

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
6th DAY OF MARCH 2001 AT 5:00 P. M.

On the 6th day of March 2001 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
R. L. Kuykendall	Mayor pro tem
Don Boyd	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Atha Stokes Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works
Stephen Abraham	Director of Planning

Being present and

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

1. Hershel Bearden, Minister, Central Church of Christ, opened meeting with prayer.
2. Mayor Bronaugh welcomed visitors present and recognized Gary Whatley, CEO of Memorial Medical Center of East Texas. Mr. Whatley stated that he was present as a Board Member of LiveWell representing that organization and Grady Lowery. Mr. Whatley stated that he would like to make a presentation of the Arthur Temple Wellness Award. Mr. Whatley stated that the prestigious Arthur Temple Wellness Award is sponsored by Lufkin's Cooper Corporate Challenge and the Angelina Wellness and Sports Foundation, and is presented each year to the individual who has distinguished himself in the promotion of preventive medicine in East Texas. Mr. Whatley stated that this foundation is a non-profit foundation whose purpose is to promote activities such as Lufkin's Corporate Challenge and thereby encourage wellness and preventive medicine in our community.

Mr. Whatley stated the previous Temple Award winners are: Arthur Temple in 1997, George Henderson in 1998, and Rodney Paulette in 1999. Mr. Whatley stated that this year's winner has led in developing wellness programs for the City employees such as the annual employee health fair, on-going employee counseling, cancer awareness, smoking cessation, employer's subsidized health and exercise programs, mammograms and prostate cancer screening, family counseling through licensed social workers, and promotion of voluntarily minimum fitness level for police and firemen.

Mr. Whatley stated that the Arthur Temple, Jr. 2000 Wellness Award is presented to Mr. C. G. Maclin.

City Manager Maclin stated that it has been a real team effort that the City has done over the last several years on this program. Mr. Maclin stated that he wanted to compliment David Koonce and his staff for the hard work that they do to make a lot of the issues that Mr. Whatley mentioned possible. Mr. Maclin stated that this is something that benefits the taxpayers as well by the virtue of

the fact that the City emphasizes wellness and preventative medicine. Mr. Maclin stated that he accepted the Award on behalf of all of the City of Lufkin employees.

3. APPROVAL OF MINUTES

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that minutes of the regular meeting of February 20, 2001 and the called meeting of February 26, 2001 be approved as presented. A unanimous affirmative vote was recorded.

4. IRRIGATION RATES ORDINANCE – APPROVED – SECOND READING

Mayor Bronaugh stated that the first item for consideration was Second Reading of the Irrigation Rates Ordinance.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Jack Gorden, Jr. that the Irrigation Rates Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. ORDINANCE – APPROVED – MAY 5th GENERAL ELECTION – SECOND READING

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance setting a time and date for the May 5th General Election.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Ordinance setting a time and date for the May 5th General Election be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE – APPROVED – FIRST READING – ZONE CHANGE – SMALL SINGLE FAMILY DWELLING TO APARTMENT – W. C. DENMAN ADDITION – 504 HOMER STREET – DENNIS DUNTON

Mayor Bronaugh stated that the next item for consideration was request of Dennis Dunton to change the zoning from "Small Single Family Dwelling" to "Apartment" on property described as Lots 3 & 4, Block 33 of the W. C. Denman Addition and more commonly known as 504 Homer Street.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation by the Planning Department. Mr. Maclin stated that this request comes from the Planning & Zoning Commission with a unanimous vote recommending that the zone change be approved as presented.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Ordinance to change the zoning from "Small Single Family Dwelling" to "Apartment" on property described as Lots 3 & 4, Block 33 of the W. C. Denman Addition and more commonly known as 504 Homer Street as requested by Dennis Dunton be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE – APPROVED – FIRST READING - ZONE CHANGE – LARGE SINGLE FAMILY DWELLING AND APARTMENT TO NEIGHBORHOOD RETAIL – CROOKED CREEK DRIVE AND LOOP 287 – CHRISTOPHER WEIBLINGER – MACK COWARD

Mayor Bronaugh stated that the next item for consideration was request of Christopher Weiblinger on behalf of Mack Coward to change the zoning from "Large Single Family Dwelling and Apartment" to "Neighborhood Retail" on approximately 1.084 acres of land located at the southwest corner of Crooked Creek Drive and Loop 287.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department. Mr. Maclin stated that this item comes to Council from the Planning & Zoning Commission on a 5-2 vote recommending the zone change to Neighborhood Retail be approved as requested.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that Ordinance to change the zoning from "Large Single Family Dwelling and Apartment" to "Neighborhood Retail" on approximately 1.084 acres of land located at the southwest corner of Crooked Creek Drive and Loop 287 as requested by Christopher Weiblinger on behalf of Mack Coward be approved on First Reading as presented. The following vote was recorded:

Aye: Councilmembers Gorden, Bowman, Torres, Boyd and Mayor Bronaugh
Nay: Councilmember Kuykendall

Motion passed with five affirmative votes.

