

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 2ND DAY OF MAY, 2006**

On the 2nd day of May, 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:

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
Phil Medford	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Renee Thompson	City Secretary
Robert Flournoy	City Attorney
Keith Wright	Asst. City Manager/Public Works
Kenneth Williams	Asst. City Manager/Administrative Services
David Koonce	Human Resource Director
Larry Brazil	Police Chief
Scott Marcotte	Asst. Police Chief
Pete Prewitt	Fire Chief
Don Hannabas	Parks and Recreation Director
Doug Wood	Finance Director
Barbara Thompson	Main Street Director
Bill Cameron	City of Lufkin Webmaster
Jim Wehmeier	Economic Development Director
Dorothy Wilson	Planning Director
Debbie Fitzgerald	Assistant. Public Works Director
Keith Bickley	Police Communications Supervisor
Scott Rayburn	City Planner
Andy Adams	
Scott Cooper	
Jody Anderson	

being present, when the following business was transacted:

1. The meeting was opened with prayer by Rev. Troy L. Allen, Sr.
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 April 18, 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. **SECOND READING OF AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BEING ORDINANCE NO. 419, REGULATING PARKING IN THE CITY OF LUFKIN, REPEALING ALL INCONSISTENT ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE**

Mayor Louis Bronaugh stated that the next item for consideration was a Second Reading of an Ordinance amending the Traffic Ordinance of the City of Lufkin, Texas, being Ordinance No. 419, regulating parking in the City of Lufkin, repealing all inconsistent Ordinances, and providing for an effective date. City Manager Paul Parker had no comments, but stated he would answer any questions the Council had.

Councilmember Rose Faine Boyd moved to approve the Second Reading of an Ordinance amending the Traffic Ordinance of the City of Lufkin, Texas, being Ordinance No. 419, regulating parking in the City of Lufkin, repealing all inconsistent Ordinances, and providing for an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

5. **SECOND READING OF AN ORDINANCE REPEALING ORDINANCE NO. 3818, - APPROVED - WHICH WAS THE ORDINANCE REQUIRING CENTERPOINT ENERGY ("ENTEX") TO CEASE AND DESIST FROM CHARGING ILLEGAL AND UNLAWFUL RATES AND REQUIRING REFUNDS; TO REQUIRE THE FILING OF A REPORT WITH REGARD TO COSTS EXPENDED BY ENTEX IN CONNECTION WITH THE APPEAL OF ORDINANCE NO. 3785; MAKING FINDINGS WITH REGARD TO THIS ORDER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE**

Mayor Louis Bronaugh stated that the next item for consideration was a Second Reading of an Ordinance repealing Ordinance No. 3818, which was the Ordinance requiring Centerpoint Energy ("Entex") to cease and desist from charging illegal and unlawful rates and requiring refunds; to require the filing of a report with regard to costs expended by Entex in connection with the appeal of Ordinance No. 3785; making findings with regard to this Order; finding and determining that the meeting at which this Ordinance was passed was in accordance with the requirements of the Texas Open Meetings Act; and declaring an effective date. City Manager Paul Parker stated that this was the final action on settlement with CenterPoint Energy on the gas increase and would be the last action the Council would have to take to make the settlement go into effect.

Councilmember Jack Gorden moved to approve the Second Reading of an Ordinance repealing Ordinance No. 3818, which was the Ordinance requiring Centerpoint Energy ("Entex") to cease and desist from charging illegal and unlawful rates and requiring refunds; to require the filing of a report with regard to costs expended by Entex in connection with the appeal of Ordinance No. 3785; making findings with regard to this Order; finding and determining that the meeting at which this Ordinance was passed was in accordance with the requirements of the Texas Open Meetings Act; and declaring an effective date. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

6. **BID FOR TWO (2) RADIO CONSOLES - APPROVED - FROM TELETOUCH COMMUNICATIONS IN THE AMOUNT OF \$63,266**

Mayor Louis Bronaugh stated that the next item for consideration was a bid for two (2) radio consoles from Teletouch Communications in the amount of \$63,266. City Manager Paul Parker stated that the Council had tabled this item at the last meeting. City Manager Parker explained that this was due to one of the vendors stating that they had met the specifications of the bid and were lower in price than the recommended bid. City Manager Parker added that the vendor was allowed to talk to Staff and the vendor did not meet the bid specifications and were withdrawing their protest as they concurred that they did not meet the specifications. City Manager Parker stated that the item before the Council was the bid for two (2) Motorola radio consoles for the Police Department Dispatch area. City Manager Parker explained that the City was currently using 1980 models and that Motorola no longer gives technical support for them. City Manager Parker added that Staff is having more and more problems getting parts for the radios. City Manager Parker stated that the replacement radio consoles are "state of the art" and would bring the City's "911 System" and Dispatch area up to a great standard along with the recent remodeling. City Manager Parker stated that Homeland Security Grant Funds

