

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS HELD ON THE 2ND DAY OF NOVEMBER, 2004**

On the 2nd day of November 2004, 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	City Engineer
Kenneth Williams	Public Works Director
Larry Brazil	Police Chief
David Koonce	Director of Human Resources
Doug Wood	Director of Accounting
Don Hannabas	Director of Parks and Leisure Services
Scott Rayburn	City Planner

Being present, and none being absent when the following business was transacted.

1. Meeting was opened with prayer by Dr. Rikard Bailey, Seventh Day Adventist Church.
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 October 19, 2004 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Dennis Robertson. A unanimous affirmative vote was recorded.

4. PRESENTATION BY DON CAMPBELL FROM THE TEXAS FOREST SERVICE

Mayor Louis Bronaugh stated that Don Campbell with the Texas Forest Service would make a presentation to the City of Lufkin. Mayor Bronaugh also recognized the following members of the Tree Board: Joe Pase, John Courtney, Dennis Robertson, R. L. Kuykendall, and Lynn Torres.

Don Campbell stated that Tree City USA is program administered by the National Arbor Day Foundation that recognizes communities that are involved in managing conservative forestry resource. Mr. Campbell explained that the certification must be recertified annually and that to qualify to be a Tree City USA, a town or city must meet four (4) standards. Mr. Campbell stated that the City must have a Tree Board or Department, must have a Tree Care Ordinance, must have a community forestry program, and must have an Arbor Day Observance and Proclamation. Mr. Campbell explained that the standards provide a framework for action, initial direction for an urban forestry program, and help to get a community started toward annual systematic management of its tree resources. Mr. Campbell stated that in addition to being a Tree City USA since 1984, Lufkin has received a Tree City USA Growth Award for the previous five (5) years. Mr. Campbell explained that the Growth Award recognizes a higher level of tree care and environmental improvements. Mr. Campbell stated that the City of Lufkin should be commended on its efforts in maintaining its Tree City Status. Mr. Campbell then presented to the City of Lufkin, the Tree City USA flag that will fly outside of the Lufkin City Hall.

5. SECOND READING OF THE ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS BY GRANTING A "SPECIAL USE PERMIT" FOR JERRY WARD - APPROVED - FOR A RESTAURANT WITH PRIVATE CLUB ON PROPERTY ZONED "COMMERCIAL" AND LOCATED WITH THE SOUTHLOOP CROSSING SHOPPING CENTER DISTRICT DESCRIBED AS PART OF THE SOUTHLOOP CROSSING #3, BLOCK 1, LOT 4 AND MORE COMMONLY KNOWN AS 4505 SOUTH MEDFORD DRIVE

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a "Special Use Permit" for Jerry Ward for a restaurant with private club on property zoned "Commercial" and located with the Southloop Crossing Shopping Center District described as part of the Southloop Crossing #3, Block 1, Lot 4 and more commonly known as 4505 South Medford Drive. City Manager Paul Parker stated that this is an application for "Wingstop Restaurant" to be granted a "Special Use Permit" that will allow the sell of alcohol beverages in the Southloop Crossing Shopping Center. City Manager Parker added that the area has several other restaurants that do sell alcohol beverages in the near

proximity. City Manager Parker also reminded Council that the Planning and Zoning Commission recommended by unanimous vote that the Council grant this permit. Councilmember Rose Faine Boyd moved to approve on Second Reading the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a "Special Use Permit" for Jerry Ward for a restaurant with private club on property zoned "Commercial" and located with the Southloop Crossing Shopping Center District described as part of the Southloop Crossing #3, Block 1, Lot 4 and more commonly known as 4505 South Medford Drive. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

6. **SECOND READING OF THE ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS BY GRANTING A "SPECIAL USE PERMIT" FOR AN EATING ESTABLISHMENT - APPROVED - WITH DRIVE-THRU SERVICE WITHIN A "NEIGHBORHOOD RETAIL" ZONING DISTRICT ON APPROXIMATELY .416 ACRES OF LAND DESCRIBED AS TRACT 3 OF THE J. L. QUINALTY SURVEY (ABSTRACT NO. 40) AND MORE COMMONLY KNOWN AS 811 PERSHING AVENUE**

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a "Special Use Permit" for an eating establishment with drive-thru service within a "Neighborhood Retail" Zoning District on approximately .416 acres of land described as Tract 3 of the J. L. Quinalty Survey (Abstract No. 40) and more commonly known as 811 Pershing Avenue. City Manager Paul Parker stated that this item is for a drive thru window on a very small 612 square foot structure. City Manager Parker added that the type of restaurant is unknown at this time, but because of the small size of the structure the owner feels the drive-thru would be essential to the restaurant surviving.

