

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 20th DAY OF JUNE, 2006**

On the 20th day of June, 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/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
Doug Wood	Finance Director
Dorothy Wilson	Planning Director
Barbara Thompson	Main Street Director

being present, when the following business was transacted:

1. The meeting was opened with prayer by Rev. Steve Hammond, Bethel Assembly of God.
2. Mayor Jack Gorden welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting on June 6, 2006 were approved on a motion by Councilmember Don Langston, and seconded by Councilmember Rose Faine Boyd. A unanimous affirmative vote was recorded.

4. **CANVASS OF 2006 RUN-OFF ELECTION FOR THE CITY OF LUFKIN AND
CONSIDER A RESOLUTION DECLARING THE RESULTS OF THE CITY OF
LUFKIN RUN-OFF ELECTION - APPROVED - OF JUNE 10, 2006**

Mayor Jack Gorden stated that the next item for consideration was to canvass the 2006 Run-off Election for the City of Lufkin and consider a Resolution declaring the results of the City of Lufkin Run-off Election of June 10, 2006.

Mayor Gorden then called on City Secretary Renee Thompson to read the results in the Ward No. 5 City Council Member's Race. City Secretary Thompson read the votes as follows:

COUNCIL MEMBER WARD NO. 5 RACE

	DUNCAN	HICKS
WARD 5	128	133
<u>EARLY VOTING</u>	<u>153</u>	<u>130</u>
TOTAL	281	263

City Secretary Renee Thompson stated that the apparent winner of the Ward No. 5 City Council Member's Race was Rufus Duncan, Jr.

Councilmember Lynn Torres moved to approve the canvass of the 2006 Run-off Election for the City of Lufkin and the Resolution declaring the results of the City of Lufkin Run-off Election of June 10, 2006. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

5. OATH OF OFFICE TO RUFUS DUNCAN, JR., BY HONORABLE PAUL WHITE, JUDGE 159TH DISTRICT COURT

Mayor Jack Gorden stated that the next item for consideration was to administer the Oath of Office. Mayor Gorden then turned the meeting over to the Honorable Paul White, Judge 159th District Court to administer the oaths of office to Rufus Duncan, Jr. - Councilmember Ward No. 5, elected in the June 10, 2006 Run-off Election.

The Honorable Paul White, Judge 159th District Court, administered the Oath of Office to Councilmember Rufus Duncan, Jr.

OLD BUSINESS:

6. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY GRANTING A "SPECIAL USE" PERMIT FOR A PUBLIC BUILDING WITHIN A "LARGE SINGLE-FAMILY DWELLING" ZONING DISTRICT ON CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS DESCRIBED AS TRACT 24 OF THE J.A. LONGORIA SURVEY AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP AND AN ORDINANCE OF THE CITY OF LUFKIN, TEXAS - APPROVED - AMENDING THE CITY OF LUFKIN COMPREHENSIVE PLAN 2001

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and Second Reading of an Ordinance amending the Ordinance of the City of Lufkin, Texas, by granting a "Special Use" permit for a public building within a "Large Single-Family Dwelling" Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas described as Tract 24 of the J.A. Longoria Survey and authorizing the City Planner to make such changes on the Official Map and an Ordinance of the City of Lufkin, Texas amending the City of Lufkin Comprehensive Plan 2001. City Manager Paul Parker reminded Council that this would be the location of the future Fire Station for the City of Lufkin and that he would answer any questions the Council had.

City Planner Dorothy Wilson stated that the Planning and Zoning Commission requested that the Council approve the Special Use Permit with certain conditions to be included in the motion. City Manager Paul Parker explained that the conditions included an eight (8) foot solid wood fence restricting the view from abutting properties, landscaping, lighting that meets provision of "Dark Skies" legislation on light pollution and spill, sirens would not be tested at the Fire Station, sirens would only be used when absolutely required for exiting the station for an emergency and normally would only be activated one the emergency vehicle was away from the station, and the Fire Station would be compatible with the existing neighborhood.

Mayor Gorden then opened the Public Hearing at 5:15 p.m. concerning the Amendment to the Zoning Ordinance. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the Amendment. Mayor Gorden then closed the Public Hearing at 5:16 p.m.

Councilmember Lynn Torres moved to approve on Second Reading an Ordinance amending the Ordinance of the City of Lufkin, Texas, by granting a "Special Use" permit for a public building within a "Large Single-Family Dwelling" Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas described as Tract 24 of the J.A. Longoria Survey and authorizing the City Planner to make such changes on the Official Map and an Ordinance of the City of Lufkin, Texas amending the City of Lufkin Comprehensive Plan 2001 to include five conditions recommended by the Planning and Zoning Commission. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

7. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS – APPROVED - BEING ORDINANCE NO. 3368, BY AMENDING ARTICLE XXI “SUPPLEMENTAL DEVELOPMENT REGULATIONS” AS IT RELATES TO THE SECTION ENTITLED “SCREENING”; REPEALING CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas being Ordinance No. 3368, by amending Article XXI “Supplemental Development Regulations” as it relates to the section entitled “Screening”; repealing conflicting provisions; and providing an effective date. City Manager Paul Parker had no comments, but stated he would answer any questions the Council had.

