

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 16TH DAY OF JUNE, 2009**

On the 16th day of June, 2009, 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.
R. L. Kuykendall
Robert Shankle
Lynn Torres
Don Langston
Rufus Duncan
Phil Medford
Paul L. Parker
Keith Wright
Robert Flournoy
Bruce Green
Renee Thompson
Rodney Ivy
Larry Brazil
Scott Marcotte
Duane Freeman
Dorothy Wilson
Barbara Thompson
Belinda Southern

Mayor
Councilmember, Ward No. 1
Councilmember, Ward No. 2
Councilmember, Ward No. 3
Councilmember, Ward No. 4
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
Asst. City Manager
City Attorney
Asst. City Attorney
City Secretary
Human Resource Director
Police Chief
Asst. Police Chief
Asst. Fire Chief
Planning Director
Main Street Director
Finance Manager

being present, when the following business was transacted:

1. The meeting was opened with prayer by Pastor David Hunt, Eastview United Pentecostal Church.
2. Mayor Jack Gorden welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of June 2, 2009, were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

NEW BUSINESS:

4. **BID TO PROGRESSIVE ROOFING IN THE AMOUNT OF FORTY-TWO THOUSAND SEVEN HUNDRED THIRTY-TWO DOLLARS (\$42,732) FOR FOUR (4) ROOFS – APPROVED - FOR THE WATER/WASTEWATER TREATMENT PLANT**

Mayor Jack Gorden stated that the next item for consideration was awarding a bid to Progressive Roofing in the amount of forty-two thousand seven hundred thirty-two dollars (\$42,732) for four (4) roofs for the Water/Wastewater Treatment Plant.

City Manager Paul Parker stated that there were four (4) roofs at the Wastewater Treatment Plant that were in dire need of being replaced. City Manager Parker added that there was a combination of roof types at the facility. City Manager Parker explained that the bladder roof system had been repaired multiple times and the bladder had pulled away from the edge of the roof. City Manager Parker stated that the second roof was a built up roof system and that those roofs were over thirty (30) years old and were deteriorated. City Manager Parker added that the four (4) roofs bid included the roofs at the Lift Station, the DAF Unit, Chlorination and De-chlorination Unit and the Blower building. City Manager Parker explained that there were two (2) companies that bid on the roofing projects, and that the

roofs would be the TPO reinforced membrane adhered roof systems, which were the same type of roofs that were on City Hall and the Wastewater Treatment Plant. City Manager Parker stated that Staff sent out several bid packets, but the only two (2) companies that bid were Progressive Roofing of Balch Springs, Texas, and Carney Roofing Company of Nacogdoches, Texas. City Manager Parker added that the apparent low bidder was Progressive Roofing in the amount of forty-two thousand seven hundred thirty-two dollars (\$42,732). City Manager Parker stated that Staff recommended that Council award the bid to Progressive Roofing in the amount of forty-two thousand seven hundred thirty-two dollars (\$42,732). City Manager Parker added that the City originally budgeted eighty-one thousand five hundred sixty-two dollars (\$81,562) for the project, and were way below the budgeted amount for the repairs.

Mayor Gorden asked for questions or comments from the Council.

Councilmember R. L. Kuykendall moved to award the bid to Progressive Roofing in the amount of forty-two thousand seven hundred thirty-two dollars (\$42,732) for four (4) roofs for the Water/Wastewater Treatment Plant. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

5. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY CHANGING THE ZONING DESIGNATION ON LAND DESCRIBED AS LOT 2, BLOCK 8, OF THE TANGLEBRIAR ADDITION, ALSO KNOWN AS 1503 SOUTH JOHN REDDITT, A "LARGE SINGLE-FAMILY DWELLING" ZONING DISTRICT TO A "LOCAL BUSINESS" ZONING DISTRICT AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP

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 on land described as Lot 2, Block 8, of the Tanglebriar Addition, also known as 1503 South John Redditt, a "Large Single-Family Dwelling" Zoning District to a "Local Business" Zoning District and authorizing the City Planner to make such changes on the Official Map.