Councilmember Jack Gorden moved to approve on Second Reading the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a "Special Use Permit" for an eating establishment with drive-thru service within a "Neighborhood Retail" Zoning District on approximately .416 acres of land described as Tract 3 of the J. L. Quinalty Survey (Abstract No. 40) and more commonly known as 811 Pershing Avenue. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

7. **SECOND READING OF THE ORDINANCE ESTABLISHING A "SPEED ZONE" - APPROVED - ON HIGHWAY 59 SOUTH FROM LOOP 287 TO FM 819 AT FORTY-FIVE (45) MILES PER HOUR**

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of the Ordinance establishing a "Speed Zone" on Highway 59 South from Loop 287 to FM 819 at forty-five (45) miles per hour. City Manager Paul Parker stated that this item had been discussed thoroughly at the last City Council meeting. City Manager Parker added that Council had before them the map of the area in question. City Manager Parker explained that this proposal would set the speed limit from FM 819 to Loop 287 at forty-five (45) miles per hour. City Council discussed the concerns of the varying speed limits along this section of highway. Council was also concerned that forty-five (45) mph may be too slow for the section. Council deliberated the feasibility of discussing with TXDOT, a proposal to change the area to fifty (50) mph instead. Council expressed concerns about the driveways, exits, and entrances to Angelina College, Crown Colony, apartment buildings, and businesses along this stretch of highway being somewhat dangerous with the speed limits being higher in some areas. Staff explained that the original request for the forty-five (45) mph speed limit was a suggestion from Council to TXDOT. City Manager Paul Parker suggested that Staff revisit the proposal with TXDOT to get more information concerning the rationale to change the proposed speed limit, explain the Council's concerns, and establish a recommendation from TXDOT. Councilmember Don Langston moved to table the Second Reading of the Ordinance establishing a "Speed Zone" on Highway 59 South from Loop 287 to FM 819 at forty-five (45) miles per hour until a recommendation could be provided to the City from TXDOT. Councilmember Lynn Torres seconded the motion. The following vote was recorded:

Aye: Council Members Torres, Gorden, Langston, Kuykendall, Robertson, and Mayor Bronaugh

Nay: Councilmember Boyd

The motion carried with six affirmative votes.

8. **FIRST READING OF AN ORDINANCE AUTHORIZING THE OFFERING OF HEALTH BENEFITS COVERAGE TO CITY RETIREES; - APPROVED- REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of an Ordinance authorizing the offering of health benefits coverage to City retirees, repealing all Ordinances in conflict; providing an Open Meetings clause; and providing an effective date. City Manager Paul Parker stated that the City of Lufkin provides excellent benefits to its employees and included in those benefits is the provision that individuals who retire from the City of Lufkin can maintain their health insurance to age 65 at a cost of \$200 per month. City Manager Parker added that the proposed revision to the original Ordinance concerning health benefits to retirees would eliminate the retiree health benefit for employees who are hired after January 5, 2005. City Manager Parker explained that this proposal would enhance the City of Lufkin's ability to provide health insurance at an affordable price in the future. Council discussed the effect in recruiting new employees and

projected dates when the changes would take effect and also have an effect on the City's Health Plan. Councilmember Rose Faine Boyd moved to approve on First Reading the Ordinance authorizing the offering of health benefits coverage to City retirees repealing all Ordinances in conflict; providing an Open Meetings clause; and providing an effective date. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

9. **FIRST READING OF THE ZONE CHANGE FROM "LARGE SINGLE FAMILY DWELLING" TO A "LOCAL BUSINESS" ZONING DISTRICT - APPROVED - ON APPROXIMATELY ONE (1) ACRE OF LAND DESCRIBED AS TRACTS 156 & 157 OUT OF THE J. L. QUINALTY SURVEY (ABSTRACT NO. 40) AND MORE COMMONLY KNOWN AS 1511 SOUTH CHESTNUT STREET**

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of the Zone change from "Large Single Family Dwelling" to a "Local Business" Zoning District on approximately one (1) acre of land described as Tracts 156 & 157 out of the J. L. Quinalty Survey (Abstract No. 40) and more commonly known as 1511 South Chestnut Street. City Manager Paul Parker stated that the applicant is requesting a change in zoning from "Large Single Family Dwelling" to a "Local Business" located at 1511 Zoning District on approximately one (1) acre of land that is divided into two (2) lots, with the second lot being landlocked and would require replatting before any development could occur. City Manager Parker explained that the applicant plans to use the structure for an office complex. City Manager Parker added that the Planning and Zoning Commission unanimously recommended approval of the Zoning request and added that the proposed zone change is consistent with the recommendations of the Comprehensive Plan. 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 on First Reading the Zone change from "Large Single Family Dwelling" to a "Local Business" Zoning District on approximately one (1) acre of land described as Tracts 156 & 157 out of the J. L. Quinalty Survey (Abstract No. 40) and more commonly known as 1511 South Chestnut Street. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

10. **BID FOR HIGH PERFORMANCE RETRO REFLECTIVE THERMOPLASTIC PAVEMENT MARKINGS AND TWO HAND- HELD HEAT GUNS -APPROVED - FOR STREET DEPARTMENT**

