

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
4th OF FEBRUARY 2003**

On the 4th day of February 2003 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 A. Bronaugh
Lynn Torres
R. L. Kuykendall
Rose Faine Boyd
Bob Bowman
Dennis Robertson
C. G. Maclin
Atha Martin
Bob Flournoy
Keith Wright
Kenneth Williams
Stephen Abraham

Mayor
Mayor pro tem
Councilmember, Ward No. 1
Councilmember, Ward No. 2
Councilmember, Ward No. 4
Councilmember, Ward No. 6
City Manager
City Secretary
City Attorney
City Engineer
Director of Public Works
Director of Planning

being present, and

Jack Gorden, Jr.

Councilmember, Ward No. 5

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. James Townes, New Life Missionary Baptist Church.
2. Mayor Bronaugh welcomed visitors present and recognized Boy Scouts from Troop 136 sponsored by the Evening Lions Club: Will Hicks, Clint Swearingen, Jonathan Curbow, Josh Parker, Kevin Hood, David Weick, Brandon Ward and Asst. Scout Leader Jeff Swearingen.

3. APPROVAL OF MINUTES

Minutes of the Regular Meeting of January 7, 2003 were approved on a motion by Councilmember Dennis Robertson and seconded by Councilmember Bob Bowman. A unanimous affirmative vote was recorded.

4. ORDINANCE – APPROVED – SECOND READING – ZONE CHANGE – SMALL SINGLE FAMILY DWELLING TO COMMERCIAL – 705 HOMER – KAROL GREEN – AMENDMENTS TO FUTURE LAND USE PLAN

Mayor Bronaugh stated that the next item for consideration was the request of Karol Green to change the zoning from “Small Single Family Dwelling” to a “Commercial” zoning district on land described as Lot 1, Block 52 of the W. C. Denman Addition and more commonly known as 705 Homer Street, and to make any corresponding amendments to the Future Land Use Plan deemed appropriate.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman that Ordinance to change the zoning from “Small Single Family Dwelling” to a “Commercial” zoning district on land described as Lot 1, Block 52 of the W. C. Denman Addition and more commonly known as 705 Homer Street as requested by Karol Green, and to make any corresponding amendments to the Future Land Use Plan deemed appropriate be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. AMENDMENT – APPROVED – FUTURE LAND USE PLAN – 2425 OLD MILL ROAD

Mayor Bronaugh stated that the next item for consideration is an Amendment to the Future Land Use Plan contained in the comprehensive plan for the area described as 2425 Old Mill Road and the immediate vicinity.

City Manager Maclin stated that this was an issue that Council had discussed at a meeting a little over a month ago when they talked about a zone change request relating to a barbershop. Mr. Maclin stated that staff indicated to Council at that time that they would go back to the Planning & Zoning Commission with a proposed amendment to the Future Land Use Plan and that has been completed. Mr. Maclin stated that the neighborhood is in agreement with this proposal and it comes to Council from the Planning & Zoning Commission with a unanimous recommendation of approval.

Councilmember Robertson asked if there had been any consultations with the landowners to see whether they were for or against it, or had any comments. Mr. Abraham stated that he sent a notice out explaining that this was not a zoning but was simply bringing the comprehensive plan in conformance with an action previously taken. Mr. Abraham stated that he received one phone call after the notice went out. Mr. Abraham stated that this is really just an administrative issue.

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Dennis Robertson that the Amendment to the Future Land Use Plan contained in the comprehensive plan for the area described as 2425 Old Mill Road and the immediate vicinity be approved as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE – APPROVED – FIRST READING – GENERAL ELECTION 2003

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance setting a time and date for the May 3rd General Election.

City Manager Maclin stated that this is the annual time that Council is supposed to by Ordinance set the election that includes the at-large position as well as Wards 2 and 4. Mr. Maclin stated that the polling locations are included in the Ordinance as well as the judges, and also included is the election calendar.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that Ordinance setting the time and date for the 2003 General Election be approved on First Reading as presented. A unanimous affirmative vote was recorded.

5. ORDINANCE – APPROVED – FIRST READING – FRANCHISE REVISION – CENTERPOINTE ENERGY

Mayor Bronaugh stated that the next item for consideration was First Reading of a Franchise Revision Ordinance for CenterPointe Energy.

City Manager Maclin stated that staff has been working with CenterPointe Energy, more easily recognized as Entex over the year, on this franchise revision. Mr. Maclin stated that Tommy Scherry was present representing the company. Mr. Maclin stated that staff has been working with Mr. Scherry and other CenterPointe officials and have made some modifications that reflect the City's current practices with other utilities that have underground burial in the City's right-of-way. Mr. Maclin stated that all of those changes have been incorporated into this new Ordinance including a few updates to reflect current nomenclature and laws, etc.

Councilmember Robertson asked if the gas company was required to do any testing on the lines for deterioration by State law. Mr. Scherry stated that they are required to follow the safety guidelines as outlined by the Texas Railroad Commission and have ongoing testing processes and are routinely audited by the TRC to make sure they are in compliance as well as keeping records to check for corrosion on the lines.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman that Franchise Ordinance Revision for CenterPointe Energy be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. RESOLUTION – APPROVED – TEMPORARY CLOSURE OF STATE HIGHWAY – 2003 BENEFIT RODEO PARADE – DOWNTOWN HOEDOWN

Mayor Bronaugh stated that the next item for consideration was a Resolution authorizing temporary closure of a State Highway for the 2003 Benefit Rodeo Parade and the Downtown Hoedown.

