

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS HELD ON THE 7th DAY OF JUNE, 2005**

On the 7th day of June 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	City Engineer
Kenneth Williams	Public Works Director
Larry Brazil	Police Chief
Pete Prewitt	Fire Chief
Scott Marcotte	Asst. Police Chief
Dorothy Wilson	Director of Planning
David Miles	Card-Miles Enterprises LLC
Wayne Stolz	Stolz Engineering & Associates, Inc.

being present, when the following business was transacted:

1. The meeting was opened with prayer by Brother Keith Purvis of Faith Family Church.
2. Mayor Louis Bronaugh welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting on May 17, 2005 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

NEW BUSINESS:

4. **ACCEPTED DONATION FROM THE JUNIOR LEAGUE OF LUFKIN - APPROVED - TO THE GANG RESISTANCE EDUCATION AND TRAINING PROGRAM (G.R.E.A.T.).**

Mayor Louis Bronaugh stated that the next item for consideration would be to accept a donation from the Junior League of Lufkin to the Gang Resistance Education and Training Program (G.R.E.A.T.). City Manager Paul Parker stated that the Junior League of Lufkin wished to donate to the City of Lufkin \$2,000 to assist with educational materials for the Gang Resistance Education and Training Program (G.R.E.A.T.). City Manager Parker explained that this donation would help the Lufkin Police Department purchase education booklets and prizes to give to the students who write the best essays at graduation concerning gang prevention. City Manager Parker added that Staff recommended that Council accept the generous donation of \$2,000 from the Junior League of Lufkin for the Gang Resistance Education and Training Program (G.R.E.A.T.). Mayor Louis Bronaugh emphasized that the Junior League of Lufkin has always been a good corporate citizen of the City of Lufkin

Councilmember Lynn Torres stated that the G.R.E.A.T. Program is an excellent program and very essential for middle school students and commended Officer Bean for his work with the Program. Councilmember Lynn Torres moved to approve the donation from the Junior League of Lufkin to the Gang Resistance Education and Training Program (G.R.E.A.T.). Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

5. **ADOPTED A RESOLUTION SUPPORTING THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) "CLICK IT OR TICKET" - APPROVED - SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (S.T.E.P.)**

Mayor Louis Bronaugh stated that the next item for consideration was to adopt a Resolution supporting the Texas Department of Transportation (TXDOT) "Click It or Ticket" Selective Traffic Enforcement Program (S.T.E.P). City Manager Paul Parker stated that Council had recently approved the S.T.E.P. Program and the City of Lufkin had utilized it during the recent holiday period. City Manager Parker explained that the Texas Department of Transportation was requiring a formal Resolution from the Council to enable the City to be reimbursed for the Program and stated that Staff recommended that Council approve this Resolution.

Councilmember Rose Faine Boyd moved to approve the adoption of the Resolution supporting the Texas Department of Transportation (TXDOT) "Click It or Ticket" Selective Traffic Enforcement Program (S.T.E.P). Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

6. ADOPTED RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2004/2005 OPERATING BUDGET (BUDGET AMENDMENT NO. 18), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN VARIOUS CAPITAL IMPROVEMENT FUNDS (TAX SUPPORTED CAPITAL IMPROVEMENTS FUND - 305, 2001 STREET BOND PROGRAM CIP FUND - 306, WATER AND SEWER REVENUE SUPPORTED PROJECTS FUND - 353 (AC PIPE REPLACEMENT PROJECTS), WATER WASTEWATER REVENUE SUPPORTED PROJECTS FUND - 355); AND PROVIDING AN EFFECTIVE DATE.

Mayor Louis Bronaugh stated that the next item for consideration was to adopt a Resolution authorizing an Amendment to the 2004/2005 Operating Budget (Budget Amendment No. 18), providing for the supplemental appropriation of funds in various Capital Improvement Funds (Tax Supported Capital Improvements Fund - 305, 2001 Street Bond Program CIP Fund - 306, Water and Sewer Revenue Supported Projects Fund - 353 (AC Pipe Replacement Projects), Water Wastewater Revenue Supported Projects Fund - 355); and providing an effective date. City Manager Paul Parker stated during the recent Council Retreat the City Staff discussed in detail the status of the existing capital projects. City Manager Parker explained that this Resolution would adjust budgets based on actual expenses, project closeouts and updated cost projections. City Manager Parker added that Staff would continue to bring updates to Council to give a true reflection of where the City of Lufkin stands on each project. City Manager Parker explained that there were no additional funds being allocated other than what was already discussed, but this would align the items to more closely represent actual costs and updated cost projections.

