

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS HELD ON THE 15th DAY OF NOVEMBER, 2005**

On the 15th day of November, 2005, 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	Asst. City Manager/Public Works
Kenneth Williams	Asst. City Manager/Administrative Services
David Koonce	Human Resource Director
Doug Wood	Finance Director
Bill Cameron	City of Lufkin Webmaster
Beauford Chapman	Inspection Services Director
Pete Prewitt	Fire Chief
Larry Brazil	Police Chief
Scott Marcotte	Asst. Police Chief
Dorothy Wilson	Planning Director
Scott Rayburn	Planner

being present, when the following business was transacted:

1. The meeting was opened with prayer by City Attorney, Bob Flournoy.
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 November 1, 2005 were approved on a motion by Councilmember Rose Faine Boyd, and seconded by Councilmember Lynn Torres. A unanimous affirmative vote was recorded.

OLD BUSINESS:

4. **SECOND READING OF AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE NO. 3762 FOR CERTAIN TRACTS OF PARCELS OF LAND WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF LUFKIN, TEXAS – APPROVED - DESCRIBED AS TRACTS 36.1 AND 36.3 OF THE ALLEN PROCTOR SURVEY FOR CERTAIN RESTRICTIONS PLACED UPON A PLANNED UNIT DEVELOPMENT ZONING DISTRICT AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES**

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of an Ordinance granting an Amendment to Ordinance No. 3762 for certain tracts of parcels of land within the corporate city limits of the City of Lufkin, Texas described as Tracts 36.1 and 36.3 of the Allen Proctor Survey for certain restrictions placed upon a Planned Unit Development Zoning District and authorizing the City Planner to make such changes. City Manager Paul Parker stated that since this was

the Second Reading of the Ordinance he would answer any questions that the Council had.

Mayor Bronaugh then asked if there was anyone in the audience that wished to speak for or against this Ordinance. There was none.

Councilmember Lynn Torres moved to approve the Second Reading of an Ordinance granting an Amendment to Ordinance No. 3762 for certain tracts of parcels of land within the corporate city limits of the City of Lufkin, Texas described as Tracts 36.1 and 36.3 of the Allen Proctor Survey for certain restrictions placed upon a Planned Unit Development Zoning District and authorizing the City Planner to make such changes. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

5. SECOND 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 THE GARDEN DISTRICT SHOPPING VILLAGE PHASE II, BLOCK 1, LOTS 1, 2, & 3 AND BEING APPROXIMATELY 4.52 ACRES OF LAND FROM A LOCAL BUSINESS ZONING DISTRICT TO A COMMERCIAL ZONING DISTRICT AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP. THIS REQUEST WILL ALSO ENCOMPASS AMENDING THE FUTURE LAND USE MAP OF COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION OF THE PROPERTIES FROM “RETAIL” TO “COMMERCIAL”

Mayor Louis Bronaugh stated that the next item for consideration was the Second 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 The Garden District Shopping Village Phase II, Block 1, Lots 1, 2, & 3 and being approximately 4.52 acres of land from a Local Business Zoning District to a Commercial Zoning District and authorizing the City Planner to make such changes on the official map. This request will also encompass amending the Future Land Use Map of Comprehensive Plan by changing the designation of the properties from “Retail” to “Commercial”. City Manager Paul Parker stated that he would answer any questions from the Mayor or City Council.

Mayor Bronaugh then asked if there was anyone in the audience that wished to speak for or against this Ordinance. There was none.