City Manager Maclin stated that this is the routine request by TxDOT, and staff is seeking Council's consideration for approval.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that Resolution authorizing temporary closure of a State Highway for the 2003 Benefit Rodeo Parade and the Downtown Hoedown be approved as presented. A unanimous affirmative vote was recorded.

9. WAIVER OF PENAL ORDINANCE NO. 110 – APPROVED – DOWNTOWN HOEDOWN

Mayor Bronaugh stated that the next item for consideration was a request by Main Street to waive Penal Ordinance No. 110, which prohibits the selling of goods by individuals on public sidewalks for the annual Downtown Hoedown.

City Manager Maclin stated that is an annual request in order for the City staff to conduct the activities that are typically part of the Downtown Hoedown. Mr. Maclin stated that staff anticipates another successful year with the festival and would seek Council's authorization again to implement this temporary waiver.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember Dennis Robertson that request by Main Street to waive Penal Ordinance No. 110, which prohibits the selling of goods by individuals on public sidewalks for the annual Downtown Hoedown be approved as presented. A unanimous affirmative vote was recorded.

10. BID – APPROVED – CHLORINE SCALES – WASTEWATER TREATMENT PLANT – MOODY BROTHERS

Mayor Bronaugh stated that the next item for consideration was the purchase of chlorine scales for the Wastewater Treatment Plant.

City Manager Maclin stated that staff recommendation is the low bid of Moody Brothers in the amount of \$13,495.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Rose Faine Boyd that the low bid of Moody Brothers in the amount of \$13,495 for chlorine scales at the Wastewater Treatment Plant be approved as submitted. A unanimous affirmative vote was recorded.

11. BID – APPROVED – FORKLIFT – RECYCLING – LIFT TRUCK SUPPLY

Mayor Bronaugh stated that the next item for consideration was bids for a forklift for the Recycling Department.

City Manager Maclin stated that staff is recommending the low bid of Lift Truck Supply in the amount of \$21,641.

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Bob Bowman that the bid of Lift Truck Supply in the amount of \$21,641 be approved as submitted. A unanimous affirmative vote was recorded.

12. **BID – APPROVED – SALE OF RESIDENTIAL STRUCTURE – CHAMBERS PARK – DOVE VENTURES, LLC**

Mayor Bronaugh stated that the next item for consideration was award of bid for sale of residential structure located adjacent to Chambers Park.

City Manager Maclin stated that the City of Lufkin has owned some houses and has used them to provide security and supervision. Mr. Maclin stated that the labor laws have changed and now prevents them from being functional in today's climate. Mr. Maclin stated that staff felt it was appropriate to seek bids for the housing unit that is located near Chambers Park on Pershing Avenue. Mr. Maclin stated that one bid was received and it was from Dove Ventures, LCC in the amount of \$5,000.

In response to question by Councilmember Bowman, Mr. Maclin stated that there is 800 SF of footage in the house.

Councilmember Robertson asked how much clean up would be required on the site once the house has been moved. Mr. Maclin stated that once they get the house off the site there might be some pillars to remove and the utility department would make sure all the utilities were taken care of.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Rose Faine Boyd that the bid of Dove Ventures, LLC in the amount of \$5,000 be approved as submitted. A unanimous affirmative vote was recorded.

Mayor Bronaugh stated that he would like to thank Mayor pro tem Torres for sitting in for him the last two meetings.

13. **EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 5:18 p. m. and Councilmembers entered into Executive Session. Regular Session reconvened at 6:02 p.m. and Mayor Bronaugh stated that Council had discussed attorney/client matters and real estate.

14. **CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER**

City Manager Maclin stated that Bill Cameron submitted an application to MuniNet and the City of Lufkin was recognized for the best web site in America for a City. Mr. Maclin stated that this is a significant accomplishment. Mr. Maclin stated that the City of Lufkin is the featured web site for the best municipal web site in the United States of America. Mr. Maclin stated that the City would be receiving additional copies of the MuniNet newsletter and he would forward them on to the Councilmembers.

Mr. Maclin stated that also on the table is a quarterly report of the City's fund and also a capital project status report.

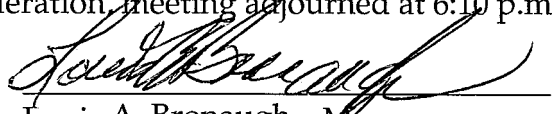
Mr. Maclin stated that the Citizen's Academy starts this Thursday evening at 6 p.m. and there will be a mock City Council meeting.

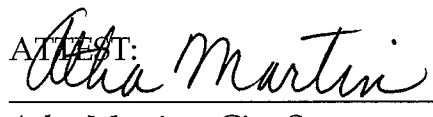
Mr. Maclin stated that next Thursday, February 13th, is the Deep East Texas Development Association banquet at Crown Colony at 7:15 p.m.

Mr. Maclin stated that this Friday is First Friday at Crown Colony.

Mayor Bronaugh stated that on Monday, February 17th would be the first day to file for the election.

15. There being no further business for consideration, meeting adjourned at 6:10 p.m.


Louis A. Bronaugh – Mayor

ATTEST:

Atha Martin – City Secretary