Councilmember Rose Faine Boyd moved to approve the adoption of the Resolution authorizing an Amendment to the 2004/2005 Operating Budget (Budget Amendment No. 18), providing for the supplemental appropriation of funds in various Capital Improvement Funds (Tax Supported Capital Improvements Fund - 305, 2001 Street Bond Program CIP Fund - 306, Water and Sewer Revenue Supported Projects Fund - 353 (AC Pipe Replacement Projects), Water Wastewater Revenue Supported Projects Fund - 355); and providing an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

7. FIRST READING OF THE REQUEST OF BARRION JOHNSON, ON BEHALF OF MAY B. FLOWERS, TO GRANT A "SPECIAL USE PERMIT" FOR A RESTAURANT WITH PRIVATE CLUB - APPROVED - WITHIN A "CENTRAL BUSINESS ZONING DISTRICT" ON PROPERTY DESCRIBED AS LOT 3, BLOCK 13, OF THE CITY OF LUFKIN SURVEY AND MORE COMMONLY KNOWN AS 113 NORTH FIRST STREET

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of the request of Barrion Johnson, on behalf of May B. Flowers, to grant a "Special Use Permit" for a restaurant with private club within a "Central Business Zoning District" on property described as Lot 3, Block 13, of the City of Lufkin Survey and more commonly known as 113 North First Street. City Manager Paul Parker stated that this property is more commonly known as First Street Café and noted that it is presently a restaurant that allows BYOB. City Manager Parker added that the establishment has some nightly entertainment and stated that a permit for a "Private Club" is required to serve alcoholic beverages. City Manager Parker explained that the Planning and Zoning Commission unanimously recommended approval of the "Special Use Permit" for a restaurant with a private club with the stipulations that the sale of alcoholic beverages be in conjunction with a full service restaurant facility and would not be construed as a night club, tavern, lounge, dance hall or commercial amusement establishment. City Manager Parker added that Staff recommended the approval of the "Special Use Permit" to allow alcoholic beverages at the First Street Café located at 113 North First Street.

Councilmember R. L. Kuykendall moved to approve on First Reading the request of Barrion Johnson, on behalf of May B. Flowers, to grant a "Special Use Permit" for a restaurant with private club within a "Central Business Zoning District" on property described as Lot 3, Block 13, of the City of Lufkin Survey and more commonly known as 113 North First Street. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

8. FIRST READING OF THE REQUEST OF VAUGHN TURNER OF LUFKIN ARMATURE WORKS TO CHANGE THE ZONING FROM "MEDIUM SINGLE-FAMILY RESIDENTIAL" TO A ZONING CLASSIFICATION OF "COMMERCIAL" - APPROVED - ON APPROXIMATELY .23 ACRES OF LAND DESCRIBED AS TRACT 53.1 OUT OF THE J. C. SUTTLE SURVEY AND MORE COMMONLY KNOWN AS 706 TRAYLOR STREET

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of the request of Vaughn Turner of Lufkin Armature Works to change the zoning from "Medium Single-Family Residential" to a zoning classification of "Commercial" on approximately .23 acres of land described as Tract 53.1 out of the J. C. Suttle Survey and more commonly known as 706 Traylor Street. City Manager Paul Parker stated that this request is to change the zoning from "Medium Single-Family Residential" to a zoning classification of "Commercial". City Manager Parker added that the property is adjoined on two sides by commercial and noted that Lufkin Armature Works, Inc. was requesting to

utilize the property for additional parking. City Manager Parker stated that the Planning and Zoning Commission unanimously recommended approving the request to change the zoning from "Medium Single-Family Residential" to a zoning classification of "Commercial".

