MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 17TH DAY OF AUGUST, 2010

On the 17th day of August, 2010, 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
Don Langston	Mayor Pro Tem
Victor Travis	Councilmember, Ward No. 1
Robert Shankle	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Rufus Duncan	Councilmember, Ward No. 5
Phil Medford	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Keith Wright	Asst. City Manager
Bruce Green	City Attorney
Renee Thompson	City Secretary
Rodney Ivy	Human Resource Director
Scott Marcotte	Police Chief
Gerald Williamson	Asst. Police Chief
Danny Kistner	Fire Chief
Doug Wood	Finance Director
Dorothy Wilson	Planning Director
Steve Poskey	Street Department Superintendent
Barbara Thompson	Main Street Director
Dale Allred	Inspection Services Director
Chuck Walker	Public Utilities Director
Lynn Winthrop	Recycling Coordinator
Tara Watson-Watkins	LCVB Director
Robbin Crawford	Senior Accountant
Belinda Southern	Finance Manager
Pierre Cromartie	LCVB President
Greg Shrader	LCVB Treasurer
Jesse Sisco	TxDOT
David Collmorgen	TxDOT

being present, when the following business was transacted.

1. The meeting was opened with prayer by Pastor Cindy Parker, Keltys United Methodist Church.

2. Mayor Jack Gorden welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of August 3, 2010, were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Robert Shankle. A unanimous affirmative vote was recorded.

OLD BUSINESS:

4. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BY CHANGING THE ZONING DESIGNATION ON CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BEING 41.044 ACRES DESCRIBED AS TRACTS 37, 38, AND 39 OF THE ABS 0049 BARELA ANASTACIO SURVEY 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 Second Reading of an Ordinance of the City of Lufkin, Texas, by changing the zoning designation on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, being 41.044 acres described as Tracts 37, 38, and 39 of the ABS 0049 Barela Anastacio Survey and authorizing the City Planner to make such changes on the Official Map.

City Manager Paul Parker stated that this item and the following item were related and was a zone change request and a change on the Future Land Use Map. City Manager Parker added that the request was to change the zoning from "Agricultural" to "Commercial" for the possible development of a RV Park. City Manager Parker stated that the next item would have a request for a "Special Use Permit", which was related to this item. City Manager Parker stated that since this was the Second Reading of the item he would answer any questions the Council had regarding the request.

Mayor Gorden opened the Public Hearing at 5:06 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 5:07 p.m.

Councilmember Don Langston moved to approve the Second Reading of the Ordinance of the City of Lufkin, Texas, by changing the zoning designation on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, being 41.044 acres described as Tracts 37, 38, and 39 of the ABS 0049 Barela Anastacio Survey and authorizing the City Planner to make such changes on the Official Map. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

5. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY GRANTING A "SPECIAL USE PERMIT" FOR A RECREATIONAL VEHICLE PARK WITHIN A "COMMERCIAL" ZONING DISTRICT ON CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, BEGIN 32.23 ACRES DESCRIBED AS TRACTS 37 AND 38 OF THE ABS 0049 BARELA ANASTACIO SURVEY AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP**

Mayor Jack Gorden stated that the next item for consideration was Public Hearing and Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a "Special Use Permit" for a recreational vehicle park within a "Commercial" Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, begin 32.23 acres described as Tracts 37 and 38 of the ABS 0049 Barela Anastacio Survey and authorizing the City Planner to make such changes on the Official Map.

City Manager Paul Parker stated that since this was the Second Reading for this item also, he would answer any questions the Council had regarding the request.

Mayor Gorden opened the Public Hearing at 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.