Mayor Gorden then opened the Public Hearing at 5:18 p.m. concerning the Amendment to the Zoning Ordinance. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the Amendment. Mayor Gorden then closed the Public Hearing at 5:19 p.m.

Councilmember Don Langston moved to approve the Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas being Ordinance No. 3368, by amending Article XXI “Supplemental Development Regulations” as it relates to the section entitled “Screening”; repealing conflicting provisions; and providing an effective date. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

8. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE ANNEXING APPROXIMATELY 5.254 ACRES OF LAND IN THE P. C. ABNEY SURVEY, ABSTRACT NO. 69 AND THE J. L. QUINALTY SURVEY, ABSTRACT NO. 40, AND EXTENDING THE BOUNDARIES OF THE CITY OF LUFKIN, TEXAS – APPROVED - TO INCLUDE THE 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 CITY

Mayor Jack Gorden stated that the next item for consideration was the Public Hearing and First Reading of an Ordinance annexing approximately 5.254 acres of land in the P. C. Abney Survey, Abstract No. 69 and the J. L. Quinalty Survey, Abstract No. 40, and extending the boundaries of the City of Lufkin, Texas to include the 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 City. City Manager Paul Parker stated that this was a request from Mike Parker on behalf of the Arnett family Trust and Wilbur Alexander to annex approximately 5.254 acres of land. City Manager Parker explained that the property is planned to be the Mercer Honda Dealership. City Manager Parker added that the proposed annexation was part of a 10.243 acre tract having frontage on Loop 287. City Manager Parker stated that the property was being proposed for annexation under Section 43.028 of the Local Government Code because there are no residents on the property and was being petitioned by the owner. City Manager Parker stated that the Planning and Zoning Commission and Planning Staff unanimously recommended that Council approve the Annexation Ordinance.

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

Councilmember Phil Medford asked to be recused from voting on the Ordinance due to his wife being a trustee of the Arnett Family Trust.

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

Councilmember Rose Faine Boyd moved to approve the First Reading of an Ordinance annexing approximately 5.254 acres of land in the P. C. Abney Survey, Abstract No. 69 and the J. L. Quinalty Survey, Abstract No. 40, and extending the boundaries of the City of Lufkin, Texas to include the 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 City. Councilmember Don Langston 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 CHANGING THE ZONING DESIGNATION OF A CERTAIN TRACT OR PARCEL OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, DESCRIBED AS APPROXIMATELY 5.044 ACRES OF LAND DESCRIBED AS TRACT 15 OF THE P. C. ABNEY SURVEY LOCATED NEAR THE CORNER OF U. S. HWY 69 SOUTH AND LESLIE LANE FROM “LIGHT MANUFACTURING” AND “RESIDENTIAL LARGE SINGLE FAMILY DWELLING” TO A SINGLE CLASSIFICATION OF “COMMERCIAL” AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP, AND AN ORDINANCE OF THE CITY OF LUFKIN, TEXAS – APPROVED - AMENDING THE CITY OF LUFKIN COMPREHENSIVE PLAN**

Mayor Jack Gorden stated that the next item for consideration was a 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 approximately 5.044 acres of land described as Tract 15 of the P. C. Abney Survey located near the corner of U. S. Hwy 69 South and Leslie Lane from “Light Manufacturing” and “Residential Large Single Family Dwelling” to a single classification of “Commercial” and authorizing the City Planner to make such changes on the Official Map, and an Ordinance of the City of Lufkin, Texas amending the City of Lufkin Comprehensive Plan. City Manager Paul Parker stated that James Slack, on behalf of four (4) owners associated with a 5.044 acre tract located on the northwest corner of U.S. 69 South and Leslie Lane, was requesting a zone change from the current classification of “Light Manufacturing” and “Residential Large Single Family Dwelling” to a single classification of “Commercial”. City Manager Parker explained that the property was not developed and was located directly across from Leslie Lane and Ritter Lumber Company. City Manager Parker added that to the south of the property, on the corner of U.S. 69 South and Leslie Lane, is a convenience store with a restaurant. City Manager Parker stated that the properties, along U.S. 69 South in the vicinity of the proposed zone change, are generally a mix of commercial and retail uses. City Manager Parker added that there are two large tracts owned by James Slack at the rear of the property. City Manager Parker stated that the Planning Department stated that the development of the property for commercial usage would have little impact to residential uses on Leslie Lane or to the Normandy Estates subdivision. City Manager Parker added that the Planning and Zoning Commission unanimously recommended that Council approve the Zone Change and “Future Land Use” change.