Councilmember Don Langston moved to approve on First Reading of the request of Vaughn Turner of Lufkin Armature Works to change the zoning from "Medium Single-Family Residential" to a zoning classification of "Commercial" on approximately .23 acres of land described as Tract 53.1 out of the J. C. Suttle Survey and more commonly known as 706 Traylor Street. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

9. **FIRST READING OF THE REQUEST OF ROBERT A. MASSINGILL AND CARROLL E. JOHNSON FOR CHANGING THE ZONING ON CERTAIN PROPERTIES EXISTING ON THE SOUTH SIDE OF ATKINSON DRIVE BETWEEN HEMLOCK ROAD AND TRENTON STREET AND BEING APPROXIMATELY EIGHT ACRES OF LAND MORE COMMONLY DESCRIBED AS PARTS OF TRACT 60, 61, 70, AND 71 OF THE J. L. QUINALTY SURVEY - APPROVED - FROM THE CURRENT CLASSIFICATION OF "MEDIUM SINGLE-FAMILY RESIDENTIAL" AND "LARGE SINGLE-RESIDENTIAL" TO THE ZONING CLASSIFICATION OF "COMMERCIAL"**

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of the request of Robert A. Massingill and Carroll E. Johnson for changing the zoning on certain properties existing on the South side of Atkinson Drive between Hemlock Road and Trenton Street and being approximately eight acres of land more commonly described as parts of Tract 60, 61, 70, and 71 of the J. L. Quinalty Survey from the current classification of "Medium Single-Family Residential" and "Large Single-Residential" to the zoning classification of "Commercial". City Manager Paul Parker explained that this change would not involve the entire property but would be limited to 422 feet from the respective property lines along Atkinson Drive. City Manager Parker stated that this allows for the rear of the properties to serve as a buffer, lessening any perceived impact to the residential uses to the south. City Manager Parker added that the Planning and Zoning Commission unanimously recommended approval of the proposed change from "Medium Single-Family Residential" and "Large Single-Family Residential" to a zoning classification of "Commercial".

Councilmember Don Langston moved to approve on First Reading the request of Robert A. Massingill and Carroll E. Johnson for changing the zoning on certain properties existing on the South side of Atkinson Drive between Hemlock Road and Trenton Street and being approximately eight acres of land more commonly described as parts of Tract 60, 61, 70, and 71 of the J. L. Quinalty Survey from the current classification of "Medium Single-Family Residential" and "Large Single-Residential" to the zoning classification of "Commercial". Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

10. **FIRST READING OF THE REQUEST OF CARD MILES ENTERPRISES, LLC TO CHANGE THE ZONING OF 5.415 ACRES OF LAND DESCRIBED AS TRACTS 36.1 AND 36.3 OF THE ALLEN PROCTOR SURVEY - APPROVED - AND LOCATED ON THE NORTHEAST CORNER OF HARMONY HILL DRIVE AND TULANE DRIVE FROM "LARGE 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 Card Miles Enterprises, LLC to change the zoning of 5.415 acres of land described as Tracts 36.1 and 36.3 of the Allen Proctor Survey and located on the Northeast corner of Harmony Hill Drive and Tulane Drive from "Large Single-Family Dwelling" to a "Planned Unit Development (PUD)". City Manager Paul Parker stated that this is a "Planned Unit Development" request for the 5.415 acres located on the northeast corner of Harmony Hill and Tulane Drive. City Manager Parker added that there are a variety of uses proposed for the Development and explained that it would consist of 40,000 square feet of mixed use development centered around the original Walker Family Homestead. City Manager Parker stated that the proposed use would also include an approximate twenty (20) unit hotel or bed and breakfast, a meeting hall, small retail shops, restaurants and offices. City Manager Parker then introduced David Miles.

David Miles, Card Miles Enterprises, LLC then explained to the Council their plans to develop the area. Mr. Miles illustrated the details of how this development was carefully planned to give a charm and ambience to the area. Mr. Miles expounded that the plans were to foster similar constructions and looks of the 1920's and 1930's. Mr. Miles also explained that plans were to make every effort to save all of the trees that are currently located on the property. Mr. Miles elaborated on the history of the area and explained that the plans were to bring the history to this development. Mr. Miles added that the plans follow the most recent comprehensive plan for the future land use of the area. Mr. Miles stated that they are requesting the approval for zone changes that would allow the Planned Unit Development that would be meet the criteria and flexibility of a mixed use development designed for the property.