are available in the amount of twenty-seven thousand seven hundred eighty-six dollars (\$27,786) and the remaining balance would be from the Forfeiture Funds Account in the amount of thirty-five thousand four hundred eighty dollars (\$35,480). City Manager Parker reminded Council that a Budget Amendment was approved at the last Council meeting allowing the amount to be rolled into that account. City Manager Parker stated that the entire cost of the two (2) consoles was sixty-three thousand two hundred sixty-six dollars (\$63,266) and would be underwritten by the Grant and the Forfeiture Funds. City Manager Parker added that Staff recommended that Council approve the contract with Teletouch Communications in the amount of sixty-three thousand two hundred sixty-six dollars (\$63,266).

Councilmember Lynn Torres moved to approve the bid for two (2) radio consoles from Teletouch Communications in the amount of \$63,266. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

7. FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 3804, A TEMPORARY ORDINANCE THAT AMENDED AN ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - (ORDINANCE NO. 3368), BY PROVIDING FOR THE TEMPORARY PLACEMENT OF TRAVEL TRAILERS IN MOBILE HOME PARKS AND RESIDENTIAL ZONED LOCATIONS AND PROVIDING AN EFFECTIVE DATE

Mayor Louis Bronaugh stated that the next item for consideration was a First Reading of an Ordinance amending Ordinance No. 3804, a Temporary Ordinance that amended an Ordinance of the City of Lufkin, Texas, (Ordinance No. 3368), by providing for the temporary placement of travel trailers in mobile home parks and "Residential" Zoned locations and providing an effective date. City Manager Paul Parker stated that soon after the "Rita" Event in 2005, there were several areas where FEMA trailers were placed for residents that had damage to their homes in Lufkin. City Manager Parker explained that when the Ordinance was established, the trailers were to be placed up to three (3) consecutive ninety (90) day periods for a total of two hundred seventy (270) days. City Manager Parker added that the City also had a provision that allowed a forty-five (45) day period for applications to be submitted. City Manager Parker stated that the City was under the assumption that all of the residents that would need the FEMA trailers would submit their applications within that forty-five (45) day period after the Council passed the Ordinance. City Manager Parker explained that the City had recently received an application for a FEMA trailer at 102 Curry Street, where there was damage to a residence. City Manager Parker added that FEMA is willing to place a trailer at that location but the forty-five (45) day application period had expired. City Manager Parker stated that Staff was recommending that Council approve an Ordinance modifying the forty-five (45) day initial application period to a three hundred sixty-five (365) day period. City Manager Parker added that however, Staff was concerned that after the completion of the 270 day permit, applicants will have made little or no effort to repair the damaged structures and removed the FEMA trailers.

There were questions and discussion among the Mayor and City Council Members concerning the Ordinance.

Councilmember Don Langston moved to approve the First Reading of an Ordinance amending Ordinance No. 3804, a Temporary Ordinance that amended an Ordinance of the City of Lufkin, Texas, (Ordinance No. 3368), by providing for the temporary placement of travel trailers in mobile home parks and "Residential" Zoned locations and providing an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

8. PUBLIC HEARING AND FIRST READING OF AN AMENDMENT TO ARTICLE XXI, - APPROVED - (SUPPLEMENTAL DEVELOPMENT REGULATIONS), OF THE ZONING ORDINANCE AS IT RELATES TO SCREENING

Mayor Louis Bronaugh stated that the next item for consideration was a Public Hearing and First Reading of an Amendment to Article XXI, (Supplemental Development

Regulations), of the Zoning Ordinance as it relates to screening. City Manager Paul Parker stated that this Ordinance was requested when Councilmember Robertson was on the Council. City Manager Parker added that the Council then asked Staff to review the "Screening Ordinance" and that Staff and the Planning and Zoning Commission had been doing so. City Manager Parker stated that the proposed Ordinance before the Council would modify the present screening requirements. City Manager Parker added that the current section relating to "screening" states: "In the "RPO" Restrictive Professional Office, "NR" Neighborhood Retail, "LB" Local Business and "CB" Central Business districts, an opaque screening device to a minimum height of six (6) feet shall be employed and maintained within three feet of side and rear lines which abut any residential zoning district". City Manager Parker stated that the word "opaque" leads to some discussion of the meaning. City Manager Parker stated that the new Ordinance Amendment would change the wording as follows: "In the "RPO" Restrictive Professional Office, "NR" Neighborhood Retail, "LB" Local Business, "C" Commercial, "CB" Central Business, "HM" Heavy Manufacturing, and "LM" Light Manufacturing districts, a solid fence that completely obscures view of the adjoining property to a minimum height of six (6) feet shall be employed and maintained within a three (3) feet side and rear lines in which a "Non-Residential" use abuts any "Residential" Zoning District. City Manager Parker added that this change was reviewed and recommended by unanimous vote by the Planning and Zoning Commission for the Council's consideration.