Councilmember Don Langston moved to approve the Second Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a "Special Use Permit" for a recreational vehicle park within a "Commercial" Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, begin 32.23 acres described as Tracts 37 and 38 of the ABS 0049 Barela Anastacio Survey and authorizing the City Planner to make such changes on the Official Map. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

6. **SECOND READING OF AN ORDINANCE ESTABLISHING A SPEED LIMIT ON FM HIGHWAY 841 – APPROVED - (FORD CHAPEL ROAD), FROM FM HIGHWAY 325 (LUFKIN AVENUE) TO THE LUFKIN CITY LIMITS**

Mayor Jack Gorden stated that the next item for consideration was a Second Reading of an Ordinance establishing a speed limit on FM Highway 841 (Ford Chapel Road), from FM Highway 325 (Lufkin Avenue) to the Lufkin City Limits.

City Manager Paul Parker stated that this was another Second Reading and was to change the speed limit from thirty-five (35) miles per hour to forty-five (45) miles per hour on Ford Chapel Road (FM841), from just west of Cunningham Street to Lufkin Avenue. City Manager Parker explained that the change would make the speed limit consistent in that area. City Manager Parker stated that Staff recommended the approval of the speed limit change.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the Second Reading of the Ordinance establishing a speed limit on FM Highway 841 (Ford Chapel Road), from FM Highway 325 (Lufkin Avenue) to the Lufkin City Limits. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

7. PRESENTATION BY AMANDA ANDERSON, EXECUTIVE DIRECTOR FOR ANGELINA BEAUTIFUL CLEAN

Mayor Jack Gorden stated that the next item for consideration was a presentation by Amanda Anderson, Executive Director for Angelina Beautiful Clean.

Amanda Anderson, Executive Director of Angelina Beautiful Clean, stated that during the month of May 2010, the City of Lufkin, Lockheed Martin, and Angelina Beautiful Clean hosted a Household Hazardous Waste Collection Day. Ms. Anderson added that over three hundred fifty (350) cars participated in the endeavor. Ms. Anderson stated that over twenty (20) tons of household hazardous materials were collected. Ms. Anderson then recognized the City of Lufkin's Solid Waste Department for their efforts to help keep Lufkin and Angelina County a great place to live, work, play and visit.

Mayor Gorden then stated that the City of Lufkin appreciated Angelina Beautiful Clean, and everything that Ms. Anderson and her Board did for the Lufkin area.

8. PRESENTATION BY THE LUFKIN CONVENTION AND VISITORS BUREAU

Mayor Jack Gorden stated that the next item for consideration was a presentation by the Lufkin Convention and Visitors Bureau.

City Manager Paul Parker stated that Tara Watson-Watkins would bring the presentation, and added that part of the presentation would be found in the City of Lufkin Draft Budget for Fiscal Year 2010-2011.

Tara Watson-Watkins, Executive Director for the Lufkin Convention and Visitors Bureau (LCVB) then explained the activities and events of the LCVB. Ms. Watson-Watkins went through a PowerPoint presentation giving objectives, a new mission statement, events, and programs of the LCVB. Ms. Watson-Watkins also explained the future plans for the LCVB and how the plans would put heads in beds. Ms. Watson-Watkins then gave details of ideas and strategies for advertising the Lufkin area, and the assets the community offers to visitors for meetings, events, shopping, etc. Ms. Watson-Watkins explained the overall marketing plan and budget for future events sponsored or co-sponsored by the LCVB. Ms. Watson-Watkins then turned the presentation over to Greg Shrader, Treasurer for the LCVB Board, to answer any questions the Council had regarding the LCVB Budget.

Mr. Greg Shrader stated that included in the packet was the budget for the LCVB. Mr. Shrader added that with the assistance of Finance Director Doug Wood and City Manager Paul Parker, the LCVB had a projected budget of three hundred fifteen thousand dollars ($315,000), based on the current percentage allocation of the Hotel/Motel Tax to the LCVB. Mr. Shrader explained that the major expense was for promotion, advertising and special services. Mr. Shrader added that approximately one third (1/3) of the budget would go to payroll and benefits. Mr. Shrader stated that there was twenty-five thousand dollars ($25,000) in funds budgeted for incentives to groups and/or organizations needing assistance in bringing their events to the area. Mr. Shrader explained that there was one hundred nine thousand dollars ($109,000) remaining in the fund balance, which was money that accumulated during the transition period when the new LCVB was set up the previous year. Mr. Shrader then asked if the Council had any questions regarding the LCVB Budget.