Councilmember R. L. Kuykendall moved to approve the Second 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 The Garden District Shopping Village Phase II, Block 1, Lots 1, 2, & 3 and being approximately 4.52 acres of land from a Local Business Zoning District to a Commercial Zoning District and authorizing the City Planner to make such changes on the official map. This request will also encompass amending the Future Land Use Map of Comprehensive Plan by changing the designation of the properties from “Retail” to “Commercial”. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

6. SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS – APPROVED - BY GRANTING A SPECIAL USE PERMIT FOR THE TELECOMMUNICATION TOWER WITHIN A COMMERCIAL ZONING DISTRICT ON CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS DESCRIBED AS A 0.57 ACRE PORTION OF TRACT 28 OUT OF THE J. A. BONTON SURVEY (ABSTRACT NO. 5)

AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a Special Use Permit for the Telecommunication Tower within a Commercial Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas described as a 0.57 acre portion of Tract 28 out of the J. A. Bonton Survey (Abstract No. 5) and authorizing the City Planner to make such changes on the official map. City Manager Paul Parker stated that at the last meeting Council had a lengthy discussion concerning whether or not to light this tower. City Manager Parker stated that Fire Chief Pete Prewitt contacted John Montalto, area manager for Air Evac Life Stream (a helicopter service beginning operations in Lufkin), and they recommended that a red non-pulsating light be installed on the proposed tower. City Manager Parker added that the helicopter service thought that without the tower being lit, it would be a hazard to pilots. City Manager Parker stated that Randy Carswell, with the Angelina County Airport, also recommended a red non-pulsating light be added to the tower. City Manager Parker added that Staff contacted T-Mobile about the recommendations and T-Mobile still strongly recommended that the light not be included due to FAA regulations. City Manager Parker added that T-Mobile did state in a letter that if a light were required by the Mayor and Council, they would light the tower as deemed appropriate by the Mayor and Council.

There was discussion among the Mayor and City Council Members concerning the Zone Change.

Mayor Bronaugh then asked if there was anyone in the audience that wished to speak for or against this Ordinance.

Speaking on the Zone Change was:

Dave Petrakovitz, Voice Stream Houston (T-Mobile)
Sid Love, Airport Owners and Pilots Association

There was additional discussion among the Mayor and City Council Members concerning the Zone Change.

Councilmember Jack Gorden moved to approve the Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a Special Use Permit for the Telecommunication Tower within a Commercial Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas described as a 0.57 acre portion of Tract 28 out of the J. A. Bonton Survey (Abstract No. 5) and authorizing the City Planner to make such changes on the official map. Councilmember Gorden added that his motion included that the proposed tower be lit with a strobe during the day and a red pulsating light at night. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

7. SECOND READING OF AN ORDINANCE – APPROVED - AMENDING THE NATIONAL ELECTRICAL CODE

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of an Ordinance amending the National Electrical Code. City Manager Paul Parker stated that this item was also discussed at the last Council meeting and that he was ready to answer any questions from the Council.

Councilmember Dennis Robertson moved to approve the Second Reading of an Ordinance amending the National Electrical Code. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

8. FIRST READING OF AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF LUFKIN, TEXAS - APPROVED - AND EXTENDING THE BOUNDARIES OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED 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 SAID CITY

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of an Ordinance annexing the hereinafter described territory to the City of Lufkin, Texas and extending the boundaries of said city so as to include said hereinafter described 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 said city. City Manager Paul Parker stated this was the "short form" to annex property within the City. City Manager Parker added that the request was for 4.928 acres of land that Marc Caldwell, representing Lufkin Timber Pointe Apartment Homes, L. P., was seeking to annex primarily to have city services for the apartments they were proposing to build. City Manager Parker explained that the area was vacant and without residents and qualified for the "short form" to go to the City Council for the First and Second Readings and without the usual required Public Hearings.

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

Mayor Bronaugh then asked if there was anyone in the audience that wished to speak for or against this Annexation. There was none.

