

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS HELD ON THE 18th DAY OF JANUARY, 2005**

On the 18th day of January 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
Joan Thomas	Acting City Secretary
Tommy Deaton	Asst. City Attorney
Keith Wright	City Engineer
Kenneth Williams	Public Works Director
Don Hannabas	Director- Parks and Leisure Services
Pete Prewitt	Fire Chief
Larry Brazil	Police Chief
David Koonce	Director of Human Resources
Steve Poskey	Street Department, Superintendent
Dwayne Thornhill	Recycling
C. G. Maclin	Marketplace Ministries
Joe Pase	President of the Lufkin Tree Board

being present, and

Renee Thompson	City Secretary
Robert Flournoy	City Attorney

being absent, when the following business was transacted:

1. The meeting was opened with prayer by Reverend Jerry Mashburn, Lufkin Family Worship Center.
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 January 4, 2005 were approved on a motion by Councilmember Rose Faine Boyd, and seconded by Councilmember Lynn Torres. A unanimous affirmative vote was recorded.

NEW BUSINESS:

4. PRESENTATION BY C. G. MACLIN ON BEHALF OF THE MARKETPLACE MINISTRIES

Mayor Louis Bronaugh stated that the next item on the agenda was a presentation from C. G. Maclin with Marketplace Ministries. City Manager Paul Parker stated that Council had supporting documentation in their packets and reminded Council that this presentation was at their request concerning the overall benefits of Marketplace Ministries.

C. G. Maclin introduced the Chaplains in attendance at the Council Meeting. Those attending were Chaplain Sonny Scarborough, the Chaplain Team Leader, Chaplain Eddie Ballard, Chaplain Kathy Norrod, and Chaplain Bob Bush, all local Chaplains in the Lufkin area, and Chaplain Jerry Klein, the Area Director of Chaplains out the Longview/Tyler area. Mr. Maclin drew attention to the one year report that was in the Council's packet. Mr. Maclin explained that this one year report would give Council the activities utilization of the "City of Lufkin Cares Program". Mr. Maclin pointed out that "marriage and family assistance" is the number one category that employees seek assistance from the Chaplains for. Mr. Maclin stated that this is the standard for most of the 265 companies that Marketplace Ministries works with. Mr. Maclin stated the next highest category would be "faith issues", followed by "health and illness", and then by "stress". Mr. Maclin then pointed out the next report was a five year accumulation of the utilization of the program. Mr. Maclin added that the City of Lufkin began its relationship with Marketplace Ministries in 1994. Mr. Maclin reminded Council that they approved the "Employee Care Program" at that time. Mr. Maclin then explained the benefits of having a Chaplain in the workplace as compared to other programs that consist of a 1-800 number that employees must call when they are experiencing problems in their lives.

Mr. Maclin stated that there were 14,108 "pastoral discussions", 4,856 worksite visits, 310 hospital visits, 96 home visits, 8 jail visits, 63 funeral home attendances, 37 funerals performed and 9 weddings performed during the five-year period. Mr. Maclin then went over the remainder of the report included in the Council's packet.

Mr. Maclin explained the history of the services of the Chaplain's Program in the City of Lufkin and the benefits and value of the program, while giving his personal observations while he was employed

by the City of Lufkin. Mr. Maclin then explained that since the inception of the program in 1994, all of the employees of the City of Lufkin have been covered with the exception of the Police Department. Mr. Maclin explained that the Police Department had their own Chaplain. Mr. Maclin explained that during his last visit he had talked with Larry Brazil, Chief of Police and Mr. Brazil told Mr. Maclin that the position is currently vacant and that he would entertain the idea of adding the Police Department to the Chaplain Program in next year's budget if the Council approved it. Mr. Maclin added that this would be the opportunity, with the vacancy in the Chaplain position in the Police Department, for Marketplace Ministries to extend the coverage to include the Police Department also.