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

There were questions and discussion among the Mayor and City Council Members concerning the Amendment to Article XXI of the Zoning Ordinance as it relates to screening.

Councilmember R. L. Kuykendall moved to approve the First Reading of an Amendment to Article XXI, (Supplemental Development Regulations), of the Zoning Ordinance as it relates to screening. Councilmember Rose Faine Boyd seconded the motion. The following vote was recorded:

Aye: Council Members Medford, Boyd, Torres, Gorden, Kuykendall and Mayor Bronaugh

Nay: Councilmember Langston

The motion carried with six affirmative votes.

9. PURCHASE OF SPRAY PLAY EQUIPMENT AT JONES PARK - APPROVED - FROM KRAFTSMAN PLAYGROUNDS & PARK EQUIPMENT IN THE AMOUNT OF \$41,885.35

Mayor Louis Bronaugh stated that the next item for consideration was the purchase of Spray Play Equipment at Jones Park from Kraftsman Playgrounds & Park Equipment in the amount of \$41,885.35. City Manager Paul Parker stated that approximately one (1) year ago, there were problems with the pool house in Jones Park. City Manager Parker added that the estimated cost to repair the pool house at that time was approximately eighty-five thousand dollars (\$85,000). City Manager Parker stated that there were several public meetings held concerning the rebuilding of the pool house and the pool operations and Council determined to make some renovations to an existing restroom in the park and to leave the pool operational. City Manager Parker added that the eighty-five thousand dollars (\$85,000) remained earmarked for improvements. City Manager Parker explained that the City again hosted a Public Hearing to explore possibilities for using the funds for park improvements. City Manager Parker added that many ideas came from the meetings, and the most popular idea was to build a community center. City Manager Parker stated that the cost for building the center was well in excess of the available funds. City Manager Parker added that another idea that surfaced at the meeting, and had been popular in several other parks, was the spray play pads. City Manager Parker stated that Staff met with Councilmembers Boyd and Kuykendall, due to the park being located in

and near their Wards. City Manager Parker added that after considerable discussion, it was concluded that the best utilization would be to go forth with the development of a spray play pad. City Manager Parker stated that the total cost of the equipment for the spray play would be forty-one thousand eight hundred eighty five dollars and thirty-five cents (\$41,885.35). City Manager Parker added that the estimates for the total project, with some work being done "in-house" would be approximately one hundred six thousand dollars (\$106,000). City Manager Parker stated that Staff would have to return for additional funding in the future for concrete for the pad and would be looking for a change order to complete the project. City Manager Parker added that the total amount for the contract with Kraftsman Playgrounds and Park Equipment for the spray play equipment would be a total of forty-one thousand eight hundred eighty-five dollars and thirty-five cents (\$41,885.35) and that Staff recommended that Council approve the bid.

There were questions and discussion among the City Council Members and Staff concerning spray play pad and the timeline for the project.

Councilmember Lynn Torres moved to approve the purchase of Spray Play Equipment at Jones Park from Kraftsman Playgrounds & Park Equipment in the amount of \$41,885.35. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

10. BID FOR THE PURCHASE OF A STORMWATER LIFT STATION PUMP FROM PUMP, POWER & EQUIPMENT FOR \$46,590; A RETURN ACTIVATED PUMP FROM PUMP SOLUTIONS, INC. IN THE AMOUNT OF \$23,290; AND A WATER PLANT BOOSTER PUMP FROM SMITH PUMP COMPANY, INC. IN THE AMOUNT OF \$26,450 - APPROVED

Mayor Louis Bronaugh stated that the next item for consideration was a bid for the purchase of a Stormwater Lift Station Pump from Pump, Power & Equipment for \$46,590; a Return Activated Pump from Pump Solutions, Inc. in the amount of \$23,290; and a Water Plant Booster Pump from Smith Pump Company, Inc. in the amount of \$26,450. City Manager Paul Parker stated that this bid was for three (3) separate pumps for three (3) separate operations within the City of Lufkin.

City Manager Parker added that there were four (4) storm water lift-station pumps located at the Wastewater Treatment Plant which divert flow in heavy rain to the storage lagoons. City Manager Parker explained that this would allow the City to treat the sewer without discharging into the creek with untreated sewer. City Manager Parker stated that the current pumps have had problems and the proposed storm water lift station pump would replace one (1) of the existing four (4) pumps. City Manager Parker added that this type of pump would handle a larger capacity of flow and the City would not have to replace all four (4) pumps due to this. City Manager Parker stated that Staff recommended the purchase of the storm water lift station pump from Pump, Power and Equipment for forty-six thousand five hundred ninety dollars (\$46,590).