8. WAIVER - APPROVED - PENAL ORDINANCE NO. 110 - ANNUAL DOWNTOWN HOEDOWN - APRIL 21st - MAIN STREET

Mayor Bronaugh stated that the next item for consideration was a waiver to Penal Ordinance No. 110 for the annual Downtown Hoedown on Saturday, April 21st as requested by Main Street.

City Manager Maclin stated that this item is coming from the Main Street Manager as a result of the Downtown Hoedown to be held on Saturday, April 21st. Mr. Maclin stated that granting of this waiver would allow vendors to sell goods on public sidewalks, which is against the current Code. Mr. Maclin stated that this is a one-day variance beginning Friday, April 20th at 5:00 p.m. and ending Saturday, April 21st at 6:00 p.m.

In response to question by Councilmember Bowman, City Manager Maclin stated that staff has learned from an issue that took place at last year's event to be a little more stringent in their review of products and have asked other vendors to help in that regard by reporting those types of illegal items.

In response to question by Councilmember Gorden, Mr. Maclin stated that vendors are required to obtain a permit from Ms. Chatman and the proceeds go to the Main Street program. Mr. Maclin stated that vendors are supposed to put on their application what they propose to sell but they could omit something from their application if they were not being straight forth.

Councilmember Boyd asked that since this is a yearly event whether the permit could be retroactive so that the Main Street manager would not have to bring this request back to Council each year. Mr. Maclin stated that the Ordinance for the turkey shoot each year is being waived but that it is a different kind of Ordinance involving firing of weapons, and this involves using public sidewalks for the sale of goods and foods. Mr. Flournoy stated that his concern is that other events will want to do the same thing. Mayor Bronaugh stated that his problem is that vendors sell a lot of foodstuff and we waive the restrictions on food handlers and he would be more comfortable reviewing the request on an annual basis. Councilmember Bowman stated that he concurred.

Councilmember Boyd stated that vendors would have to apply for their permits every year and they could be checked to see if they comply with the City's regulations and if they do not then the vendor would not be issued a permit.

Mr. Flournoy stated that this request always goes along with the request to have the street closed and that has to be done on an annual basis. Councilmember Boyd stated that this concerned State streets and did not have anything to do with the sidewalks. Councilmember Kuykendall asked what staff or Councilmembers were suspecting would take place that should not take place, and would make it necessary to check the permits every year. Councilmember Kuykendall stated that the City Manager mentioned that staff was correcting whatever happened last year and since that has been taken care, what is being suspected of taking place.

In response to question by Mr. Flournoy, Mr. Maclin stated that Cinco de Mayo is held at the Court House Square and is not quite as big as this event. Mr. Maclin stated that Cinco de Mayo has also taken place at Kiwanis Park.

Councilmember Gorden stated that he did not suspect that anything would go wrong, but he liked reviewing the request as a reminder that the event is coming up.

City Manager Maclin stated that the point is, if there is a problem, it gives Council a chance to review the request and discuss it. Mr. Boyd stated that Council does not see the vendor's requests. Ms. Chatman stated that the permit application was revised this year and certain items were listed that would not be allowed for sale.

Councilmember Gorden stated that he personally takes this as a reminder that the City is making a special point to allow the street and sidewalks to be used in this manner.

Councilmember Boyd stated that when the Council waives the firearm Ordinance for the turkey shoot that is allowing firearms to be fired within the City limits and that is more important than this issue.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that waiver to Penal Ordinance No. 110 for the annual Downtown Hoedown on Saturday, April 21st as requested by Main Street be approved as presented. A unanimous affirmative vote was recorded.

Councilmember Boyd stated that he did not oppose waiving the Ordinance but he did oppose having to bring it back every year. Councilmember Boyd asked if this issue could be brought up at a later time and discussed further. Mr. Maclin asked the City Attorney to look at drafting an Amendment to Penal Ordinance No. 110 that could cover this event. Councilmember Kuykendall asked if the City Attorney could also make a list of those concerns for not passing it as Mr. Boyd requested. Councilmember Kuykendall stated that he still had not received an answer to his question.

Councilmember Bowman asked that while Council is waiting for the City Attorney to prepare a list, could Councilmembers be given a list of events that have to be passed every year.

9. RESOLUTION - APPROVED - TEMPORARY CLOSURE OF STATE HIGHWAY - 2001 BENEFIT RODEO PARAGE AND DOWNTOWN HOEDOWN

Mayor Bronaugh stated that the next item for consideration was a Resolution authorizing the City to enter into an agreement with the State for temporary closure of State Highway for the 2001 Benefit Rodeo and Downtown Hoedown.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Resolution authorizing the City to enter into an agreement with the State for temporary closure of State Highway for the 2001 Benefit Rodeo and Downtown Hoedown be approved as presented. A unanimous affirmative vote was recorded.

