

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS HELD ON THE 5th DAY OF OCTOBER, 2004

On the 5th day of October 2004, 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
David Koonce	Director of Human Resources
Steve Poskey	Street Department, Superintendent
Scott Marcotte	Asst. Police Chief
Doug Wood	Director of Accounting
Kathleen Seal	Raymond K. Vann & Associates

Being present, and none being absent when the following business was transacted.

1. Meeting was opened with prayer by Reverend Jim Mauldin, Central Church of Christ.
2. Mayor Louis Bronaugh welcomed visitors present. Councilmember Lynn Torres recognized LHS students who were present satisfying their government class requirement.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting on September 21, 2004 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

4. **ENGINEERING CONTRACT WITH EVERETT GRIFFITH, JR. AND ASSOCIATES, -
APPROVED - FOR PROFESSIONAL SERVICES FOR THE WHITEHOUSE EXTENSION
STREET PROJECT**

Mayor Louis Bronaugh stated that the next item for consideration was the engineering contract with Everett Griffith, Jr. and Associates, Inc. for professional services for the Whitehouse Extension Street Project. City Manager Paul Parker stated this is an item that was considered at the September 21, 2004 meeting and was tabled. City Manager Parker added that Council had requested that Staff bring an updated revenue statement of the estimated cost of this project and also the status of other projects within this fund. Keith Wright, City Engineer, reported on the proposed project and the Fund 305 projects that have not been started. These included the Whitehouse Drive extension, the Downtown Project, the Kit McConnico Project, and the Church Street Drainage Project. Mr. Wright went over

each project in detail. Councilmember Don Langston asked Mr. Wright what percent completion has been done on the Downtown Project. Mr. Wright answered that approximately 40-50% of the project is complete. Councilmember Langston also reminded Keith Wright that Council was supposed to have a sketch of the proposed Whitehouse Drive extension. Councilmember Jack Gorden asked Mr. Wright what is the approximate amount of the Grant for the Downtown Project. Mr. Wright told Council that the Grant is approximately \$2,170,000. City Manager Paul Parker asked Doug Wood to summarize the status of the projects that have been approved in Fund 305. Doug Wood gave a detailed financial report on Fund 305. Keith Wright, City Engineer then presented Council with the most recent sketch that Engineering had of the Whitehouse Drive Extension Project. Mr. Wright explained that without a contract with an engineering firm, a drawing has not been rendered. City Manager Paul Parker added that all of the right-of-way properties with the exception of Dr. Thames' property has given commitments to the City of Lufkin. Councilmember Don Langston asked if there were any other sketches of the proposed project. City Engineer Keith Wright stated that he had the initial sketches that were done. City Manager Parker added that during the Council retreat there were some drawings of the project as phases one, two, and three. City Engineer, Keith Wright retrieved the initial drawings of the Project. Council reviewed the drawings. City Manager Parker then asked City Engineer, Keith Wright to highlight the estimates on the Whitehouse Drive Extension Project. Councilmember Jack Gorden moved to approve the engineering contract with Everett Griffith, Jr. and Associates for professional services for the Whitehouse Extension Street Project. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

5. SECOND READING OF THE ZONE CHANGE – APPROVED – FROM “LARGE SINGLE FAMILY DWELLING” AND “COMMERCIAL” TO A SINGLE ZONING CLASSIFICATION OF “COMMERCIAL” ON APPROXIMATELY 2.268 ACRES OF LAND DESCRIBED AS TRACTS 62 AND 63 OUT OF THE R. TREVATHAN SURVEY AND MORE COMMONLY KNOWN AS 2412 HOMER ALTO ROAD AND 1904 NORTH JOHN REDDITT DRIVE.

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of a Zone Change from “Large Single Family Dwelling” and “Commercial” to a single zoning classification of “Commercial” on approximately 2.268 acres of land described as Tracts 62 and 63 out of the R. Trevathan Survey and more commonly known as 2412 Homer Alto Road and 1904 North John Redditt Drive. City Manager Paul Parker stated this was the Second Reading for Zone Change and reminded Council that a ¾ affirmative vote from the Council for this item was required for this item to be approved because the 20% protest factor was exceeded. He added that this would require six of the seven Council Members to vote affirmative for the item to pass. Councilmember Dennis Robertson added that he would like Council to revisit the Planning and Zoning issues in the future whether fencing should be required between commercial and residential. Councilmember Rose Faine Boyd moved to approve on Second Reading the Zone Change from “Large Single Family Dwelling” and “Commercial” to a single zoning classification of “Commercial” on approximately 2.268 acres of land described as Tracts 62 and 63 out of the R. Trevathan Survey and more commonly known as 2412 Homer Alto Road and 1904 North John Redditt Drive. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

6. AGREEMENT TO CONTRIBUTE FUNDS – APPROVED – WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR U.S. 59 SOUTH IN LUFKIN FROM LOOP 287 TO FM 3482