Mayor Gorden then opened the Public Hearing at 5:25 p.m. concerning the Ordinance amending the Zoning Ordinance. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the Ordinance. Mayor Gorden then closed the Public Hearing at 5:26 p.m.

Councilmember Phil Medford moved to approve the 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 approximately 5.044 acres of land described as Tract 15 of the P. C. Abney Survey located near the corner of U. S. Hwy 69 South and Leslie Lane from “Light Manufacturing” and “Residential Large Single Family Dwelling” to a single classification of “Commercial” and authorizing the City Planner to make such changes on the Official Map, and an Ordinance of the City of Lufkin, Texas amending the City of Lufkin Comprehensive Plan. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

10. FIRST READING OF AN ORDINANCE ADOPTING RULES AND REGULATIONS ESTABLISHING CERTAIN FLOOD PREVENTION AND MITIGATION MEASURES; - APPROVED - PROVIDING FOR THE PROTECTION OF THE HEALTH AND SAFETY OF THE CITIZENS OF LUFKIN; PROVIDING A PENALTY FOR VIOLATION; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND A REPEALER CLAUSE; PROVIDING FOR PUBLICATION, CODIFICATION, AND AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

Mayor Jack Gorden stated that the next item for consideration was the First Reading of an Ordinance adopting rules and regulations establishing certain flood prevention and mitigation measures; providing for the protection of the health and safety of the citizens of Lufkin; providing a penalty for violation; containing a savings clause, a severability clause and a repealer clause; providing for publication, codification, and an effective date; and containing other provisions relating to the subject. City Manager Paul Parker stated that the City received a Community Assistance Visit (CAV) from FEMA and the only violation identified was that the City's Flood Prevention Ordinance was outdated and not current with recent changes required by FEMA. City Manager Parker explained that the proposed Ordinance was a revision of the City's current Ordinance based on FEMA guidelines. City Manager Parker added that the current Ordinance was passed in 1972 and revised in 1982. City Manager Parker stated that the City of Lufkin is a Level "D" community and the proposed Ordinance met all of the minimum standards as required by FEMA for Level "D" communities. City Manager Parker stated that there were no significant changes in the proposed Ordinance.

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

Councilmember Rose Faine Boyd moved to approve the First Reading of an Ordinance adopting rules and regulations establishing certain flood prevention and mitigation measures; providing for the protection of the health and safety of the citizens of Lufkin; providing a penalty for violation; containing a savings clause, a severability clause and a repealer clause; providing for publication, codification, and an effective date; and containing other provisions relating to the subject. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

11. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2005/2006 OPERATING BUDGET (BUDGET AMENDMENT NO. 22), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN VARIOUS CAPITAL IMPROVEMENT FUNDS, AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated the next item for consideration was a Resolution authorizing an Amendment to the 2005/2006 Operating Budget (Budget Amendment No. 22), providing for the supplemental appropriation of funds in various Capital Improvement Funds, and providing an effective date. City Manager Paul Parker stated that this Budget Amendment would more accurately reflect the budgets for the Capital Improvement Projects. City Manager Parker stated that he would answer any questions that the Council had concerning the Budget Amendment and that Staff recommended that Council approve the amendment.

There was discussion among the City Council Members concerning the Budget Amendment.

Councilmember Lynn Torres moved to approve the Resolution authorizing an Amendment to the 2005/2006 Operating Budget (Budget Amendment No. 22), providing for the supplemental appropriation of funds in various Capital Improvement Funds, and providing an effective date. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

12. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2005/2006 OPERATING BUDGET (BUDGET AMENDMENT NO. 23), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN

THE ECONOMIC DEVELOPMENT FUND, AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated the next item for consideration was a Resolution authorizing an Amendment to the 2005/2006 Operating Budget (Budget Amendment No. 23), providing for the supplemental appropriation of funds in the Economic Development Fund, and providing an effective date. City Manager Parker stated that this amendment would create a position that had previously been shared between the Lufkin/Angelina County Chamber of Commerce and the Lufkin/Angelina County Economic Development Partnership. City Manager Parker explained that the Chamber of Commerce had recently eliminated their contribution to the salary necessary to continue the Economic Development position. City Manager Parker stated that the Lufkin/Angelina County Economic Development Partnership had requested that the City of Lufkin, through the utilization of 4-B sales tax funds, continue the arrangement along with the Partnership to fund the position. City Manager Parker stated that the position would become a full-time position with the City of Lufkin, with the understanding that the Lufkin/Angelina County Economic Development Partnership would contribute \$20,000 annually towards the funding of the position. City Manager Parker added that Staff recommended that Council approve the Budget Amendment.