Mayor Louis Bronaugh stated that the next item for consideration was the bid for high performance retro reflective thermoplastic pavement markings and two hand-held heat guns for the Street Department. City Manager Paul Parker stated that the high performance retro reflective thermo-plastic pavement marking tape and hand-held heat guns would be used for the Downtown Reconstruction Project and courthouse parking and that Staff believed the life to be about six (6) times longer than traffic paint. Councilmember Lynn Torres moved to approve the bid for the high performance retro reflective thermoplastic pavement markings and two hand-held heat guns for the Street Department from the Texas Local Government Purchasing Cooperative or Texas Building and Procurement Commission at the price of \$27,221.15. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

11. **PURCHASE OF PLAYGROUND MODULAR UNIT - APPROVED - FOR KIT MCCONNICO PARK**

Mayor Louis Bronaugh stated that the next item for consideration was the purchase of a playground modular unit for Kit McConnico Park. City Manager Paul Parker stated that each year the City provides for improvements of recreational playgrounds within the City limits. City Manager Parker added that this year the Parks and Recreation Advisory Board recommends that the money be earmarked for Kit McConnico Park and as the park is renovated, the City anticipates a large number of children using the playground. City Manager Parker explained that the City received an invitation to submit a grant to GameTime Playground Equipment Company that would allow the City to purchase a unit that otherwise would cost \$45,395.39. City Manager Parker added that if the unit was purchased through the BuyBoard process, the total cost would be \$35,195.38. City Manager Parker stated that if the City utilizes the GameTime grant, the City can obtain the Ranier Pride PowerScape Playground Modular Unit, including freight, for \$24,994.88. Councilmember Dennis Robertson moved to approve the bid for the purchase of a playground modular unit for Kit McConnico Park. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

12. **RESCINDED BID FOR 14,000 ROLLS OF REFUSE BAGS FOR THE SOLID WASTE DEPARTMENT FROM ALL AMERICAN POLY AT A TOTAL COST OF \$52,500 AND AWARDING OF NEW BID TO UNISOURCE - APPROVED - FOR 14,000 ROLLS OF REFUSE BAGS AT A TOTAL COST OF \$54,460.**

Mayor Louis Bronaugh stated that the next item for consideration was to rescind the bid for 14,000 rolls of refuse bags for the Solid Waste Department from All American Poly at a total cost of \$52,500 and awarding of a new bid to Unisource for 14,000 rolls of refuse bags at a total cost of \$54,460. City Manager Paul Parker stated that on September 21, 2004 the Council awarded a contract for the purchase of 14,000 rolls of refuse bags to All American Poly. City Manager Parker explained that on notification of award of bid, All American Poly notified the City of Lufkin that it cannot provide the refuse bags as previously bid, because of the increase of petroleum prices. City Manager Parker stated that Staff recommended to Council to rescind the previous award of contract to All American Poly and award the contract to the second lowest bidder, Unisource, from Nacogdoches, Texas in the amount of \$54,460. Council discussed the rationale of using the green bags for yard waste and the need to

publicize the change. Councilmember Rose Faine Boyd moved to approve the bid for the purchase of a playground modular unit for Kit McConnico Park. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

13. APPOINTMENT – APPROVED – TO ANGELINA COUNTY APPRAISAL REVIEW BOARD

Mayor Louis Bronaugh stated that the next item for consideration was the appointment to the Angelina County Appraisal Review Board. Councilmember Lynn Torres moved to reappoint Paul Mayberry to serve on the Angelina County Appraisal Review Board. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

14. CALENDAR NOTATIONS

The Mayor reminded Council that the City of Lufkin Employee Christmas Party would be on December 13, 2004 at the Lufkin Pitser Garrison Civic Center. City Manager Paul Parker reminded the Council that on January 19, 2005 there would be a Lufkin/Nacogdoches Day in Austin, Texas and asked Council to get with City Secretary, Renee Thompson if they are planning to attend this event so that hotel reservations could be made. City Manager Parker added that there would be an Economic Partnership Summit to be held at the Lufkin Pitser Garrison Civic Center on November 17, 2004 and again asked Council to notify Renee Thompson if Council plans to attend.

14. EXECUTIVE SESSION

Mayor Louis Bronaugh recessed the Regular Session at 5:44 p.m. to enter into Executive Session.

In accordance with the Texas Government Code Section 551.071 (2), Consultation with City Attorney on any Regular Session item requiring confidential attorney/client privileges necessitated by the deliberation of discussion or said item (as needed) and acquisition of real estate may be discussed.

Mayor Louis Bronaugh reconvened the Regular Session at 6:15 p.m. and stated that during Executive Session, Council discussed real estate matters and attorney/client privileges and no decisions had been made.

15. There being no further business for consideration, the meeting adjourned at 6:16 p.m.


Louis A. Bronaugh – Mayor

ATTEST:


Renee Thompson – City Secretary