City Manager Paul Parker stated that Mr. Harold Coleman, the applicant and owner, was requesting to make a change of zoning from "Residential Large Single Family Dwelling" to a "Local Business" zoning classification on property commonly known as 1503 South John Redditt Drive, to facilitate a sale to a specific buyer. City Manager Parker added that the buyer was Mr. Chad Morgan, who had worked with the Engineering Department and the Planning Department for over a year to try to find an appropriate office site. City Manager Parker stated that the proposed site would accommodate the design that Mr. Morgan had in mind and meet his requirements. City Manager Parker explained that the properties to the north of the subject property were zoned "Residential Large Single Family Dwelling", then "Local Business". City Manager Parker added that the properties to the southeast were zoned as "Residential Large Single Family Dwelling", while the properties to the southwest were zoned "Neighborhood Retail" and "Restrictive Professional Office". City Manager Parker stated that the properties to the northwest were zoned "Restrictive Professional Office" and included a range of uses. City Manager Parker stated that the subject property was currently used as the owner's residence, and that the property to the north was a home. City Manager Parker added that the properties further north were businesses and that Saint Paul's United Methodist Church was immediately east. City Manager Parker stated that properties to the south were currently vacant and belonged to the church. City Manager Parker added that both the Planning and Zoning Commission and Planning Staff recommended that the Council approve the Zone Change request.

Mayor Gorden opened the Public Hearing 5:07 p.m. and asked anyone who wished to speak on the item to please step forward. There appearing to be no one who wished to speak, Mayor Gorden closed the Public Hearing at 5:08 p.m.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the First Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning

designation on land described as Lot 2, Block 8, of the Tanglebriar Addition, also known as 1503 South John Redditt, a “Large Single-Family Dwelling” Zoning District to a “Local Business” Zoning District and authorizing the City Planner to make such changes on the Official Map. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

6. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS. - APPROVED - BY GRANTING A “SPECIAL USE PERMIT” FOR AN INDOOR COMMERCIAL RECREATION AND ENTERTAINMENT FACILITY AND FOR COMMERCIAL AMUSEMENT IN A “CENTRAL BUSINESS” ZONING DISTRICT ON CERTAIN LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, DESCRIBED AS BLOCK 18, LOT 6, OF THE CITY OF LUFKIN, MORE COMMONLY KNOWN AS A PORTION OF 212 EAST BURKE STREET AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP**

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 granting a “Special Use Permit” for an indoor commercial recreation and entertainment facility and for commercial amusement in a “Central Business” zoning district on certain land within the corporate limits of the City of Lufkin, Texas, described as Block 18, Lot 6, of the City of Lufkin, more commonly known as a portion of 212 East Burke Street, and authorizing the City Planner to make such changes on the Official Map.

City Manager Paul Parker stated that Mr. Floyd Maddux, owner, and Mr. Kory Otteson, applicant, were requesting a “Special Use Permit” on property located at 212 East Burke. City Manager Parker added that if approved, the “Special Use Permit” would allow for the location to be used as an Indoor Commercial Recreation and Entertainment Facility or for Commercial Amusement. City Manager Parker stated that Mr. Ken Harvill, manager, stated before the Planning and Zoning Commission that he proposed to manage an arcade that was for clean family fun, and that no alcohol would be sold or consumed on the property. City Manager Parker added that the properties surrounding the subject property were zoned “Central Business”, and were businesses generally associated with the downtown area. City Manager Parker stated that Council was familiar with the property at 212 East Burke, since it was so close to the Lufkin City Hall and Bronaugh Park. City Manager Parker added that the property was next door to the asphalt business owned by Gene Carrier. City Manager Parker stated that the Planning and Zoning Commission, along with Staff, recommended that the “Special Use Permit” be granted for 212 East Burke, to allow the applicant to operate a video arcade.