There was discussion among Mr. Shrader, Mayor Gorden and the Council concerning the budget.

Mr. Pierre Cromartie, President of the LCVB then approached the podium. Mr. Cromartie stated that the most important thing for the LCVB was to create a vision and a planning strategy that was quantifiable and efficient. Mr. Cromartie added that he was excited about Lufkin. Mr. Cromartie stated that he had talked with a friend who worked with the Indianapolis Convention and Visitor Bureau and another friend who worked with the Houston Convention and Visitors Bureau and asked them how they competed with other large cities, and they said it all came down to who they were. Mr. Cromartie explained that they decided that they were a "sports town" and that their sporting events proved that they could host any sporting event or large convention. Mr. Cromartie added that this was how he perceived Lufkin to be. Mr. Cromartie explained that everywhere he went all he heard about was the Lufkin Panthers. Mr. Cromartie stated that Lufkin had one of the most powerful sports brands in Texas. Mr. Cromartie stated that the Parks and Recreation proved that they could put on a great sports tournament. Mr. Cromartie added that the important thing was for the Lufkin Convention and Visitors Bureau to get behind anyone hosting events in Lufkin and the surrounding area, and to become the kind of city where people would have a great time. Mr. Cromartie stated that Lufkin needed to be the kind of city where whenever a visitor left town they would tell others to be sure to visit Lufkin, because Lufkin knew how to treat their guests. Mr. Cromartie stated that the LCVB needed beds filled, restaurants patroned, the mall visited, and for everything to come together. Mr. Cromartie stated that the LCVB spent the previous year getting organized. Mr. Cromartie added that this year it was time to hit the ground running, and time to be sure that plans would go into effect, the vision was clear, objectives were clear, and that at the end of the day the LCVB made sure that the hotels and restaurants were pleased and that people would say Lufkin was a great destination. Mr. Cromartie urged the Council to attend some of their meetings and watch as the LCVB worked to enhance and promote tourism in Lufkin.

Mayor Gorden stated that the Council was proud of what the LCVB were doing. Mayor Gorden added that they were a great team and made the Council proud.

9. **PRESENTATION BY JESSE SISCO FROM TEXAS DEPARTMENT OF TRANSPORTATION**

Mayor Jack Gorden stated that the next item for consideration was a presentation by Jesse Sisco from Texas Department of Transportation (TxDOT).

City Manager Paul Parker stated that a previous meeting the Council asked for a briefing from TxDOT on what the Highway 59 North and Loop 287 Interchange Improvement Project would entail. City Manager Parker added that Jesse Sisco was the Project Manager on the project for TxDOT. City Manager Parker stated that Cheryl Flood and David Collmorgen were also present at the meeting. City Manager Parker explained that there was plenty of expertise to answer any questions the Council had regarding the project. City Manager Parker pointed out that the Council had a schematic at their desks to refer to during the presentation. City Manager Parker then turned the meeting over to Mr. Jesse Sisco.

Mr. Jesse Sisco, Project Manager stated that also present at the meeting was Brad King, Jeremy King and Matt Brazil, who were all part of the design team. Mr. Sisco then gave a presentation regarding the Highway 59 North and Loop 287 Interchange Improvement Project.

There were questions and considerable discussion among the Mayor, Council, City Manager Paul Parker, Jesse Sisco, and David Collmorgen concerning the project.

10. PRESENTATION OF THE 2010/2011 DRAFT BUDGET AND PUBLIC HEARING CONCERNING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011

Mayor Jack Gorden stated that the next item for consideration was a presentation of the 2010/2011 Draft Budget and Public Hearing concerning the Budget for the Fiscal Year beginning October 1, 2010, and ending September 30, 2011.