Councilmember Dennis Robertson asked Mr. Maclin if there was a written contract with Marketplace Ministries and the City of Lufkin in 1994 for the specific items that would be covered in the cost the City of Lufkin would incur. Mr. Maclin explained that there was an annual contract with a sixty (60) day notification that would allow either party to cancel with the sixty (60) day notice. Mr. Maclin explained that the program is strictly a volunteer type program where there is nothing of a religious nature forced on an employee. Mr. Maclin stated that if the category of faith issues comes into the meeting, it would be prompted by the employee. Councilmember Robertson asked if Marketplace Ministries is the sole source for this type of program and asked why it would not be put out for bid by the City for other companies that offer the same type services. Mr. Maclin stated that by Texas Law it is not required that the City go out for bid for a service. Mr. Maclin explained that services are exempt from the bidding process. Mr. Maclin also explained that there is no other company in the United States that could be compared "apples to apples" with Marketplace Ministries. Mr. Maclin added that there is one company in Raleigh, North Carolina named "Corporate Chaplains of America" that has a similar program. Mr. Maclin explained that Marketplace Ministries uses the demographics of the area and the Chaplain base will match the ethnicity and gender aspects through a Chaplain team. Mr. Maclin added that Marketplace Ministries uses several Chaplains in a "team" approach to better meet the needs of the City of Lufkin employees where "Corporate Chaplains of America" uses one full-time employee that Mr. Maclin felt misses out on the opportunity to bridge culture gaps and diversity issues.

Councilmember Robertson asked Mr. Maclin who decides when the employee needs the services of Marketplace Ministries. Mr. Maclin explained that it is employee initiated but that Chaplains are cautious about having an adverse impact on the productivity in the workplace. Councilmember Robertson expressed his concerns about quality control and how the results could then be measured. Mr. Maclin explained that there are privacy laws that prohibit the Chaplains from making public any of the employees' personal information. Mr. Maclin added that there are probably not definitive ways of measuring the results, other than statistics, due to those privacy laws.

Councilmember Lynn Torres commended Marketplace Ministries for the assistance they provide and stated that she considers the service to be valuable to happiness and security on the job. Councilmember Torres added that these benefits help productivity on the job and expressed appreciation for Mr. Maclin attending the meeting and the services that Marketplace Ministries have provided to the City of Lufkin. Mr. Maclin added that the Chaplains also help reinforce the policies and procedures of the City of Lufkin to help keep employees focused in the right direction.

Councilmember Jack Gorden added that he was in agreement with Councilmember Lynn Torres. Councilmember Don Langston asked Mr. Maclin how many Chaplains are available to the City of Lufkin employees. Mr. Maclin explained that there are five (5) Chaplains that are immediately available with seven (7) more that can be reached by telephone for a total of twelve (12) Chaplains. Councilmember Robertson asked if the Chaplains are paid. Mr. Maclin explained that most of the Chaplains are part-time and are paid from the fee structure that is a "per employee" "per month" fee. Councilmember Robertson asked if the fee would be raised by Marketplace Ministries if the Police Department was added to the current program. Mr. Maclin explained that the fee would only be raised "per employee" visit. Councilmember Robertson stated that employees that are not using the program would get no benefit for that cost to the City. Mr. Maclin explained that even though some employees have never used the program, they could one day have some crisis or tragedy in their life and then utilize the services provided. Councilmember Robertson inquired when the program was started, would the local churches, lay ministry, or deacons not provide the service on a "pro-bono" basis. Mr. Maclin stated that at the time there was no organized opportunity for that available. Councilmember Robertson expressed his concern about measuring the results of the service. Mayor Louis Bronaugh thanked Mr. Maclin for attending the Council meeting and for his presentation.

5. BID FOR REFUSE BAGS – APPROVED - FOR SOLID WASTE DEPARTMENT

Mayor Louis Bronaugh stated that the next item for consideration was the bid for refuse bags for the Solid Waste Department. City Manager Paul Parker stated this is the second time to purchase refuse bags this year due to high demand. City Manager Parker explained that this purchase should enable the City to be able to supply the needs of the give-away program as well as those wishing to purchase bags. City Manager Parker added that staff is requesting to purchase 7,500 boxes of black bags at a cost of \$34,425 from Resourceful Bag and Tag.

