improvements Program. City Manager Parker explained that part of the requirements for the funding is the area be designated as "slum and blight" before the City would be eligible for the grant. City Manager Parker stated that Staff is requesting that the Council declare the sidewalks in the area as slum and blight to enable the City to apply for the grant. City Manager Parker added that there is a ten percent (10%) match for the program and that the maximum amount that could be received is \$150,000. City Manager Parker stated that the City's match would be \$15,000. City Manager Parker added that if the grant were approved, the Staff would come back to the Council with a budget amendment to provide the \$15,000 match. City Manager Parker stated that Staff recommended that Council approve allowing Staff to apply for the Texas Capital Fund Main Street Improvements Program by passing this Resolution. Mayor Louis Bronaugh stated that with the CISC on the corner of First and Denman and the new Transit System being built, there is a great deal of pedestrian traffic in the area and that new sidewalks would be beneficial to the area.

Councilmember Dennis Robertson asked if the only way the City could apply for the grant would be to declare the area "slum and blight". City Manager Parker stated that it is part of the requirements of the grant. Councilmember Robertson stated that the stigma of calling the area "slum and blight" bothered him, but added that if this was the only way to be eligible for the grant, he would approve. City Manager Parker explained that it was written specifically to say the "sidewalk area" for that reason.

Councilmember Dennis Robertson asked if Langston Construction was planning to add sidewalks to the area surrounding the Transit Building. City Planner Dorothy Wilson stated that the sidewalks for the Transit Center is planned in the project for the entire block area and that the City plans to take the extension of the pavers to match what is already done and bring it another two blocks down on both sides.

Councilmember Dennis Robertson moved to approve the Resolution establishing the sidewalks located in the public right-of-way from Burke Street to Jackson Street along First Street (incorporating the east and west sides of sidewalk) as an area of slum and blight for the purpose of evaluating and correcting deficiencies within this area, which currently endanger the health, safety and welfare of the citizens of Lufkin. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

**14. RESOLUTION ESTABLISHING A CITIZEN COMPLAINT PROCEDURE - APPROVED - FOR THE TEXAS COMMUNITY DEVELOPMENT PROGRAM, MAIN STREET TEXAS CAPITAL FUND GRANT**

Mayor Louis Bronaugh stated that the next item for consideration was a Resolution establishing a Citizen Complaint Procedure for the Texas Community Development Program, Main Street Texas Capital Fund Grant. City Manager Paul Parker stated this item goes hand in hand with the previous item and added that if the grant is approved, the City must have a complaint forum as it is a part of the overall application process.

Councilmember R. L. Kuykendall moved to approve the Resolution establishing a Citizen Complaint Procedure for the Texas Community Development Program, Main Street Texas Capital Fund Grant. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

**15. BID FOR REPLACEMENT OF ASBESTOS CEMENT WATERLINE, - APPROVED - PROJECT 8A, ALONG ATKINSON DRIVE FROM LOOP 287 TO FM 842**

Mayor Louis Bronaugh stated that the next item for consideration was to award a bid for replacement of asbestos cement waterline, Project 8A, along Atkinson Drive from Loop 287 to FM 842. City Manager Paul Parker stated this item would be to award the bid from J & D Construction in the amount of \$442,725.55 for Project 8A along Atkinson Drive from Loop 287 to FM 842. City Manager Parker explained that this was part of the larger project along Loop 287 that is currently halted due to uncertainty associated with future construction on the Loop. City Manager Parker added that Staff recommended that Council award the bid to J & D Construction in the amount of \$442,725.55.

Councilmember Don Langston asked if the City had received any updated news on the construction of the Loop. Assistant City Manager/Public Works Keith Wright stated that there are several options being considered and no route had been established. Mr. Wright explained that Staff did not want to begin replacement until it has been defined what would be done.

Councilmember Don Langston moved to approve the bid for replacement of asbestos cement waterline, Project 8A, along Atkinson Drive from Loop 287 to FM 842. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**16. Mayor Louis Bronaugh recessed the Regular Session at 5:40 p.m. to enter into Executive Session.**

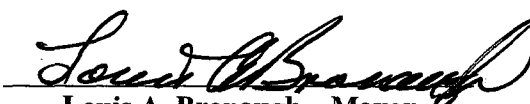
**EXECUTIVE SESSION:** In accordance with the Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Regular Session Agenda item requiring confidential, attorney/client advices necessitated by the deliberation or discussion of said items (as needed), and real estate, appointment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

Mayor Louis Bronaugh reconvened the Regular Session at 6:05 p.m.

**17. City Manager Parker stated that Council had their calendars and asked Council to let City Secretary Renee Thompson know if they planned to attend "First Friday".**

**18. There being no further business for consideration, the meeting adjourned at 6:06 p.m.**

  
Renee Thompson – City Secretary

  
Louis A. Bronaugh – Mayor