MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 19TH DAY OF OCTOBER, 2004

On the 19th 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
Doug Wood	Director of Accounting
Don Hannabas	Director of Parks and Leisure Services
Scott Rayburn	City Planner
Dick Long	Valley View Consulting

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

1. Meeting was opened with prayer by Dr. John Greene, Harmony Hill Baptist Church.

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 October 5, 2004 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

4. **ACCEPTANCE OF FINANCIAL POLICY – APPROVED – AND QUARTERLY FINANCIAL REPORT BY DICK LONG, FROM VALLEY VIEW CONSULTING**

   Mayor Louis Bronaugh stated that before the Council Meeting began there was a meeting of the Finance Committee. City Manager Paul Parker stated that since Dick Long was retained to give the Quarterly Financial report, that item number seven on the agenda was being moved up to allow Mr. Long to leave as soon as possible to return to Arlington. City Manager Parker then asked Dick Long to give the update on the City of Lufkin's finances. Dick Long reported that the City's Quarterly Finance Committee meeting focused on the investment report today. Mr. Long added that the City's portfolios are about $36,000,000, which was down a little from the last quarter. Mr. Long stated that work had been done over the last few quarters to change the balance to about 60% in securities and about 40% in the pools, which appears to be a better mix for the City. Mr. Long stated that at the end of the quarter the pools were yielding about 1 ½% and the securities were yielding over 1.7%. Mr. Long added that the average portfolio yielding around 1.7% when blended together, which he stated added good value to the City. Mr. Long stated that for the year the City is up about 25 basis points so instead of earning about 1.15% the City is earning about 1.45%. He said that represents about $584,000 in interest earnings this year. Mr. Long stated that the City's Investment Policy had been revised substantially the last few years and needed no new revisions this year. Mr. Long added that the proposal to the Council is not to revise the policy this year and keep it as it has been. Mr. Long stated that on the Committee level there was approval of independent training sources for the investment staff and the lister/broker dealers that are allowed to buy or sell securities. City Manager Paul Parker stated that the highlight of the City of Lufkin's Financial Policy is that the City goes out every quarter with $2,000,000 of investment over a two-year period. Dick Long added that one of the strategies of the Finance Committee is to be safe, keep things liquid to pay the bills, and within those two constraints, try to earn as much interest income as possible. Mr. Long stated that part of the strategy is to keep money in local government pools and to use different securities for short-term operating investments and to take some of the more stable money and roll it over on a two-year portfolio. Mayor Louis Bronaugh added that the Finance Committee is made up of Councilmember Dennis Robertson, Councilmember R. L. Kuykendall, and Councilmember Jack Gorden. Councilmember R. L. Kuykendall moved to continue the Financial Policy as it is for the next year. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

5. **FIRST READING OF THE ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS BY GRANTING A "SPECIAL USE PERMIT" FOR JERRY WARD FOR A RESTAURANT WITH PRIVATE CLUB – APPROVED - ON PROPERTY**

ZONED "COMMERCIAL" AND LOCATED WITH THE SOUTHLOOP CROSSING SHOPPING CENTER DISTRICT DESCRIBED AS PART OF THE SOUTHLOOP CROSSING #3, BLOCK 1, LOT 4 AND MORE COMMONLY KNOWN AS 4505 SOUTH MEDFORD DRIVE

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a "Special Use Permit" for Jerry Ward for a restaurant with private club on property zoned "Commercial" and located with the Southloop Crossing Shopping Center District described as part of the Southloop Crossing #3, Block 1, Lot 4 and more commonly known as 4505 South Medford Drive. City Manager Paul Parker stated that this is a "Special Use Permit" for the restaurant known as "The Wingstop Restaurant". City Manager Parker explained that this restaurant wanted to sell alcoholic beverages with the meals. City Manager Parker stated that the Planning and Zoning Commission unanimously recommended allowing this permit. Mayor Bronaugh then asked if there was anyone in the audience that wished to speak for or against this Ordinance. There was none. Councilmember Jack Gorden moved to approve on First Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a "Special Use Permit" for Jerry Ward for a restaurant with private club on property zoned "Commercial" and located with the Southloop Crossing Shopping Center District described as part of the Southloop Crossing #3, Block 1, Lot 4 and more commonly known as 4505 South Medford Drive. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

6. **REQUEST OF TED B. ADAMS IN GRANTING A "SPECIAL USE PERMIT" FOR AN EATING ESTABLISHMENT WITH DRIVE-THRU SERVICE WITHIN A "NEIGHBORHOOD RETAIL" ZONING DISTRICT – APPROVED - ON APPROXIMATELY .416 ACRES OF LAND DESCRIBED AS TRACT 3 OF THE J. L. QUINALTY SURVEY (ABSTRACT NO. 40) AND MORE COMMONLY KNOWN AS 811 PERSHING AVENUE**

