

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY  
OF LUFKIN, TEXAS HELD ON THE 5<sup>TH</sup> DAY OF SEPTEMBER, 2006**

On the 5<sup>th</sup> day of September, 2006, the City Council of the City of Lufkin, Texas convened in a Regular Meeting in the Council Chambers of City Hall with the following members, thereof to wit:

Jack Gorden, Jr.	Mayor
Rose Faine Boyd	Mayor Pro-Tem
R. L. Kuykendall	Councilmember, Ward No. 1
Lynn Torres	Councilmember, Ward No. 3
Don Langston	Councilmember, Ward No. 4
Rufus Duncan, Jr.	Councilmember, Ward No. 5
Phil Medford	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Renee Thompson	City Secretary
Robert Flournoy	City Attorney
Keith Wright	Asst. City Manager
David Koonce	Human Resource Director
Larry Brazil	Police Chief
Pete Prewitt	Fire Chief
Doug Wood	Finance Director
Dorothy Wilson	Planning Director
Barbara Thompson	Main Street Director
Jim Wehmeier	Economic Development Director
Belinda Southern	Finance
Jim Head	Polk Oil
Stephen Greak	

being present, when the following business was transacted:

1. The meeting was opened with prayer by Pastor Mark Livingston, Keltys Baptist Church.
2. Mayor Jack Gorden welcomed visitors present. Councilmember Lynn Torres recognized LHS students who were present, satisfying their government class requirement.
3. **APPROVAL OF MINUTES**

Minutes of the Special Called Meeting on August 29, 2006 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Rose Faine Boyd. A unanimous affirmative vote was recorded.

**OLD BUSINESS:**

4. **PUBLIC HEARING AND SECOND READING OF AN APPROPRIATIONS ORDINANCE - APPROVED - ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007**

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and Second Reading of an Appropriations Ordinance adopting a Budget for the Fiscal Year beginning October 1, 2006, and ending September 30, 2007. City Manager Paul Parker stated the Mayor and Council had previously gone through the Budget in great detail and that he would answer any questions that the Council had concerning the Budget.

Mayor Gorden then opened the Public Hearing at 5:09 p.m. concerning the Appropriations Ordinance. Mayor Gorden asked those attending the Council Meeting if there was anyone

who wanted to speak concerning the Appropriations Ordinance. Mayor Gorden then closed the Public Hearing at 5:10 p.m.

Councilmember Rose Faine Boyd moved to approve the Second Reading of an Appropriations Ordinance adopting a Budget for the Fiscal Year beginning October 1, 2006, and ending September 30, 2007. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

5. **SECOND READING OF AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF LUFKIN - APPROVED - AND PROVIDING FOR THE DEBT SERVICE FUND FOR THE FISCAL YEAR 2007 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE**

Mayor Jack Gorden stated that the next item for consideration was the Second Reading of an Ordinance levying taxes for the use and support of the Municipal Government of the City of Lufkin and providing for the Debt Service Fund for the Fiscal Year 2007 and apportioning each levy for the specific purpose. City Manager Paul Parker stated that as the Council was aware, the City of Lufkin was proposing to adopt the effective tax rate, which was a small decrease of last year's tax rate. City Manager Parker added that citizens whose property had not been revalued during the past year would actually see a small reduction in their property tax.

Councilmember Don Langston moved to approve the Second Reading of an Ordinance levying taxes for the use and support of the Municipal Government of the City of Lufkin and providing for the Debt Service Fund for the Fiscal Year 2007 and apportioning each levy for the specific purpose. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

6. **SECOND 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 Jack Gorden stated that the next item for consideration was the Second 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 the City of Lufkin would require a seven percent (7%) increase in the water and sewer rates just to offset the anticipated increase in electrical costs. City Manager Parker explained that the City of Lufkin City Council had chosen to defer the impact of the rate increases to the citizens by increasing the water and sewer rates by three percent (3%). City Manager Parker added that this was with the understanding that the City Staff would conduct a water and sewer rate analysis during the next year to determine the appropriate rate structure to offset the electrical costs. City Manager Parker stated that he would answer any questions that Council had concerning the sewer rates.