Mayor Gorden opened the Public Hearing 5:11 p.m. and asked anyone who wished to speak on the item to please step forward. There appearing to be no one who wished to speak, Mayor Gorden closed the Public Hearing at 5:12 p.m.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Phil Medford moved to approve the First Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a “Special Use Permit” for an indoor commercial recreation and entertainment facility and for commercial amusement in a “Central Business” Zoning District on certain land within the corporate limits of the City of Lufkin, Texas, described as Block 18, Lot 6, of the City of Lufkin, more commonly known as a portion of 212 East Burke Street and authorizing the City Planner to make such changes on the Official Map. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

Planning Director Dorothy Wilson asked to clarify that the Ordinance was approved, with the stipulation that the property was being used for an arcade. Ms. Wilson added that there had been questions concerning the facility being used for parties and other establishments in the future, to include alcohol, and that she wanted to make sure that the Ordinance stated that the “Special Use Permit” was limited to use for an arcade. City Manager Parker stated that this would be clarified and that the exact language would be added to the Ordinance for the Second Reading.

7. CITY MANAGER'S REPORT

Mayor Jack Gorden stated that the next item for consideration was a report from City Manager Paul Parker.

City Manager Paul Parker stated that the Council had before them all of the information on the budgets, and that he would highlight the revenue status on the General Fund. City Manager Parker explained that Lufkin continued to do well, and was still above the Sales Tax projections for the current year. City Manager Parker added that the City had another month where the Sales Tax was up a little over nine percent (9%). City Manager Parker explained that a portion of the increase was due to a rebate from an audit of approximately eighty-eight thousand dollars (\$88,000), which skewed the numbers a little. City Manager Parker stated that for the year, the City was still well above the projections. City Manager Parker stated that the remainder of the revenue was right on schedule, and that the General Fund was at ninety-six percent (96%) of the ad valorem tax, which was normal for the time of year. City Manager Parker stated that most of those taxes were paid earlier in the year, and that the City should exceed its budget in the General Fund Projections. City Manager Parker stated that expenditures were well under control in all of the departments. City Manager Parker added that there was nothing to be concerned about at the current time in the budgets for the General Fund.

City Manager Parker stated that the Water and Sewer Fund was a little different from the General Fund. City Manager Parker explained that the fund was running slightly below normal, but if the heat trend continued those numbers would turn around quickly. City Manager Parker added that the City was at the time of year that either made or broke the Water and Sewer Fund's numbers, and that the projections were always difficult. City Manager Parker stated that currently the City was running below the projections. City Manager Parker added that the expenditures were approximately as was budgeted, and that there was nothing out of the norm on the expenditures in the fund. City Manager Parker stated that the City would just wait and see where the summer would lead on the revenues.

City Manager Parker stated that the Sanitation Fund was right on target, and was slightly below the projections, but was nothing to be concerned about.

City Manager Parker stated that the Hotel/Motel Tax Fund was currently exceeding its budget projections, and was having a decent year in its revenues. City Manager Parker added that the Council had the remainder of the funds in their packets and that he would be happy to answer any questions the Council had concerning those funds. City Manager Parker stated that there were no particular concerns on any of the funds at that time, and that the Council would have its annual budget workshop during the next week and would go over the updated numbers on the accounts in detail.

City Manager Parker stated that the Project Status Report showed that most projects were going well. City Manager Parker added that the TxDOT Project on Highway 59 continued to change daily. City Manager Parker stated that the City's understanding was that the project was running approximately eight (8) months ahead of schedule. City Manager Parker added that this was very good news for the City of Lufkin, but that every day was an adventure in driving the route, but that the situation was being handled very well and that so far the City was not seeing an overall decline in sales. City Manager Parker explained that some of the businesses located in adjacent and key areas would probably have some concerns, but overall the project seemed to be going well. City Manager Parker stated that the remainder of the projects were proceeding on schedule, and that he would answer any questions that the Council had concerning the Project Status Report.

City Manager Parker stated that this concluded the City Manager's Report unless the Council wanted to discuss a particular project in detail.