City Manager Paul Parker stated that the Council had been going through the budget with City Staff for several months. City Manager Parker added that the City of Lufkin had a very good budget to present for the upcoming year. City Manager Parker explained that Staff had made cuts in the budget that would help to minimize the shortfall that the City presently had. City Manager Parker stated that almost two (2) years ago the City's tax rate was at 0.5554. City Manager Parker explained that last year the City Council dropped the tax rate to the present rate, which was 0.5338. City Manager Parker added that the Council was proposing a two (2) cent or a 3.75% reduction in tax rates for the upcoming budget year. City Manager Parker stated that this would again lower the taxes to 0.5138 per one hundred dollar ($100) valuation. City Manager Parker explained that this would lower the tax rate to below the effective tax rate, and that over the last two (2) years the City Council had reduced the tax rate by 4.16 cents or 7.5%. City Manager Parker stated that this was remarkable, and indicated the Council wished to keep services at a high premium, but to also minimize the tax burden on the citizens of Lufkin. City Manager Parker stated that Staff proposed a six percent (6%) increase in water and sewer rates. City Manager Parker explained that this was not for operations, but was to pay the debt on repayment of bonds that were issued to purchase the Abitibi water rights. City Manager Parker added that the City Council had once again taken a far sighted view to secure the water needs for the City of Lufkin for the foreseeable future.

City Manager Parker then went through the different funds summaries for the upcoming budget year. City Manager Parker pointed out that the fund balances were well above the reserve policy. City Manager Parker stated that overall the budget was approximately one million four hundred forty thousand dollars ($1,440,000) below estimated revenue. City Manager Parker added that Staff was hopeful that the Sales Tax would increase in the upcoming fiscal year, and would help diminish the shortfall. City Manager Parker pointed out that the budget was based on the assumption that everything that was budgeted for the upcoming year would be spent, and that just didn't occur. City Manager Parker stated that the City would use the Fund Balance to initially balance the budget, but the conservative budgeting of the Council in past years had put Lufkin in an excellent position to absorb the shortfall. City Manager Parker stated that Staff did not anticipate any increase in Solid Waste rates. City Manager Parker added that Staff had worked to cut approximately five hundred thousand dollars ($500,000) in expenses from the previous year. City Manager stated that the proposed budget did not include any pay raises for City employees, but did keep all of the benefits at their constant rates. City Manager Parker stated that this was the draft budget that was before the City Council.

Mayor Gorden opened the Public Hearing at 6:17 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 6:18 p.m.

There was comments and discussion among the Mayor and City Council concerning the proposed budget and the economy of other cities in Texas.

11. DISCUSSION ON PROPOSED TAX RATE AND ESTABLISHED SEPTEMBER 7, 2010, SEPTEMBER 14, 2010, AND SEPTEMBER 21, 2010, AS COUNCIL MEETING DATES – APPROVED - TO: HOLD PUBLIC HEARINGS; ESTABLISH A TAX RATE; AND APPROVAL OF FISCAL YEAR 2010/2011 ANNUAL FISCAL BUDGET.

Mayor Jack Gorden stated that the next item for consideration was a discussion on proposed Tax Rate and to consider establishing September 7, 2010, September 14, 2010, and

September 21, 2010, as Council Meeting dates to: hold Public Hearings; establish a Tax Rate; and approval of Fiscal Year 2010/2011 Annual Fiscal Budget.