Mayor Louis Bronaugh stated that the next item for consideration was the request of Ted B. Adams in granting a "Special Use Permit" for an eating establishment with drive-thru service within a "Neighborhood Retail" Zoning District on approximately .416 acres of land described as Tract 3 of the J. L. Quinalty Survey (Abstract No. 40) and more commonly known as 811 Pershing Avenue. City Manager Paul Parker stated that this item was a "Special Use Permit" for a drive-thru window for a 612 square foot building that was built in a Neighborhood Retail Zone which allows the restaurant. City Manager Parker explained that a "Special Use Permit" would be required for this restaurant to have a drive-thru window. City Manager Parker added that the applicant is now coming back to the City Council for the "Special Use Permit" to allow this service. City Manager Parker stated that the nature of the restaurant was not known at this time but the owner anticipates needing a drive-thru window to make the restaurant profitable, especially because of the small size of the establishment. City Manager Parker added that the Planning and Zoning Commission unanimously recommended allowing this "Special Use Permit". Councilmember Dennis Robertson expressed his concern about establishments such as this keeping the area surrounding the facility clean. Mayor Louis Bronaugh then asked if there was anyone in the audience that wished to speak for or against this "Special Use Permit". There was none. Councilmember Don Langston moved to approve the request of Ted B. Adams in granting a "Special Use Permit" for an eating establishment with drive-thru service within a "Neighborhood Retail" Zoning District on approximately .416 acres of land described as Tract 3 of the J. L. Quinalty Survey (Abstract No. 40) and more commonly known as 811 Pershing Avenue. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

7. **APPROVED AND AUTHORIZED PUBLICATION OF NOTIFICATION OF INTENT TO ISSUE CERTIFICATES OF OBLIGATION – APPROVED - INCLUDING THE ADOPTION OF A RESOLUTION PERTAINING THERETO**

Mayor Louis Bronaugh stated that the next item for consideration was to approve and authorize publication of Notification of Intent to issue Certificates of Obligation including the adoption of a Resolution pertaining thereto. City Manager Paul Parker stated that the Council had in their packets the Resolution on the bond sales. City Manager Parker added that the City of Lufkin anticipated selling 8.2 million dollars worth of bonds this year and that this is the first step in the process to authorize the sale of bonds. City Manager Parker reminded the City Council of all of the projects that had been outlined in the past for the bond sales and added that a recorded vote was required to show who voted for and against in order to issue the Certificates of Obligation. Councilmember Lynn Torres moved to approve and authorize the publication of Notification of Intent to issue Certificates of Obligation including the adoption of a Resolution pertaining thereto. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded as follows: Councilmember Lynn Torres – for; Councilmember Jack Gorden – for; Councilmember Don Langston - for; Councilmember R. L. Kuykendall – for; Councilmember Rose Faine Boyd – for; and Councilmember Dennis Robertson – for.

8. **FIRST READING OF AN ORDINANCE ESTABLISHING A SPEED ZONE ON HIGHWAY 59 SOUTH – APPROVED - FROM LOOP 287 TO FM HIGHWAY 819 AT FORTY-FIVE (45) MILES PER HOUR**

Mayor Bronaugh stated that the next item for consideration was the First Reading of an Ordinance establishing a speed zone on Highway 59 South, from Loop 287 to FM Highway 819 at forty-five (45) miles per hour. City Manager Paul Parker stated that this request was a result of Council's request that TXDOT do a study, because the speed limit fluctuates up and down along that area of highway. City Manager Parker reminded Council of their past concerns about having a steady speed limit from FM Highway 819 to Loop 287 on Highway 59 South. City Manager Parker explained that this Ordinance would reduce the speed limit from fifty (50) miles per hour to forty-five (45) miles per hour along the above mentioned stretch of Highway 59 South. City Manager Parker added that Council had a map in their packets that indicated the area that would be changed and also showed how the speed limit had fluctuated in that area. Councilmember Don Langston asked how the City makes a request to TXDOT to study the speed zones in the City of Lufkin. City Manager Parker explained that the Council must make the request in order for TXDOT to take a serious study of speed zones in an area so TXDOT would know that Council would support the modification. Councilmember Rose Faine Boyd moved to approve the First Reading of an Ordinance establishing a speed zone on Highway 59 South, from Loop 287 to FM Highway 819 at forty-five (45) miles per hour. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

9. BID FOR A NEW HOLLAND TC30 FOUR-WHEEL DRIVE TRACTOR WITH 60-INCH DETACHABLE BUCKET AND PTO TILLER – APPROVED - FOR THE PARKS AND RECREATION DEPARTMENT