Councilmember Rufus Duncan moved to approve the Resolution authorizing an Amendment to the 2005/2006 Operating Budget (Budget Amendment No. 23), providing for the supplemental appropriation of funds in the Economic Development Fund, and providing an effective date. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

13. RESOLUTION DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT – APPROVED - AND CONSIDER ALL MATTERS INCIDENT AND RELATED TO DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE CONSTRUCTION OF PUBLIC WORKS PROJECTS AND A FIRE STATION AND FOR PURCHASING OF EQUIPMENT

Mayor Jack Gorden stated that the next item for consideration was a Resolution declaring Expectation to Reimburse Expenditures with Proceeds of Future Debt and consider all matters incident and related to declaring Expectation to Reimburse Expenditures with Proceeds of Future Debt for the construction of Public Works projects and a fire station and for purchasing of equipment. City Manager Parker stated that this was a Resolution that would allow that any expenditures, prior to the issuance of bonds, could be reimbursed. City Manager Parker stated that Staff recommended that Council approve the Resolution.

There was discussion among the Mayor and City Council Members concerning the Budget Amendment.

Councilmember Lynn Torres moved to approve the Resolution declaring Expectation to Reimburse Expenditures with Proceeds of Future Debt and consider all matters incident and related to declaring Expectation to Reimburse Expenditures with Proceeds of Future Debt for the construction of Public Works projects and a fire station and for purchasing of equipment. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

14. RESOLUTION DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT – APPROVED - AND CONSIDER ALL MATTERS INCIDENT AND RELATED TO DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR PERMANENT PUBLIC IMPROVEMENT PROJECTS

Mayor Jack Gorden stated that the next item for consideration was a Resolution Declaring Expectation to Reimburse Expenditures with Proceeds of Future Debt and all matters incident and related to declaring Expectation to Reimburse Expenditures with Proceeds of Future Debt for permanent public improvement projects. City Manager Paul Parker stated that this Resolution would allow the City to reimburse expenditures, with Proceeds of Future Debt, for permanent public improvement projects from bond funds.

Councilmember Rose Faine Boyd moved to approve Resolution Declaring Expectation to Reimburse Expenditures with Proceeds of Future Debt and all matters incident and related to declaring Expectation to Reimburse Expenditures with Proceeds of Future Debt for permanent public improvement projects. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

15. Mayor Jack Gorden stated that the next item for consideration was a report from Paul Parker, City Manager. City Manager Paul Parker stated that the Financial Status Report and Project Status reports had been gone over earlier that day during the Council Planning Retreat. City Manager Parker added that he would not repeat the reports but would answer any questions that the City Council had concerning the Financial Status Report or the Projects Status Report.
16. Mayor Jack Gorden recessed the Regular Session at 5:40 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 6:25 p.m.

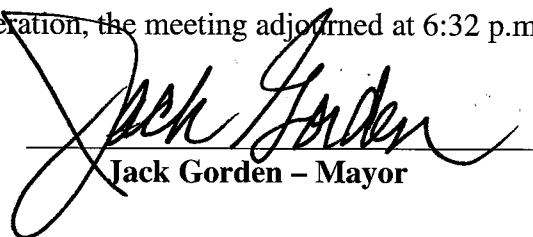
17. City Manager Parker added that Council had their Calendar of Events. City Manager Parker highlighted City Manager Parker also reminded the Council that the Council Meeting that should have been held on July 4th would be moved to Wednesday, July 5th, 2006. City Manager Parker added that immediately following the July 5, 2006 Council Meeting that there would be a work session and on July 6, 2006 at 5:00 p.m. there would be an additional work session for the Council. City Manager Parker then reminded those Council Members that were serving on the Hotel/Motel Fund Committee that there would be a meeting held on June 27, 2006 at 10:00 a.m. to discuss requests from the entities that receive funding from the Hotel Motel Fund.

Mayor Gorden then announced the upcoming First Annual City of Lufkin 4th of July Fireworks Extravaganza that was being sponsored by the Law Firm of Love and Wills and asked that all of the City Council plan to attend the event.

Mayor Jack Gorden then thanked outgoing Assistant City Manager Administrative Services Kenneth Williams for his work with the Council and the citizens of Lufkin and congratulated him on his new position as City Manager for the City of Diboll. Mr. Williams then thanked the Mayor, Council, City Manager and Staff for their guidance, advice, assistance and friendships.

21. There being no further business for consideration, the meeting adjourned at 6:32 p.m.


Renee Thompson – City Secretary


Jack Gorden – Mayor