Mayor Gorden asked Deputy City Manager Keith Wright if there was any word from TxDOT that addressed the intersection at FM 819 and the South Loop 287. Deputy City Manager Wright stated that he had brought that up to TxDOT early on in the project, and that the issue was the railroad track and how the intersection was constructed. Deputy City Manager Wright added that Staff discussed with TxDOT the possibility of putting up a signal light and that TxDOT was not receptive to the suggestion. Mayor Gorden stated that the intersection

was really one (1) of the worst in Lufkin. Deputy City Manager Wright agreed that the intersection was bad, along with the intersection where Harmony Hill came out on Highway 58. Deputy City Manager Wright added that those were the two (2) most critical locations in Lufkin at the current time. City Manager Parker stated that FM 819 traffic was backing up past White House Road quite often. City Manager Parker added that the City would continue to encourage TxDOT to take a creative look, but that it was the double set of stop signs that they said made it impossible. Mayor Gorden stated that he thought that TxDOT had said some time back that they had commissioned a study for that intersection. Deputy City Manager Wright stated that the study was to put the U-turns in, and that TxDOT had put one (1) of them in and were looking to put another one (1) in on the other side.

Mayor Gorden then asked for questions or comments from the Council concerning the City Manager's Report.

8. Mayor Jack Gorden recessed the Regular Session at 5:17 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, demolition of buildings, or appointments to boards and personnel may be discussed.

Mayor Jack Gorden reconvened the Regular Session at 6:01 p.m.

9. APPOINTMENT OF MAYOR PRO TEM

Mayor Jack Gorden stated that the next item for consideration was the appointment of a Mayor Pro Tem.

Councilmember Lynn Torres moved to appoint Don Langston as Mayor Pro Tem for the City of Lufkin. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

10. APPOINTMENT TO THE LUFKIN CONVENTION AND TOURISM BOARD

Mayor Jack Gorden stated that the next item for consideration was the appointment to the Lufkin Convention and Tourism Board.

Councilmember Lynn Torres moved to appoint Bob Brown to serve a one (1) year term on the Lufkin Convention and Tourism Board in the place of the previous appointment of Gerard Tollet. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

11. APPOINTMENT TO THE DETCOG BOARD

Mayor Jack Gorden stated that the next item for consideration was the appointment to the DETCOG Board.

Councilmember Lynn Torres moved to appoint Rufus Duncan to the DETCOG Board. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

12. CALENDAR NOTATIONS FROM MAYOR, COUNCIL MEMBERS, AND CITY MANAGER

Mayor Gorden stated that the next item for consideration was the calendar notations from the Mayor, Council Members, and City Manager. City Manager Parker stated that he wanted to highlight that on Tuesday, June 23, 2009, at 8:30 a.m., the City Council would begin its Annual Budget Workshop. City Manager Parker added that the Council had their agendas and budgets before them. City Manager Parker asked the Council to bring those documents back to the Workshop, and added that Staff was getting the materials to the Council in ample

time for them to look through the budget. City Manager Parker stated that if the Council had questions as they went through the budget to feel free to give him a call, and that Staff would take the time to answer those questions.

City Manager Parker stated that he had recently received notice about a dedication at 10:00 a.m., on Friday, June 19, 2009, at the corner of Kurth and Martin Luther King for the improvements of the signage and plaques at that location. City Manager Parker explained that he had not received all of the details about the event, and that the Council would receive an email as soon as Staff received them.

Councilmember Lynn Torres stated that the Tree Board was supposed to go out the day of June 19, 2009, at 10:00 a.m., to see a tree at Ellen Trout Zoo that had been requested to be removed due to interference with the fireworks display. Councilmember Torres added that Joe Pase had set a meeting of the Tree Board Members to go and look at the situation, and that she would be unable to attend the dedication ceremony at Kurth and Martin Luther King.

City Manager Parker stated that he had forgotten to mention that there was a letter from TCEQ (Texas Commission on Environmental Quality) on the Council's desks that was praising the City of Lufkin. City Manager Parker added that the letter especially praised Inspections Services Director Dale Allred, and also Donald Moreland of Inspections Services on their Cross Connection Control Program. City Manager Parker explained that TCEQ found no faults, and were very complimentary and said that it was highly unusual for a city to have as complete and thorough records as the City of Lufkin did in the enforcement of the program. City Manager Parker stated that he wanted to thank the staff for doing an excellent job in that area, and in getting a clean bill of health from TCEQ in that program. Mayor Gorden added that the Council extended their thanks also.

13. There being no further business for consideration, the meeting adjourned at 6:06 p.m.


Renee Thompson – City Secretary


Jack Gorden, Mayor