City Manager Paul Parker stated that the September 14, 2010 meeting could be deleted from the Council Meeting dates due to the City of Lufkin being below the effective tax rate. City Manager Parker added that as was stated earlier, the City of Lufkin currently had a tax rate of 0.5338. City Manager Parker explained that the proposed tax rate was reduced to 0.5138 per one hundred dollar ($100) valuation. City Manager Parker stated that the effective tax rate was 0.5245. City Manager Parker pointed out that the City of Lufkin was not only reducing the tax rate by two (2) cents, but was also reducing the rate below the effective tax rate by over one (1) cent. City Manager Parker stated that the debt portion of the tax rate would be dropped to 0.1800 cents. City Manager Parker explained that the City of Lufkin was lowering taxes and was still able to issue additional debt and also keep services the same. City Manager Parker added that the operation maintenance portion of the tax rate would increase by 0.022 to 0.3338.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Lynn Torres moved to establish September 7, 2010 and September 21, 2010, as Council Meeting dates to: hold Public Hearings; establish a Tax Rate; and approval of Fiscal Year 2010/2011 Annual Fiscal Budget. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

12. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, APPROVING A FAÇADE IMPROVEMENT PROGRAM GRANT; AND DECLARING AN EFFECTIVE DATE, AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2009/2010 OPERATING BUDGET (BUDGET AMENDMENT NO. 37), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE ECONOMIC DEVELOPMENT FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was a Resolution of the City Council of the City of Lufkin, Texas, approving a Façade Improvement Program Grant; and declaring an effective date, and a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 37), providing for the supplemental appropriation of funds in the Economic Development Fund; and providing an effective date.

City Manager Paul Parker stated that the Council had this item before them at a work session and that he would not go into great detail, unless the Council had specific questions regarding the item. City Manager Parker added that the Council had asked Staff to look at methods to assist in improving the Downtown area of Lufkin, and to bring it more back to life. City Manager Parker explained that one (1) item that the Council had proposed was an Ordinance that developed the Downtown area by regulating how facades or other improvements should be made. City Manager Parker added that the Council had asked Staff to go back and look at an incentive program, instead of a punitive type program. City Manager Parker stated that Staff was proposing a façade improvement program, where a developer could improve a façade in the Downtown area and the City of Lufkin would then match dollar for dollar, up to ten thousand dollars ($10,000), for each completed project. City Manager Parker explained that the property owner would have to have equity in the project in order to be able to apply for the Façade Improvement Program Grant. City Manager Parker stated that the funding was discussed, and Staff determined that the 4B Economic Development money would be appropriate for the initial funding. City Manager Parker pointed out that many cities used 4B funds for many items ranging from fire stations to police departments to street and drainage projects. City Manager Parker stated that the 4B Board met on August 10, 2010, and unanimously recommended seeding the Façade Project with fifty thousand dollars ($50,000). City Manager Parker added that the desire was that the money would be used quickly, and that the Façade Program would then have a demand for additional funds. City Manager Parker stated that Staff recommended that the Council approve the Façade Improvement Program Grant and Budget Amendment No. 37, which would allocate the fifty thousand dollars ($50,000).

Mayor Gorden asked for questions or comments from the Council. The Mayor and Council discussed the project, funding, and the hopes to restore the Downtown area.

Councilmember Phil Medford moved to approve the Resolution of the City Council of the City of Lufkin, Texas, approving a Façade Improvement Program Grant; and declaring an effective date and a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 37), providing for the supplemental appropriation of funds in the Economic Development Fund; and providing an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

13. FIRST READING OF AN ORDINANCE DELETING ORDINANCE 2913 AND ALL AMENDMENTS THERETO; DELETING PENAL ORDINANCE 338 AND ALL AMENDMENTS THERETO; OF THE CITY OF LUFKIN, TEXAS, - APPROVED - REPEALING CONFLICTING AND INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item on the agenda was to consider the First Reading of an Ordinance deleting Ordinance 2913 and all amendments thereto; deleting Penal Ordinance 338 and all amendments thereto; of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions; and providing for an effective date. Mayor Gorden pointed out that the next three (3) items were more or less housekeeping and were all related.