Mayor Louis Bronaugh stated that the next item for consideration was the “Agreement to Contribute Funds” with Texas Department of Transportation for U.S. 59 South in Lufkin from Loop 287 to FM 3482. City Manager Paul Parker stated that this was the same project that had been previously discussed at length and furthered that this was the 1.7 million dollars that represents ten percent (10%) of the anticipated right-of-way cost for the Highway 59 Project. City Manager Parker added that TXDOT'S requirements in the Agreement are that \$550,000 would be due on or before January 31, 2005; \$550,000 on or before July 31, 2005; and \$600,000 on or before January 31, 2006. City Manager Parker stated that the City of Lufkin has \$2,000,000 built into the City's anticipated bond issues which would leverage \$20,000,000 worth of right-of-way and urged Council to keep the

\$2,000,000 in the budget process. City Manager Parker added that this Agreement is required by TXDOT in order to go forward with the project and that TXDOT anticipates beginning in late summer or fall of 2006. Councilmember Rose Faine Boyd moved to approve the "Agreement to Contribute Funds" with Texas Department of Transportation for U.S. 59 South in Lufkin from Loop 287 to FM 3482. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

7. BID FOR RECONSTRUCTION OF THREE DRIVEWAY APPROACHES, APRONS AND PORTIONS OF DRIVEWAYS - APPROVED - FOR 325, 403, AND 417 MARTIN LUTHER KING DRIVE

Mayor Louis Bronaugh stated that the next item for consideration was the bid for the reconstruction of three driveway approaches, aprons, and portions of driveways at 325, 403, and 417 Martin Luther King Drive. City Manager Paul Parker stated that there are actually seven driveways that will need adjusting in this area but at this time there are three proposed for the 2004 budget and the remaining four would be brought back to Council at a later date during the 2005 Fiscal Year Budget. City Manager Parker explained that Cox Concrete Construction was the low bidder at \$11,700 and that Staff recommended accepting the low bid from Cox Concrete Construction. There was discussion among Council concerning the bid process, the problems occurring on Martin Luther King, and the design of that project. City Manager Parker added that Steve Poskey will re-look at the all of the driveways on Martin Luther King Drive to see if the number needing repair exceeds seven, based on Council's comments. Councilmember R. L. Kuykendall moved to approve the bid for the reconstruction of three driveway approaches, aprons, and portions of driveways at 325, 403, and 417 Martin Luther King Drive. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

8. BID FOR REFUSE BAGS - APPROVED - FOR THE SOLID WASTE DEPARTMENT

Mayor Louis Bronaugh stated that the next item for consideration was the bid for refuse bags for the Solid Waste Department. City Manager Paul Parker reminded Council of the Annual Bag Give-Away that is coming soon as well as the bags that are sold. City Manager Parker added that in the past the City of Lufkin has had black and blue garbage bags. The blue bags were to be used for recycling. City Manager Parker continued that using the blue bags for recycling was a problem in itself because workers had to open them and remove the contents and dispose of the bag. City Manager Parker explained that citizens would start putting their recyclables directly into the bins and the need for the blue bags would be eliminated. City Manager Parker went on to explain that our customers are used to getting two boxes of bags and the since City of Lufkin is trying to reclaim yard waste for compost the City could issue green bags that are designed specifically for yard waste. Therefore, this year Staff recommended accepting the bid for black and green garbage bags from All American Poly, supplying 14,000 rolls at a total cost of \$52,500. Council discussed types of bags that could be used for yard waste, a public service campaign on the elimination of the blue bags for recyclables and the addition of green bags for yard waste. Councilmember Rose Faine Boyd moved to approve the bid for refuse bags for the Solid Waste Department. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

9. BID FOR NEW GALBREATH MODEL US-OR-174, 60000# ROLL-OFF HOIST FOR 22' CONTAINER - APPROVED - FOR THE SOLID WASTE DEPARTMENT

Mayor Louis Bronaugh stated that the next item for consideration was the bid for new Galbreath Model US-OR-174, 60000# Roll-Off Hoist for 22' Container for Solid Waste Department. City Manager Paul Parker stated that the roll-off hoist is just the tarping system that goes over our roll-off. City Manager Parker stated that Staff recommended the BuyBoard bid at \$24,489. Councilmember Dennis Robertson moved to accept the BuyBoard bid for the new Galbreath Model US-OR-174,

60000# Roll-Off Hoist for 22' Container for the Solid Waste Department. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

10. RESOLUTION AND APPLICATION – APPROVED – FOR THE “2005-2006” TEXAS COMMUNITY DEVELOPMENT GRANT

Mayor Louis Bronaugh stated that the next item for consideration was the “2005-2006” Texas Community Development Program Grant Application and Resolution. City Manager Paul Parker stated that this is a request to submit to the Texas Community Development Program an application for Community Development Funds for sewer system improvements in the area around Dunbar Elementary School and Walkers Loop and Thompson Street at Raguet Street. City Manager Parker added that these areas are greatly in need of improvement. City Manager Paul Parker explained that this Grant is for \$250,000 with the City of Lufkin supplying matching funds in the amount of \$50,000. City Manager Parker added that the match would be taken from the Renewal and Replacement Fund.