Councilmember Phil Medford moved to approve the Second 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. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

7. **SECOND READING OF AN ORDINANCE AMENDING CHAPTER 52.15, (A), (1), (2), (3), (B), (1), (2), (3), (C), (1), (2), (3), (D), (1), (2), AND (E) OF THE CODE OF ORDINANCES OF THE CITY OF LUFKIN, TEXAS; - APPROVED - MAKING A CHANGE IN THE RESIDENTIAL, COMMERCIAL, IRRIGATION, INDUSTRIAL AND WHOLESALE WATER RATES; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE**

Mayor Jack Gorden stated that the next item for consideration was the Second Reading of an Ordinance amending Chapter 52.15, (A), (1), (2), (3), (B), (1), (2), (3), (C), (1), (2), (3), (D), (1), (2), and (E) of the Code of Ordinances of the City of Lufkin, Texas; making a change in the Residential, Commercial, Irrigation, Industrial and Wholesale Water Rates; repealing all Ordinances in conflict therewith; and providing an effective date. City Manager Paul Parker stated that he had no comments on this item but would answer any questions that Council had concerning the water rates.

There was some discussion among the City Manager, Mayor and City Council Members concerning the proposed rate study.

Councilmember Rose Faine Boyd moved to approve the Second Reading of an Ordinance amending Chapter 52.15, (A), (1), (2), (3), (B), (1), (2), (3), (C), (1), (2), (3), (D), (1), (2), and (E) of the Code of Ordinances of the City of Lufkin, Texas; making a change in the Residential, Commercial, Irrigation, Industrial and Wholesale Water Rates; repealing all Ordinances in conflict therewith; and providing an effective date. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

#### **NEW BUSINESS:**

8. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY CHANGING THE ZONING DESIGNATION OF A CERTAIN TRACT OR PARCEL OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, DESCRIBED AS TRACT 39 OF THE A. BARELA SURVEY FROM THE ZONING CLASSIFICATION OF "RESIDENTIAL LARGE SINGLE FAMILY DWELLING" TO A "COMMERCIAL" ZONING DISTRICT AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP**

Mayor Jack Gorden stated that the next item for consideration was the Public Hearing and First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation of a certain tract or parcel of land within the corporate limits of the City of Lufkin, Texas, described as Tract 39 of the A. Barela Survey from the zoning classification of "Residential Large Single Family Dwelling" to a "Commercial" Zoning District and authorizing the City Planner to make such changes on the Official Map. City Manager Paul Parker stated that Allen Loggins, Jr. and Kelby McCall were requesting a zone change from "Large Single Family Dwelling" to "Commercial" on approximately 20.1 acres of land located on North Timberland Drive and Loop 287. City Manager Parker added that the property was currently designated "Commercial" on the Future Land Use Map and Comprehensive Plan. City Manager Parker explained that the property was located on the east side of North Timberland Drive and south of North Medford Drive and was recently cleared of its underbrush and timber. City Manager Parker stated that the developed properties nearest to the site were mainly commercial in nature and the majority of the properties adjacent to the site were zoned "Light Manufacturing" or "Commercial" with some "Residential Large" on the north side of the property. City Manager Parker stated that the Staff and Planning and Zoning Commission both unanimously recommended approval of the zone change from "Residential Large" to "Commercial".

Mayor Gorden then opened the Public Hearing at 5:17 p.m. concerning the amended Zoning Ordinance. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the amended Zoning Ordinance. Mayor Gorden then closed the Public Hearing at 5:18 p.m.

Councilmember Don Langston moved to approve the First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation of a certain tract or parcel of land within the corporate limits of the City of Lufkin, Texas, described as Tract 39 of the A. Barela Survey from the zoning classification of "Residential Large Single Family Dwelling" to a "Commercial" Zoning

District and authorizing the City Planner to make such changes on the Official Map. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

**9. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY GRANTING A SPECIAL USE PERMIT FOR A "RESTAURANT WITH A PRIVATE CLUB" WITHIN A "COMMERCIAL" ZONING DISTRICT ON CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, DESCRIBED AS PART OF LOT 3, BLOCK 1 OF THE HOME DEPOT SUBDIVISION AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP**