City Manager Paul Parker stated that the control of alcohol sales was regulated by five (5) or six (6) different Ordinances and Resolutions. City Manager Parker explained that many of the Ordinances dated back to before the recent election concerning the sale of alcohol. City Manager Parker pointed out that several years earlier any restaurant or club that wanted to sell alcohol was required to have the patron become a member of a private club. City Manager Parker stated that one (1) item approved in the recent election in Angelina County was the removal of the requirement for private clubs. City Manager Parker added that some of the Ordinances were related to the recent election, and the fact that Angelina County adopted the sale of beer and wine without having to be a member of a private club. City Manager Parker stated that item number thirteen (13) addressed Ordinance 2913 and Penal Ordinance 338. City Manager Parker stated that 2913 discussed the regulation the City of Lufkin had for private clubs, and the application and fee that had to be submitted for each permit. City Manager Parker added that the Ordinance also included signage requirements. City Manager Parker stated that the Penal Ordinance 338 included the business of handling and storing of alcoholic beverages, and that private clubs were required to be clearly designated by signs. City Manager Parker added that the repealing of the Ordinances and adoption of the amended Ordinances would hopefully clear up all of the requirements on private clubs, now that they were obsolete due to the election. City Manager Parker stated that Staff would answer any questions the Council had related to the item.

Mayor Gorden asked for questions or comments from the Council. There was discussion among the City Council and City Manager Parker concerning the alcohol regulations.

Councilmember Rufus Duncan moved to approve the First Reading of the Ordinance deleting Ordinance 2913 and all amendments thereto; deleting Penal Ordinance 338 and all amendments thereto; of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions; and providing for an effective date. Councilmember Lynn Torres seconded the motion. A unanimous vote was recorded.

14. FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BEING ORDINANCE NO. 3368; DELETING THE CURRENT PRIVATE CLUB REQUIREMENT; AND AMENDING ARTICLE XIX "SCHEDULE OF PERMITTED USES"; AND REQUIRING A SPECIAL USE PERMIT FOR A DRINKING ESTABLISHMENT IN A CENTRAL BUSINESS (CB) ZONE; - APPROVED - AND REPEALING CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance No. 3368; deleting the current private club requirement; and amending Article XIX

"Schedule of Permitted Uses"; and requiring a Special Use Permit for a drinking establishment in a Central Business (CB) Zone; and repealing conflicting provisions; and providing an effective date.

City Manager Paul Parker stated there was a requirement in the City of Lufkin that anyone wanting to put in a private club would have to have a "Special Use" permit. City Manager Parker explained that this requirement usually took six (6) weeks to two (2) months to complete the process. City Manager Parker stated that the proposed Ordinance would amend Ordinance 3368, and would no longer require "Special Use" permits for restaurants, but would still require them for "drinking establishments".

Mayor Gorden opened the Public Hearing at 6:36 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 6:37 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, being Ordinance No. 3368; deleting the current private club requirement; and amending Article XIX "Schedule of Permitted Uses"; and requiring a Special Use Permit for a drinking establishment in a Central Business (CB) Zone; and repealing conflicting provisions; and providing an effective date. Councilmember Lynn Torres seconded the motion. A unanimous vote was recorded.

15. <u>FIRST READING OF AN ORDINANCE DELETING RESOLUTION 3924 AND AMENDING ORDINANCE 3942 AND ALL AMENDMENTS THERETO; OF THE CITY OF LUFKIN, TEXAS, - TABLED - REPEALING CONFLICTING AND INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE</u>

Mayor Jack Gorden stated that the next item for consideration was the First Reading of an Ordinance deleting Resolution 3924 and amending Ordinance 3942 and all amendments thereto; of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions; and providing an effective date.

City Manager Paul Parker referred the item to City Attorney Bruce Green, and asked the City Council to refer to the information handed out at each Councilmember's desk.