Mayor Louis Bronaugh stated that the next item for consideration was the bid for a New Holland TC30 four-wheel drive tractor with 60-inch detachable bucket and PTO tiller for the Parks and Recreation Department. City Manager Paul Parker stated that this is a request from the Parks and Recreation Department for the tractor, bucket, and tiller and this equipment would primarily be used at Kit McConnico Park. City Manager Parker added that this had previously been budgeted to help maintain the additional sports facilities in that park. Councilmember Dennis Robertson asked if there was a storage area for this equipment to be stored. City Manager Parker answered that there currently was no storage area, but the temporary plan would be to store it behind the house at the entrance to the park area where a police officer lives. City Manager Parker added that Staff and Council needs to look at providing a storage building in the future. Councilmember Dennis Robertson asked if the current storage area would be a covered structure. Parks and Leisure Services Director, Don Hannabas, stated that the plan is to build a chain link structure with shed and a light with a motion sensor to enable the officer living there if someone was around the equipment. Councilmember Jack Gorden asked if the local New Holland dealer had been contacted for a bid. PALS Director Hannabas stated that the local dealer was not willing to honor the BuyBoard's bid. There was some discussion among Council concerning the urgency of purchasing the equipment before securing a storage facility and the need for equipment before the sports facilities were completed. Councilmember Dennis Robertson moved to accept the BuyBoard bid for the New Holland TC30 four-wheel drive tractor with 60-inch detachable bucket and PTO tiller in the amount of $16,642 for the Parks and Recreation Department. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

10. BID FOR TWO (2) ZERO TURN RADIUS MOWERS – APPROVED - FOR THE PARKS AND RECREATION DEPARTMENT

Mayor Louis Bronaugh stated that the next item for consideration was the bid for two (2) Zero Turn Radius Mowers for the Parks and Recreation Department. City Manager Paul Parker stated that these two mowers would also be used at Kit McConnico Park. Councilmember Jack Gorden asked if there was someone local who could work on this equipment. Parks and Leisure Services Director, Don Hannabas answered that Lufkin Power Sports is the local dealer and could work on the equipment. Councilmember R. L. Kuykendall moved to approve the bid for two (2) Zero Turn Radius Mowers at a cost of $22,454 from Cypress Lawn and Turf Company for the Parks and Recreation Department. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

11. BID OF $13,970 FROM COX CONCRETE CONSTRUCTION FOR APPROXIMATELY 1700-1780 SQUARE FEET OF CONCRETE WORK – APPROVED - FOR THE SOLID WASTE DEPARTMENT

Mayor Louis Bronaugh stated that the next item for consideration was the bid of $13,970 from Cox Concrete Construction for approximately 1700-1780 square feet of concrete work for the Solid Waste Department. City Manager Paul Parker stated that the concrete surrounding the Solid Waste facility has severely deteriorated due to the heavy truck traffic. City Manager Parker added that Staff is recommending the low bid of $13,970 to Cox Concrete Construction in Nacogdoches, Texas. Council discussed the concrete being a minimum of 3500 PSI and the concrete maintenance program. Councilmember R. L. Kuykendall moved to accept the bid of $13,970 from Cox Concrete Construction for approximately 1700-1780 square feet of concrete work for the Solid Waste Department. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

12. BID OF $89,028 FROM HGAC FOR A 2005 VOLVO VHD CONVENTIONAL CAB TANDEM, SUITABLE FOR ROLL-OFF HOIST APPLICATION – APPROVED - FOR THE SOLID WASTE DEPARTMENT

Mayor Louis Bronaugh stated that the next item for consideration was the bid of $89,028 from HGAC for a 2005 Volvo VHD conventional cab tandem, suitable for roll-off hoist application for the Solid Waste Department. City Manager Paul Parker stated that Staff recommends approval of the purchase of a 2005 Volvo Conventional Cab Tandem Truck through HGAC in the amount of $89,028. Councilmember Lynn Torres moved to approve the bid of $89,028 from HGAC for a 2005 Volvo VHD conventional cab tandem, suitable for roll-off hoist application for the Solid Waste Department. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

13. EXECUTIVE SESSION

Mayor Louis Bronaugh recessed the Regular Session at 5:39 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 appointments to boards and commissions may be discussed.

Mayor Louis Bronaugh reconvened the Regular Session at 6:37 p.m. and stated that during Executive Session, Council discussed real estate matters, appointments to boards and commissions, and attorney/client privileges and no decisions had been made.

14. APPOINTMENT OF DANNY ROPER – APPROVED – FOR FIREMEN'S PENSION FUND BOARD

Mayor Louis Bronaugh stated that the next item for consideration was the appointment of someone to the Firemen's Pension Fund Board. Councilmember Lynn Torres moved to approve the appointment of Danny Roper to the Firemen's Pension Fund Board. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

15. APPOINTMENT OF PEGGILU WATKINS AND ROY REYES – APPROVED – FOR PARKS AND RECREATION BOARD

Mayor Louis Bronaugh stated that the next item for consideration was the appointment of two people to the Parks and Recreation Board. Councilmember Lynn Torres moved to approve the appointment of Peggilu Watkins and Roy Reyes to the Parks and Recreation Board. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

16. APPOINTMENT – TABLED – TO ANGELINA COUNTY APPRAISAL REVIEW BOARD

Mayor Louis Bronaugh stated that the next item for consideration was the appointment of someone to the Angelina County Appraisal Review Board. Councilmember Lynn Torres moved to table this item until the November 2, 2004 meeting. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

17. 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.

18. There being no further business for consideration, the meeting adjourned at 6:40 p.m.

Louis A. Bronaugh

Louis A. Bronaugh – Mayor

ATTEST:

Renee Thompson

Renee Thompson – City Secretary