Councilmember Dennis Robertson inquired if this purchase would be for the sale of bags or for the give-away program. City Manager Parker explained that this would supply both areas. Councilmember Lynn Torres moved to approve the bid for refuse bags for the Solid Waste Department. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

6. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2004/2005 OPERATING BUDGET (BUDGET AMENDMENT NO. 9), - APPROVED - PROVIDING FOR THE

SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL CONSTRUCTION FUND; AND PROVIDING AN EFFECTIVE DATE.

Mayor Louis Bronaugh stated that the next item for consideration was the Resolution authorizing an amendment to the 2004/2005 Operating Budget (Budget Amendment No. 9), providing for the supplemental appropriation of funds in the General Construction Fund; and providing an effective date. City Manager Paul Parker explained that this amount would increase the Park Lane Bridge Project by \$4,500 if approved. City Manager Parker added that this addition would bring the total for the project to \$82,522. City Manager Parker stated that this amount would be transferred from the Street Department Operating Budget to the Capital Fund. City Manager Parker added that this would complete the Park Lane Bridge Project and is an overage caused from an additional sand requirement due to the relocating of a gas line. City Manager Parker explained that it is not a request for additional funds, but simply a transfer from the Street Department Operating Funds to a Capital Fund.

Councilmember Jack Gorden asked for the total cost of the Park Lane Bridge Project. City Manager Parker stated that the total cost of the Park Lane Bridge Project would be \$82,522. Councilmember Rose Faine Boyd moved to approve the Resolution authorizing an amendment to the 2004/2005 Operating Budget (Budget Amendment No. 9), providing for the supplemental appropriation of funds in the General Construction Fund; and providing an effective date. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

7. FIRST READING OF THE ORDINANCE AMENDING THE ORDINANCE NO. 332 OF THE CITY OF LUFKIN, TEXAS REGULATING THE PLANTING, PROTECTION, CARE, REMOVAL AND CONTROL OF TREES ON PUBLIC HIGHWAYS, PUBLIC PLACES, PUBLIC SQUARES AND OTHER PLACES WITHIN THE CITY OF LUFKIN; - TABLED - PRESCRIBING THE AUTHORITY FOR REGULATING SUCH TO BE IN THE CITY TREE BOARD OF THE CITY OF LUFKIN; PRESCRIBING THE POWERS AND DUTIES OF THE CITY TREE BOARD IN CONNECTION WITH SUCH REGULATIONS; PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND CONTAINING A SAVINGS CLAUSE.

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of the Ordinance amending the Ordinance No. 332 of the City of Lufkin, Texas regulating the planting, protection, care, removal and control of trees on public highways, public places, public squares and other places within the City of Lufkin; prescribing the authority for regulating such to be in the City Tree Board of the City of Lufkin; prescribing the powers and duties of the City Tree Board in connection with such regulations; providing a penalty for the violation of this Ordinance; and containing a savings clause. City Manager Paul Parker stated that the Tree Board had recently met and had some concerns about the make up of the Board itself as well as some revision that needed to be addressed in the current Tree Ordinance. City Manager Parker requested that Council allow the representative from the Tree Board be allowed to speak concerning the revisions but suggested that Council table the item until the City Staff could incorporate the correct language in the new Ordinance. City Manager Parker then asked Joe Pase, the representative of the Tree Board to come forward and explain the proposed changes.