City Attorney Bruce Green stated that the Ordinance looked confusing, because it almost looked as if the numbers had been transposed. Attorney Green stated that the Resolution was 3924 and the Ordinance being addressed was 3942. Attorney Green stated that Resolution 3924 was adopted by the City Council after the 2006 election. Attorney Green explained that the Resolution basically determined the fees that would be assessed for a particular licensee serving alcoholic beverages. Attorney Green stated that the State Statute allowed a municipality to do that, and to charge a licensing fee up to one half (½) of the State fee. Attorney Green stated that the Resolution that was adopted included the one half that the State allowed, but also included two (2) other charges. Attorney Green explained that one (1) was two hundred dollars ($200) for an application fee, and the other fee was for a renewal at a cost of one hundred dollars ($100). Attorney Green stated that the Resolution allowed for charges that exceeded the State Statute. Attorney Green added that the Texas Alcoholic Beverage Commission (TABC) contacted the City of Lufkin and was assured that the City of Lufkin was now only applying the one half (½) of the State fee. Attorney Green stated that TABC was also told that the Resolution would be corrected. Attorney Green stated that Ordinance 3942 was to be amended to clear up the confusion about the distance requirements. Attorney Green stated that the licensees were prohibited from being certain distances from churches and public or private schools. Attorney Green added that Ordinance 3942 conflated the distance requirements that the TABC requires. Attorney Green stated that it didn't make a distinction between churches and schools and was causing some confusion to the applicants. Attorney Green added that the City was clarifying 3942 by adopting the language that the TABC used. Attorney Green added that the TABC measurements were a little longer and weren't crystal clear, but would be easier for the City to use the TABC measurements.

There was discussion between the Council, Attorney Green, City Manager Parker and Staff concerning the proposed Ordinance.

Councilmember Lynn Torres moved to table the First Reading of the Ordinance deleting Resolution 3924 and amending Ordinance 3942 and all amendments thereto; of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions; and providing an effective date. Councilmember Don Langston seconded the motion. A unanimous vote was recorded.

16. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2009/2010 OPERATING BUDGET (BUDGET AMENDMENT NO. 36), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE EQUIPMENT ACQUISITION AND REPLACEMENT FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 36), providing for the supplemental appropriation of funds in the Equipment Acquisition and Replacement Fund; and providing an effective date.

City Manager Paul Parker stated that this was another housekeeping item. City Manager Parker added that at the last Council Meeting the City Council authorized Staff to purchase two (2) ambulance remounts. City Manager Parker explained that there was a long lead time for the rebuilding of the remounts, and the manufacturer required a purchase order for them to give the clearance for the "go ahead". City Manager Parker stated that Staff couldn't legally issue a purchase order for funds in next year's budget, so a Budget Amendment was required to authorize the funds to pay for the remounts, and at the end of the year the funds would roll into the next year's budget. City Manager Parker added that this was basically just a clean up or housekeeping item so that the remounts could be ordered.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 36), providing for the supplemental appropriation of funds in the Equipment Acquisition and Replacement Fund; and providing an effective date. Councilmember Robert Shankle seconded the motion. A unanimous vote was recorded.

17. 2009 STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM GRANT AND AUTHORIZING STAFF TO EXECUTE THE PROJECT AGREEMENT WITH TXDOT – APPROVED - FOR THE CONSTRUCTION OF A SIDEWALK ON FEAGIN, YORK AND KURTH DRIVE

Mayor Jack Gorden stated that the next item for consideration was the 2009 Statewide Transportation Enhancement Program Grant and authorizing Staff to execute the Project Agreement with TxDOT for the construction of a sidewalk on Feagin, York and Kurth Drive.

City Manager Paul Parker stated that at the last meeting the Council authorized Staff to apply for the Statewide Transportation Enhancement Program Grant. City Manager Parker added that TxDOT required a Resolution for the Council to accept the grant. City Manager Parker stated that this was simply that Resolution accepting the grant.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to accept the 2009 Statewide Transportation Enhancement Program Grant and authorizing Staff to execute the Project Agreement with TxDOT for the construction of a sidewalk on Feagin, York and Kurth Drive. Councilmember Robert Shankle seconded the motion. A unanimous vote was recorded.

18. PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES FROM KLOTZ AND ASSOCIATES FOR THE LOOP 287 AND U.S. HIGHWAY 59 NORTH UTILITY RELOCATION IN THE AMOUNT OF TWO HUNDRED SEVENTY-FOUR THOUSAND DOLLARS ($274,000), AND A RESOLUTION AUTHORIZING

AN AMENDMENT TO THE 2009/2010 OPERATING BUDGET (BUDGET AMENDMENT NO. 38), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE WATER/WASTEWATER RENEWAL AND REPLACEMENT FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was a proposal for professional engineering services from Klotz and Associates for the Loop 287 and U.S. Highway 59 North utility relocation in the amount of two hundred seventy-four thousand dollars ($274,000), and a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 38), providing for the supplemental appropriation of funds in the Water/Wastewater Renewal and Replacement Fund; and providing an effective date.

City Manager Paul Parker stated that this was the engineering contract related to the improvements planned for Loop 287 and US 59 North. City Manager Parker added that Klotz and Associates had been working on the project since 2006, but the City planned to enter into a contract whenever the funds were available. City Manager Parker stated that TxDOT had now approved the funds. City Manager Parker added that the Preliminary Engineering, Surveying and Coordination, Utility Easement Pre/Coordination, Construction Documents, Bidding Services, and Construction Management Services were all services that would be provided by Klotz and Associates. City Manager Parker explained that the services would be provided for a lump sum fee of two hundred seventy-four thousand dollars ($274,000). City Manager Parker explained that this was related to the utility relocation on the Highway 59 North Project. City Manager Parker stated that Staff recommended that the Council approve the Professional Services Agreement and the Budget Amendment No. 38.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the proposal for professional engineering services from Klotz and Associates for the Loop 287 and U.S. Highway 59 North utility relocation in the amount of two hundred seventy-four thousand dollars ($274,000), and a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 38), providing for the supplemental appropriation of funds in the Water/Wastewater Renewal and Replacement Fund; and providing an effective date. Councilmember Lynn Torres seconded the motion. A unanimous vote was recorded.

19. AWARD OF BID COX CONCRETE CONTRACTORS, INC. FOR THE ZOO CIRCLE RECONSTRUCTION PROJECT – APPROVED - IN THE AMOUNT OF TWO HUNDRED THREE THOUSAND NINETY DOLLARS AND SEVENTY-SIX CENTS ($203,090.76)

Mayor Jack Gorden stated that the next item for consideration was the award of bid to Cox Concrete Contractors, Inc. for the Zoo Circle Reconstruction Project in the amount of two hundred three thousand ninety dollars and seventy-six cents ($203,090.76).

City Manager Paul Parker stated that a map had been provided to the Council on their desks that would show the portion of the Zoo Circle that would be reconstructed. City Manager Parker added that this was the ticket entry area to the new maintenance barns. City Manager Parker stated that the budget was set up for four hundred seventy-two thousand dollars ($472,000), and that if the Council awarded the contract it would be for the installation of the sub grade, curb and gutter, drainage and sidewalks by Cox Concrete Contractors, Inc. City Manager Parker added that City Staff would lay the six inch (6”) water line, and would lay the asphalt. City Manager Parker stated that Staff would also mill up the initial asphalt to get to the sub base. City Manager Parker stated that the four hundred seventy-two thousand dollar ($472,000) budget would still be used for materials for the water line and for the asphalt. City Manager Parker added that Staff recommended that the Council award the contract to Cox Concrete Contractors, Inc. in the amount of two hundred three thousand ninety dollars and seventy-six cents ($203,090.76) for the construction of the curb and gutter, drainage, sidewalks, and sub grade.

Mayor Gorden asked for questions or comments from the Council. There was some discussion among the Council, Mayor, and City Manager Parker concerning the parking along Zoo Circle.