City Manager Parker stated that Staff was also recommending the purchase of a return activated pump which is located at the Wastewater Treatment Plant and is used to circulate waste-activated sludge. City Manager Parker added that the existing pump was installed in 1986 and was worn out. City Manager Parker stated that Staff was recommending that Council award the bid of twenty-three thousand two hundred ninety dollars (\$23,290) to Pump Solutions, Inc.

City Manager Parker stated that the third pump to be purchased was the Sewer Plant booster pump located at the Water Plant and is used to boost water into the City's distribution system and the elevated storage tanks. City Manager Parker explained that this particular pump would have a spare motor. City Manager Parker added that Staff recommended awarding the low bid to Smith Pump Company, Inc. in the amount of twenty-six thousand four hundred fifty dollars (\$26,450).

There were questions from the City Council concerning the pumps.

Councilmember Rose Faine Boyd moved to approve the bid for the purchase of a Stormwater Lift Station Pump from Pump, Power & Equipment for \$46,590; a Return

Activated Pump from Pump Solutions, Inc. in the amount of \$23,290; and a Water Plant Booster Pump from Smith Pump Company, Inc. in the amount of \$26,450. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

11. BID TO PURCHASE AN AUTOMATIC BAR SCREEN, WASHING PRESS, CONTROL PANEL, STAINLESS STEEL FRAMING AND APPURTENANCES – APPROVED - FROM VULCAN INDUSTRIES, INC. IN THE AMOUNT OF \$167,995

Mayor Louis Bronaugh stated that the next item for consideration was a bid to purchase an Automatic Bar Screen, Washing Press, Control Panel, Stainless Steel Framing and Appurtenances from Vulcan Industries, Inc. in the amount of \$167,995. City Manager Paul Parker stated that this bid was for an automatic bar screen, washing press, control panel, stainless steel framing and appurtenances. City Manager Parker explained that the automatic bar screen is used at the Wastewater Treatment Plant to catch the sludge as it enters the plant. City Manager Parker added that the current bar screen was installed in 1986 and had been repaired and re-welded and needed to be replaced. City Manager Parker stated that the bar screen operates twenty-four (24) hours per day, three hundred sixty-five (365) days per year. City Manager Parker added that Staff recommended that Council approve the bid of one hundred sixty-seven thousand nine hundred ninety-five dollars (\$167,995) to Vulcan Industries, Inc.

There were questions and discussion from the City Council concerning the bids and operation for the automatic bar screen.

Councilmember Rose Faine Boyd moved to approve the bid to purchase an Automatic Bar Screen, Washing Press, Control Panel, Stainless Steel Framing and Appurtenances from Vulcan Industries, Inc. in the amount of \$167,995. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

12. TEXAS HOMELAND SECURITY REGIONAL RESPONSE PLAN – APPROVED - FOR THE DEEP EAST TEXAS COUNCIL OF GOVERNMENTS

Mayor Louis Bronaugh stated that the next item for consideration was the approval of the Texas Homeland Security Regional Response Plan for the Deep East Texas Council of Governments. City Manager Paul Parker stated that one of the results of the Hurricane Katrina and Rita Events was the Governor requested that each region submit a regional response plan for coordination of natural disasters. City Manager Parker added that Assistant City Manager/Administrative Services Kenneth Williams has been the City of Lufkin's representative to work with the twenty-four (24) Council of Governments in Texas. City Manager Parker explained that the response plans would show how the Deep East Texas Council of Governments would respond to any disaster. City Manager Parker added that Don Morris, a former Texas Ranger and Emergency Planner, would be the Regional Commander for the implementation of the plan. City Manager Parker stated that the critical part of the plan was there was nothing in it that would require the City of Lufkin to send Lufkin's resources to other areas when they are needed in Lufkin. City Manager Parker added that there are some requirements for sharing resources but the City does that anyway. City Manager Parker stated that Staff did not see anything in the plan that might be detrimental to the City of Lufkin and recommends that Council approve the Texas Homeland Security Regional Response Plan for the Deep East Texas Council of Governments.

There were questions and discussion from the City Council and Staff concerning the response plan and the City of Lufkin's resources.


Councilmember Don Langston moved to approve the Texas Homeland Security Regional Response Plan for the Deep East Texas Council of Governments. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

13. Mayor Louis Bronaugh recessed the Regular Session at 5:44 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 Louis Bronaugh reconvened the Regular Session at 6:58 p.m.

14. City Manager Parker added that Council had their Calendar of Events. Paul Parker reminded Council that the Expo Party would be held on Wednesday, May 17, 2006 and asked that they let City Secretary Renee Thompson know who would be attending so that tickets could be purchased.
15. There being no further business for consideration, the meeting adjourned at 7:02 p.m.



Renee Thompson – City Secretary



Louis A. Bronaugh – Mayor