Kathleen Seal with Raymond K. Vann & Associates explained that the grant applications would be due by November 5, 2004 and told Council she would be happy to answer any questions they had. Councilmember Lynn Torres moved to approve the Resolution and Application for the 2005-2006 Texas Community Development Program Grant. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

11. ACCEPTANCE OF PROJECT NO. 6 – APPROVED – IN THE ASBESTOS CEMENT WATER LINE REPLACEMENT PROGRAM

Mayor Louis Bronaugh stated that the next item for consideration was the request to formally accept the Asbestos Cement Water Replacement for Project No. 6. City Manager Paul Parker stated that this is Project No. 6 in the asbestos cement water line replacement program. City Manager Parker stated that the original contract amount was \$801,511.45 and the final contract was \$869,351.95. City Manager Parker added that the final budget would be reconciled upon acceptance of this project. City Manager Parker stated that Staff recommended that Council formally accept Project No. 6. Councilmember Rose Faine Boyd moved to accept Project No. 6 in the “asbestos cement water line replacement program”. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

12. ACCEPTANCE OF THE “INTERLOCAL AGREEMENT” – APPROVED – WITH TML INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL

Mayor Louis Bronaugh stated that the next item for consideration was the “Interlocal Agreement” with TML Intergovernmental Employee Benefits Pool. City Manager Paul Parker stated that to allow the City of Lufkin to negotiate with the Texas Municipal League, the City must enter into an “Interlocal Agreement”. City Manager Parker added that this agreement would renew the relationship with TML in accordance with current State Law. Councilmember Jack Gorden moved to approve accepting the “Interlocal Agreement” with TML Intergovernmental Employees Benefits Pool. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

13. RESOLUTION ALLOWING THE CITY OF LUFKIN EXEMPTION FROM THE REQUIREMENTS IMPOSED BY HIPAA - APPROVED

Mayor Louis Bronaugh stated that the next item for consideration was the Resolution allowing City of Lufkin exemption from the requirements imposed by HIPAA. City Manager Paul Parker asked David Koonce, Human Resource Director to explain to Council why the City of Lufkin chose to opt out of the HIPAA Program. Mr. Koonce explained that this exemption allows the City of Lufkin to have some leverage to reduce costs. City Council discussed the possibility of the City of Lufkin looking elsewhere for insurance coverage. City Manager Parker added that the City of Lufkin would get an outside source to look at our plan and make recommendations when the City goes out for bid next year. Councilmember Don Langston moved to approve the Resolution allowing the City of Lufkin

exemption from the requirements imposed by HIPAA. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

14. ACCEPTANCE OF CONTRACT BETWEEN THE DEEP EAST TEXAS COUNCIL OF GOVERNMENTS AND THE CITY OF LUFKIN – APPROVED – FOR THE RECEIPT OF THE SOLID WASTE GRANT

Mayor Louis Bronaugh stated that the next item for consideration was to accept a contract between the Deep East Texas Council of Governments and the City of Lufkin for receipt of the Solid Waste Grant. City Manager Paul Parker stated that the City of Lufkin was awarded a \$20,000 grant for a Solid Waste Project through the Deep East Texas Council of Governments from the Texas Commission on Environmental Quality. City Manager Parker added that this grant would be used for education, marketing and purchase of roll-recycling receptacles for the City's Solid Waste and Recycling Program. City Manager Parker stated that Staff recommended that Council accept the grant for \$20,000 and to authorize the Mayor to execute the contract. Councilmember Lynn Torres moved to accept the \$20,000 grant and to authorize the Mayor to execute the contract. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

15. EXECUTIVE SESSION

Mayor Louis Bronaugh recessed the Regular Session at 6:22 p.m. to enter into Executive Session.

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

Mayor Louis Bronaugh reconvened the Regular Session at 7:03 p.m. and stated that Council discussed real estate matters and personnel, and no decisions had been made in the Executive Session.

16. CALENDAR NOTATIONS

City Manager Paul Parker reminded Council that each Councilmember had the current two-week calendar of events and that Staff will continue to provide an updated calendar at each Council meeting. City Manager Paul Parker also handed out an update of information concerning the recent flood in Lufkin. Mayor Louis Bronaugh went over and reminded the Council of some items on the calendar.

17. There being no further business for consideration, the meeting adjourned at 7:05 p.m.


Louis A. Bronaugh – Mayor

ATTEST:


Renee Thompson – City Secretary