Councilmember Rose Faine Boyd moved to approve the First Reading of an Ordinance annexing the hereinafter described territory to the City of Lufkin, Texas and extending the boundaries of said city so as to include said hereinafter described 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 said city. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

9. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2005/2006 OPERATING BUDGET (BUDGET AMENDMENT NO. 2), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL, WATER/WASTEWATER, SOLID WASTE & RECYCLING, AND CIVIC CENTER FUNDS; AND PROVIDING AN EFFECTIVE DATE

Mayor Louis Bronaugh stated that the next item for consideration was the Resolution authorizing an Amendment to the 2005/2006 Operating Budget (Budget Amendment No. 2), providing for the supplemental appropriation of funds in the General, Water/Wastewater, Solid Waste & Recycling, and Civic Center Funds; and providing an effective date. City Manager Paul Parker drew the Council's attention to the Interoffice Memorandum in the Council's packets under item number nine (9). City Manager Parker stated that as each new fiscal year is started there are usually several projects that are not complete. City Manager Parker added that Staff then comes back to Council to re-appropriate the funds for the projects. City Manager Parker then went over each item that was being requested to carry forward.

City Manager Parker stated that the Information Technology Department requested to carry forward fourteen thousand dollars (\$14,000) for Call Manager Updates that

were scheduled for September. City Manager Parker explained that the updates were not performed due to the hurricane events.

City Manager Parker stated that the Building Maintenance Department requested to carry forward one hundred thirty-two thousand two hundred eighty-two dollars (\$132,282) for improvements to City Hall. City Manager Parker explained that the majority of the money was for renovations to the Police Dispatch Center. City Manager Parker added that the remainder would be for landscaping, finishing of the Atrium, interior cleaning, and paving repairs.

City Manager Parker stated that the Police Department requested to carry forward five thousand eight hundred twenty dollars (\$5,820) to complete equipment transfers to new vehicles.

City Manager Parker stated that the Street Department requested to carry forward fifteen thousand dollars (\$15,000) to complete Ellen Trout Dam repairs. City Manager Parker added that the Street Department requested to carry over thirty-two thousand dollars (\$32,000) to reconstruct the Pershing Street bridge and add sidewalks. City Manager Parker stated that the Street Department also requested to carry over five thousand dollars (\$5,000) to complete the Herman Street overlay. City Manager Parker added that the Street Department requested to carry over twenty-six thousand seven hundred dollars (\$26,700) for the Ellis Street Overlay.

City Manager Parker stated that the Parks Department requested to carry over eighty-five thousand dollars (\$85,000) that was set aside for improvements to Jones Park and added that it would be determined at a later time how those funds would be expended.

City Manager Parker stated that the total amount to be carried over from the General Fund was three hundred twenty-one thousand eight hundred two dollars (\$321,802).

City Manager Parker stated that the Wastewater Treatment Plant requested to carry over twenty eight thousand five hundred ten dollars (\$28,510) for the Sewer Odor Control Contract.

City Manager Parker stated that the Water Production Plant requested to carry over ninety-one thousand one hundred seventy-five dollars (\$91,175) for the renovation to the Kiln Street elevated storage tank.

City Manager Parker stated that the total amount to be carried over from the Water and Sewer Fund was one hundred nineteen thousand six hundred eighty-five dollars (\$119,685).

City Manager Parker stated that the Economic Development Department requested to carry over forty-nine thousand five hundred ninety-three dollars (\$49,593) to enhance marketing efforts from year to year. City Manager Parker added that there were no plans to spend the funds at that time and would have to go before the Council before funds were allocated.

There was discussion among the Mayor and City Council Members concerning the Amendment to the 2005/2006 Operating Budget.

Councilmember R. L. Kuykendall moved to approve the Resolution authorizing an Amendment to the 2005/2006 Operating Budget (Budget Amendment No. 2), providing for the supplemental appropriation of funds in the General, Water/Wastewater, Solid Waste & Recycling, and Civic Center Funds; and providing an effective date. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

10. Mayor Louis Bronaugh stated that the next item for consideration was a report from Paul Parker, City Manager. City Manager Paul Parker drew attention to the end of year Revenue Report. City Manager Parker stated that when last year's budget began the City of Lufkin was looking at a revenue of twenty-nine million nine hundred

eighteen thousand four hundred eighty-four dollars (\$29,918,484). City Manager Parker added that when the mid-year budget amendment was presented the City of Lufkin was projecting revenue of thirty-one million seventy-six thousand one hundred thirty-three dollars (\$31,076,133) in the General Fund. City Manager Parker stated that the year actually ended with total revenue in the General Fund of thirty-two million two hundred forty-two thousand two hundred forty-five dollars (\$32,242,245). City Manager Parker explained that from the original projections the City was about two million three hundred thousand dollars (\$2,300,000) above the initial estimates due to sales tax, franchise tax and interest income.