Mayor Bronaugh stated that he had looked through the materials provided by Card Miles Enterprises, LLC and that it would be exciting to watch this develop and was pleased that they are preserving the history of Lufkin. Councilmember Dennis Robertson stated that Mr. Miles had captured the concept that he has advocated since he was on the Planning and Zoning Commission for the City of Lufkin. Councilmember Robertson added that developing these types of areas in the City of Lufkin that would be mixed use and would include retail along with residential was a great idea. Councilmember

Robertson also stated that he particularly liked that Mr. Miles had preserved the grove of Oak trees that go up to the Walker Homestead.

Wayne Stolz, Stolz Engineering and Associates, Inc. then gave a PowerPoint presentation to show pictures of the site, the potential type of structures for the site, and proposed landscaping for the area. Mr. Stolz explained that this project would bridge the community and provide unique opportunities for tourists as well as the local residents.

Councilmember Dennis Robertson moved to approve on First Reading the request of Card Miles Enterprises, LLC to change the zoning of 5.415 acres of land described as Tracts 36.1 and 36.3 of the Allen Proctor Survey and located on the Northeast corner of Harmony Hill Drive and Tulane Drive from "Large Single-Family Dwelling" to a "Planned Unit Development (PUD)". Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

11. FIRST READING OF AN ORDINANCE ADOPTING 252 OF THE LOCAL GOVERNMENT CODE PROVIDING FOR MINIMUM AMOUNT BIDDING REQUIREMENTS; REPEALING ALL INCONSISTENT ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of an Ordinance adopting 252 of the Local Government Code providing for minimum amount bidding requirements; repealing all inconsistent ordinances; and providing for an effective date. City Manager Paul Parker stated that as Council had recently discussed during the Planning Retreat, State law presently allows the City Manager to make purchase for up to \$25,000 without going to the competitive bid process, but the City of Lufkin's present Ordinance restricts purchases to a maximum of \$10,000 without the approval of Council. City Manager Parker explained that if Council would approve the changes to the current Ordinance it would allow Staff to purchase items that are approved in the Annual Budget without having to bring them back to Council for approval. City Manager Parker added that more importantly, it would allow Staff to accomplish projects in a more efficient manner. City Manager Parker stated that Staff recommended that Council adopt the Ordinance revising the City of Lufkin Purchasing Practices.

Councilmember Rose Faine Boyd asked City Manager Parker if the purchases would still be brought to the attention of the Council. City Manager Parker explained that Council would be informed during the updates of the Project Status Reports. Councilmember Don Langston stated that his only request would be for Council to be informed during the Budget Process of items that would be purchased during the coming year. City Manager Parker explained that Council would be receiving a detailed budget with line item explanations.

Councilmember Rose Faine Boyd moved to approve on First Reading the Ordinance adopting 252 of the Local Government Code providing for minimum amount bidding requirements; repealing all inconsistent ordinances; and providing for an effective date. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

12. Mayor Louis Bronaugh recessed the Regular Session at 5:34 p.m. to enter into Executive Session.

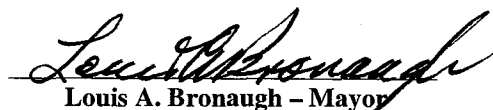
EXECUTIVE SESSION: In accordance with the Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Regular Session Agenda item requiring confidential, attorney/client advices necessitated by the deliberation or discussion of said items (as needed), and real estate and personnel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

Mayor Louis Bronaugh reconvened the Regular Session at 6:50 p.m.

13. City Manager Paul Parker stated that he and Kenneth Williams would be attending the Texas City Management Association Meeting during the coming weekend. Mayor Louis Bronaugh added that there would be a "Fly-In" at the Angelina County Airport on Saturday, June 11, 2005. City Manager Parker also stated that the City of Lufkin received several positive emails resulting from Bill Cameron videoing the Lufkin High School Graduation. City Manager Parker added that it was good public relations for the City of Lufkin. City Secretary Renee Thompson also reminded Council of the photograph that would be taken on Wednesday, June 8, 2005 at 1:30 p.m. at the Tree City USA Flag in front of City Hall for the Governor's Community Achievement Award.

14. There being no further business for consideration, the meeting adjourned at 6:53 p.m.


Renee Thompson - City Secretary


Louis A. Bronaugh - Mayor