10. AUDIT REPORT - APPROVED - ALEXANDER, LANGEFORD & HIERS

Mayor Bronaugh stated that the next item for consideration was the audit report by Alexander, Langford and Hiers.

City Manager Maclin introduced Richard Rudel, Lead Auditor at Alexander, Langford & Hiers. Mr. Rudel stated that his firm had performed an audit for the City of Lufkin for the fiscal year ended September 30, 2000. Mr. Rudel stated that page 163 of the Audit report is a summary of the audit results. Mr. Rudel stated that the City received an unqualified opinion, which is the highest opinion the City could receive. Mr. Rudel stated that under internal control over financial reporting they did identify a material weakness and reportable conditions were identified that is not considered to be material weaknesses. Mr. Rudel stated that there was no noncompliance material to financial statements noted. In regards to the City's Federal work programs relating to internal control over major programs, Mr. Rudel stated that no material weaknesses were identified and there were no reportable conditions identified that were considered to be

a material weakness. Mr. Rudel stated that there was no audit findings disclosed that are required to be reported in accordance with Section 510(a) of Circular A-133. Mr. Rudel stated that as far as identification of major programs they tested the City's COPPS Program (CFDA 16.710). Mr. Rudel stated that under the threshold to distinguish between the Type A and Type B programs, there was a Type A program over \$300,000. Mr. Rudel stated that the City qualifies as a low-risk auditee.

Mr. Rudel stated that as far as the findings relating to the Financial Statements there were two reportable conditions. The first ones they considered to be material were to reconcile account balances in a timely manner and updating the fixed asset records, and these were discussed in the Finance Committee earlier today. Mr. Rudel stated that the next one was the findings and questioned costs for Federal awards and there were no items to report.

Mr. Rudel stated that in the audit report will be the auditor's opinion, the combined financial statements, followed by the combining financial statements which shows the summarization of the information in the combined statements. Mr. Rudel stated that this year the report has a statistical section with 13 tables that presents a lot of historical information relating to the City.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall to accept the audit report by Alexander, Langford & Hiers as presented. A unanimous affirmative vote was recorded.

11. REPORT FROM FINANCE COMMITTEE

Mayor Bronaugh stated that the next item for consideration was a report from the Finance Committee.

Councilmember Gorden stated that in attendance at the Finance Committee earlier today were City Manager Maclin, Asst. City Manager Hager, Doug Wood, Richard Rudel, R. L. Kuykendall, and Jack Gorden. Mr. Gorden stated that Dennis Robertson was absent.

Councilmember Gorden stated that this was one of the best meetings of this Committee that he has attended. Councilmember Gorden stated that Mr. Rudel and the firm of Alexander, Langford and Hiers did an excellent job of addressing the issues and conducting the audit. Councilmember Gorden stated that it was his perception that the employees of the City worked well with the firm and they are appreciated. Councilmember Gorden stated that there were a number of areas within the City that the firm had recommendations for improvements. Councilmember Gorden stated that the one item that stood out has already been addressed and corrected. Councilmember Gorden stated that the recommendations were addressed in a Management Letter to management and in the meeting a letter from management was presented to the Committee members stating how those items would be addressed or have been addressed.

Councilmember Gorden stated that, in his opinion, the City is in the best accounting and financial shape that it has been in since he has had direct dealings with the City. Councilmember Gorden thanked Mr. Rudel for an excellent job.

Councilmember Kuykendall stated that he would have to agree that the City is going in a direction that will be fruitful for the City.

Councilmember Gorden thanked Mr. Maclin and Mr. Hager and all those who were involved on a City level. Mayor Bronaugh thanked the members for their participation and time with the Committee.

12. BI-ANNUAL RENEWAL OF TAX ABATEMENT POLICY – APPROVED

Mayor Bronaugh stated that the next item for consideration was the bi-annual renewal of the Tax Abatement Policy.

City Manager Maclin stated that State law requires that the City and other taxing entities review and/or renew their Tax Abatement Policy every 24 months, and this is the time for renewal. Mr. Maclin stated that staff recommendation is that this policy be renewed and continued in its present form as provided in the Council packet. Mr. Maclin stated that the Tax Abatement continues to be one of the few incentives as a tangible method of recruiting and retaining quality industry in our community, which is an essential element for continued success in economic development ventures.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that the bi-annual renewal of the Tax Abatement Policy be approved as presented. A unanimous affirmative vote was recorded.

13. CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER

City Manager Maclin stated that the Texas Municipal League would have their legislative mid-year report where they will give an update on the status of municipal government in the 2001 legislature. This meeting will be held on Friday, March 30th from 9:00 to 4:00 and any Councilmembers who would like to register for this meeting need to let the City Secretary know quickly because the deadline for registration is March 9th.

14. There being no further business for discussion, meeting adjourned at 6:00 p.m.



Louis Bronaugh
Mayor

ATTEST:


Atha Stokes Martin - City Secretary