City Manager Parker stated that in terms of expenditures the City had the good news in reverse in that the City of Lufkin's expenditures were below the initial projections by approximately five hundred fifty-four thousand eight hundred fifty dollars (\$554,850). City Manager Parker explained that the City spent less than was budgeted. City Manager Parker added that this would give the City of Lufkin a larger Fund Balance than was expected. City Manager Parker stated that included in the assessment was one hundred twenty-three thousand dollars (\$123,000) for FEMA reimbursement for Katrina and four hundred thirty thousand dollars (\$430,000) for FEMA reimbursement for Rita. City Manager Parker added that the total bill for Rita was approximately one million three hundred fifty thousand dollars (\$1,350,000).

City Manager Parker stated that the Water/Wastewater Enterprise Fund began with an estimated revenue of fifteen million three hundred sixty thousand nine hundred eighty-nine dollars (\$15,360,989). City Manager Parker explained that the budget was amended mid-year to sixteen million four hundred thousand eight hundred fifty-six dollars (\$16,400,856). City Manager Parker added that the year ended with seventeen million two hundred nineteen thousand three hundred fifty-five dollars (\$17,219,355). City Manager Parker stated that the year ended with approximately two million dollars (\$2,000,000) more revenue than was projected due to the dry summer and high water sales.

City Manager Parker stated that the projected expenditures were below what was budgeted by four hundred twenty-two thousand nine hundred seventy nine dollars (\$422,979) therefore increasing the fund balance in this account.

City Manager Parker stated that the same scenario continued in the Solid Waste and Recycling Enterprise Fund. City Manager Parker explained that this fund ended the year approximately two million three hundred thousand dollars (\$2,300,000) over the original budget. City Manager Parker added that the expenditures were held in check and the Solid Waste Fund was in very good shape.

City Manager Parker stated that the Hotel/Motel Fund ended the year below estimated revenue and above the estimated expenditures.

City Manager Parker stated that the Zoo Fund was in very good shape and the Economic Development Fund was in its first year.

City Manager Parker stated that the Group Health Insurance Fund was struggling and ended the year with a working capital of three hundred eight thousand seven hundred twenty dollars (\$308,720). City Manager Parker added that this year the City would front most of the contributions from the employees at the first of the year and the fun would looked skewed in the next few month's presentations.

City Manager Parker asked Council for any questions concerning the budget. Councilmember Langston asked why there was such a large increase in the Water/Wastewater Revenue under "Industrial". City Manager Parker stated that part of it was the phased in increase and the original estimate was probably not accurate based on the increase that was put into place. City Manager Parker added that some of the revenue estimates were very conservative.

City Manager Parker asked Assistant City Manager Public Works and City Engineer Keith Wright to update the Council on the Mantooth Waterline Project. Mr. Wright

explained that other projects had come up that had to be worked on due to some development activity and had caused them to pull off the Mantooth Project. Mr. Wright added that they should begin working on the Mantooth Project by the end of November. Mr. Wright stated that the initial progress had been maintained, had completed sections and had put them online and in service. Mr. Wright added that Staff was currently working on a sewer line by Home Depot. Councilmember Dennis Robertson asked if some of the lines had been activated and Mr. Wright said that they had.

City Manager Parker stated that he had forgotten to point out that the Fire and Police Department's budgets were over basically due to overtime during the hurricanes and would be reimbursed. City Manager Parker added that both departments' budgets would be better once the City of Lufkin receives its reimbursement from FEMA.