Mayor Jack Gorden stated that the next item for consideration was the Public Hearing and First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a Special Use Permit for a "Restaurant with a Private Club" within a "Commercial" Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, described as part of Lot 3, Block 1 of the Home Depot Subdivision and authorizing the City Planner to make such changes on the Official Map. City Manager Paul Parker stated that the applicant, Logan's Roadhouse, Inc. was proposing to build a restaurant at the described location. City Manager Parker explained that the "Special Use Permit" would enable the restaurant to sale alcoholic beverages. City Manager Parker added that the facility would be a sit-down, family oriented, eat-in restaurant which would encompass approximately six thousand four hundred ninety-five square feet (6,495 sq. ft.) with a total seating capacity of two hundred eighty-one (281) individuals. City Manager Parker stated that the Staff and the Planning and Zoning Commission both recommended that the "Special Use Permit" for the sale of alcoholic beverages for Logan's Roadhouse, Inc. be approved.

Mayor Gorden then opened the Public Hearing at 5:20 p.m. concerning the amended Zoning Ordinance. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the amended Zoning Ordinance. Mayor Gorden then closed the Public Hearing at 5:21 p.m.

Councilmember Phil Medford moved to approve the First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a Special Use Permit for a "Restaurant with a Private Club" within a "Commercial" Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, described as part of Lot 3, Block 1 of the Home Depot Subdivision and authorizing the City Planner to make such changes on the Official Map. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

**10. REQUEST FOR APPROVING THE REQUIRED SITE PLAN FOR PROPERTY LOCATED WITHIN THE "ADAPTIVE REUSE OVERLAY DISTRICT" (ARO DISTRICT) ON APPROXIMATELY .66 ACRES OF LAND - APPROVED - DESCRIBED AS TRACT 100 OF THE J. L. QUINALTY SURVEY LOCATED ON THE CORNER OF NEWSOM AVENUE AND S. BYNUM STREET, ADDRESSED AS 302 S. BYNUM STREET**

Mayor Jack Gorden stated that the next item for consideration was a request for approving the required site plan for property located within the "Adaptive Reuse Overlay District" (ARO District) on approximately .66 acres of land described as Tract 100 of the J. L. Quinalty Survey located on the corner of Newsom Avenue and S. Bynum Street, addressed as 302 S. Bynum Street. City Manager Parker stated that the Council had recently created an "Adaptive Reuse Overlay District" (ARO District) and zoned the first property in the District. City Manager Parker added that this property located at 302 South Bynum was a portion of the recently re-zoned property. City Manager Parker explained that a portion of the ARO District required that the site plan be submitted to the Planning and Zoning Commission and Council for approval. City Manager Parker stated that Council had a copy of the complete site plan included in their packets, which met all

of the requirements of the ARO District, and that Staff and Planning and Zoning Commission recommended the approval of the site plan.

There was some discussion among the City Manager and Mayor concerning the use of the property.

Councilmember Don Langston moved to approve the request for the required site plan for property located within the "Adaptive Reuse Overlay District" (ARO District) on approximately .66 acres of land described as Tract 100 of the J. L. Quinalty Survey located on the corner of Newsom Avenue and S. Bynum Street, addressed as 302 S. Bynum Street. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

**11. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF LUFKIN, TEXAS, - APPROVED - AND EXTENDING THE BOUNDARIES OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF THE SAID CITY.**

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and First Reading of an Ordinance annexing the hereinafter described territory to the City of Lufkin, Texas, and extending the boundaries of said City so as to include said hereinafter described property within the city limits, and granting to said territory and to all future inhabitants of said property all of the rights and privileges of other citizens and binding said future inhabitants by all of the Acts and Ordinances of the said City. City Manager Paul Parker stated this was a request from Ronald M. Haney and Stephen Greak to have approximately 15.62 acres of land annexed to enable them to receive full municipal services for a proposed residential subdivision. City Manager Parker added that because the annexation was requested by the owners it could proceed under the "Short Form Annexation" and could be approved in two (2) Readings of the Ordinance. City Manager Parker pointed out that if the requested annexation was approved, it would leave an adjacent area to the immediate west in county jurisdiction and not within the City Limits, in effect an enclave. City Manager Parker added that according to the Texas Local Government Code, in situations where a proposed annexation would cause an area to be entirely surrounded by the existing municipality, the governing body of the municipality must find, before completing the annexation, that surrounding the area is in the public interest. City Manager Parker stated that Staff believed that the exemption was the fact that this area was part of a larger annexation that has been initiated in South Lufkin. City Manager Parker added that if the larger area was not approved, the City would need to revisit the request and annex the area composing the enclave. City Manager Parker stated that the Planning and Zoning Commission and Staff recommended that annexation of this property be approved.

Mayor Gorden then opened the Public Hearing at 5:27 p.m. concerning the Annexation Ordinance. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the Annexation Ordinance. Speaking on the proposed annexation was:

Stephen Greak

Mayor Gorden then closed the Public Hearing at 5:29 p.m.

Councilmember Lynn Torres moved to approve the First Reading of an Ordinance annexing the hereinafter described territory to the City of Lufkin, Texas, and extending the boundaries of said City so as to include said hereinafter described property within the city limits, and granting to said territory and to all future inhabitants of said property all of the rights and privileges of other citizens and binding said future inhabitants by all of the

Acts and Ordinances of the said City. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

**12. BID FOR FUEL - APPROVED - FOR ON-ROAD VEHICLES.**

Mayor Jack Gorden stated that the next item for consideration was a bid for fuel for On-Road Vehicles. City Manager Paul Parker stated that the City of Lufkin received the annual bids for "on-road" fuel. City Manager Parker added that the only bidder was Polk Oil who bid \$0.0742 per gallon above rack price for gasoline and \$0.0820 above rack price for diesel. City Manager Parker explained that the rack price varied from week to week and was generally determined at noon on Mondays. City Manager Parker added that Staff and the Building Committee were still considering the feasibility of bulk storage in the future and the possible savings for the City. City Manager Parker stated that bulk storage would be determined as the City goes through the building process. City Manager Parker stated that based on the bid, the Staff recommended that Council award the bid for "On Road" Vehicle Fuel to Polk Oil for a price differential of \$0.072 per gallon for gasoline and \$0.0820 for diesel.

Jim Head, Polk Oil stated that he would be working with the City of Lufkin and if the Mayor, Council or Staff had any questions or comments they should feel free to give him a call.

There was some discussion among Council Members concerning the fuel rates and bids.

Councilmember Rose Faine Boyd moved to approve the bid for fuel for On-Road Vehicles. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**13. BID FOR BULK FUEL/LUBRICANTS - APPROVED - FOR OFF-ROAD EQUIPMENT**

Mayor Jack Gorden stated that the next item for consideration was a bid for bulk fuel/lubricants for Off-Road Equipment. City Manager Paul Parker stated that this was the annual bid for "off-road" equipment. City Manager Parker added that the low bidder was H & W Petroleum Co. which bid a fixed profit and overhead of \$0.119 per gallon for gasoline and \$0.119 for diesel. City Manager Parker stated that H & W Petroleum Co. was the low bidder for lubricant Kerosene as well. City Manager Parker explained that Staff recommended the low bid from H & W Petroleum Company of \$3.55/gallon for Hydraulic Oil AW 68, \$4.58/gallon for Engine Oil 10W40, \$3.19/gallon for Kerosene, \$3.55/gallon for Tractor Hydraulic Oil, and \$0.119/gallon for gasoline and diesel.

Councilmember Phil Medford moved to approve the bid for bulk fuel/lubricants for Off-Road Equipment. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

14. Mayor Jack Gorden recessed the Regular Session at 5:36 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.

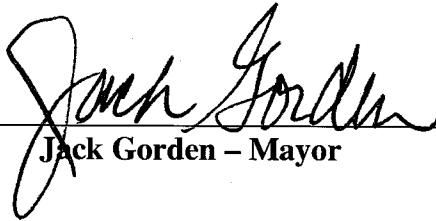
Mayor Jack Gorden reconvened the Regular Session at 6:12 p.m.

15. City Manager Parker added that Council had their Calendar of Events. City Manager Paul Parker reminded the Council that the International City Manager Association Conference would begin Saturday, September 9, and that he would be in San Antonio until the latter part of the following week. Mayor Jack Gorden stated that Lufkin would be hosting the

I-69 Alliance Board Meeting on Friday, September 15, 2006 at Crown Colony at 10:00 a.m. and invited all of the Council to attend.

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

  
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Renee Thompson - City Secretary

  
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Jack Gorden - Mayor