Mayor Louis Bronaugh asked Mr. Wright about the status of the wastewater odors in the Kelty's area. Mr. Wright stated that the City received its report from the engineers after testing. Mr. Wright explained that the engineers were returning to do some pilot projects for different types of chemicals that they were recommending to treat the odor. Mr. Wright added that the basic gist of the problem was the length of the force main from the Zoo area, where the lift station is, to the discharge point, off of McMullen. Mr. Wright stated that there was approximately a ten (10) hour detention time in that force main and the sewer was going septic as it is held in the force main. Mr. Wright explained that when the pump kicks on it sends a slug of hydrogen sulfide gas into the system and was the main odor problem. Mr. Wright stated that the City was looking at a chemical treatment process and also has some things that staff would try internally before moving forward with the engineers.

Councilmember R. L. Kuykendall asked Mr. Wright if the complaints were coming because the odor stays a long period of time. Mr. Wright explained that the sewer sits in the pipe for a long period of time and as it breaks down it gives off the hydrogen sulfide gas and as the pumps push the sewer through it gives a slug of the gas and begins coming out of the manholes. Mr. Wright stated that this was what the citizens smelled. Councilmember Kuykendall asked Mr. Wright if citizens had been inquiring about what was being done to correct the problem. Mr. Wright stated that they had and that he had given a copy of the report to an engineer that attends Kelty's Methodist Church so that he could share the information with the church and let them know what the City was doing, what the recommendations were, and what the results of the study was. Mr. Wright explained that Staff would return to the City Council with a recommendation to move forward with a pilot project to test out different chemicals if the things that the Staff tries internally do not work. City Manager Parker reiterated that Staff had recently received the report and part of the solution was a chemical treatment that would have a twenty-five thousand dollar (\$25,000) annual price tag. City Manager Parker added that Staff wanted to look at other alternatives first that might be a more economical way to resolve the problem.

City Manager Parker stated that the weather affects the odor. Mayor Louis Bronaugh asked if in-house work would be used in other areas to solve minor problems with sewer gas. Mr. Wright stated that the Kelty's trunk runs through Lotus Lane all the way to Gaslight and the work would have an impact on all of it. Mr. Wright added that resolving the gas problem at the lift station would resolve ninety percent (90%) of the problem downstream.

Councilmember Don Langston asked Mr. Wright the status on the Highway 59 Utility Relocation Study. Mr. Wright stated that Staff met with engineers last week and should be getting a draft report that week or next. Mr. Wright added that an agreement had been reached on location of easements and right-of-way and which lines to upgrade. Mr. Wright explained that Staff would probably return to Council in January 2006 for a final selection of the design.

Councilmember Langston also asked about the easement procurement for the Sam Rayburn waterline. Mr. Wright stated that Staff was running into some issues but are acquiring easements weekly. Mr. Wright added that some easements have to be worked out as questions and problems arise and property is acquired. Mr. Wright

stated that Staff is progressing in acquiring the properties.

Councilmember Jack Gorden asked about the status of the 2003 Home Program. City Manager Parker stated that there was one home left to build under that program. City Manager Parker explained that the City did not receive a new grant after applying. Assistant City Manager Administrative Services Kenneth Williams stated that the City had just received an extension on the last home and had worked out the problems and should close out the 2003 Home Program when the home was completed.

Councilmember Jack Gorden asked if the ORCA Grant was separate from the Home Program. Mr. Williams stated that they were separate. Mr. Williams added that the Pineywoods Home Team would be building twenty-three (23) houses and only nine had been completed. Mr. Williams stated that there was still time to complete the homes.

Councilmember Jack Gorden noted that he had noticed that Staff had worked on eliminating phone lines and dealing with computer technology expenses and thanked them for their work.


11. Mayor Louis Bronaugh recessed the Regular Session at 5:53 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 6:47 p.m.

12. City Manager Paul Parker noted that Council had their Calendar of Events and reminded the Council about the Economic Development Summit that would be held in Nacogdoches on Wednesday, November 16, 2005.
13. There being no further business for consideration, the meeting adjourned at 6:48 p.m.


Renee Thompson - City Secretary


Louis A. Bronaugh - Mayor