Councilmember Dennis Robertson stated that Joe Pase is the newly elected Chairperson for the Tree Board after John Courtenay stepped down from the position after serving in that capacity for many years. Joe Pase thanked Council for allowing him to address them. Mr. Pase stated that in 1984 the City of Lufkin established a Tree Board and added that it was a very appropriate thing to do for a city in the middle of the East Texas forests. Mr. Pase explained that he is a professional forester and has practiced forestry in East Texas for over thirty (30) years and became Chairperson of the Tree Board twelve (12) days earlier. Mr. Pase explained that he would go over the changes but added that there was a committee that consisted of Steve Poskey, Don Hannabas, Rachel Emrick, and Dennis Robertson that had recently reviewed the Ordinance. Mr. Pase then reviewed the changes. This first change would be in the "Creation and establishment of a City Tree Board". Mr. Pase stated that originally this ordinance had a five (5) member board that consisted of three (3) City Councilmembers and two (2) citizens. The proposed change is that the Board be changed to seven members with three (3) being City Council Members and a City Planner, a Professional Forester, and two (2) citizens. Mr. Pase stated that the second change would be a change in the wording in the section "Duties and Responsibilities". The change would be to add the phrase "in cooperation with the City Manager". The reasoning behind that change would be when the circumstances required more than one City Department to be involved the City Manager would have the final say when there was more than one department so that one department would not be telling another what to do. Mr. Pase added that in that same section there was originally a final plan that would be presented annually to the City Council for approval. This sentence was deleted because when the Tree Board was established in 1984, the plan was then set and really did not need to be updated. Mr. Pase explained the next proposed change would be in the section "distance from curbs and sidewalks". Originally the ordinance mandated the distance that trees may be planted from the curbs or curb-lines and sidewalks called for small trees to be two (2) feet, medium trees would be three (3) feet, and large trees would be five (5) feet. The new proposal calls for small trees to be three (3) feet, medium trees to be five (5) feet, and large trees to be seven (7) feet. Mr. Pase explained that this would be more practical because of the growth of trees and this change would be a more workable distance to deal with. Mr. Pase then stated that the next proposed change would be in the section "distance from street corners and fireplugs". Mr. Pase explained that "except as recommended by the Tree Board in Downtown Areas, with approvals by the

local and state highway agencies” would be added to this section. Mr. Pase clarified that the reason for this change was because there are currently trees closer to corners than they should be, but needed to be brought into compliance rather than removing the established trees. Mr. Pase stated that the section concerning “pruning” would also have changes. Mr. Pase explained that the current Ordinance stated that there should be a clearance of eight (8) feet for visibility and would be changed to fourteen (14) feet to allow for additional visibility and safety. Mr. Pase then asked Council for any questions concerning the proposed changes to the Tree Board Ordinance. City Manager Paul Parker added that if Council desired, the position on the Tree Board for the City Planner could be eliminated adding another citizen to the Board. City Manager Parker explained that City Staff could continue to support and advise the Tree Board without occupying a place on the Board. City Manager Parker added that there was also an Amendment to the Ordinance in 1999 that concerned placing a lien on property if citizens did not voluntarily remove trees. The original Ordinance stated that the removal would be at no cost to the owner but was amended as stated above. City Manager Parker stated that Staff needed to change the language and combine the Amendments before presenting the proposal to the City Council for approval. Councilmember Dennis Robertson then noted one other Amendment that was not reflected was in the section concerning “penalties”. Councilmember Robertson pointed out that the original Ordinance stated that there would be a fine of not less than TEN DOLLARS (\$10.00) and no more than TWO HUNDRED DOLLARS (\$200.00). Councilmember Robertson added that this Ordinance had been amended to a fine of not more than FIVE HUNDRED DOLLARS (\$500.00). Mr. Pase also brought to the Council’s attention that in the section “terms of office” the wording needed to reflect “the term of five (5) Board Members” should be changed to “the term of seven (7) Board Members. City Manager Parker added that the City Staff would make the corrections and changes in the language on the proposed Ordinance Amendment and would bring the proposal to the Council at the next Council meeting. Councilmember Lynn Torres added that there were concerns with some members of the community about adding the City Planner to this Board, which would eliminate the possibility of another citizen serving on the Board, and suggested that the City Planner could still be utilized in an advisory capacity. Mayor Louis Bronaugh expressed his appreciation to Joe Pase for serving on the Tree Board. Councilmember Lynn Torres moved to table the First Reading of the Ordinance amending the Ordinance No. 332 of the City of Lufkin, Texas regulating the planting, protection, care, removal and control of trees on public highways, public places, public squares and other places within the City of Lufkin; prescribing the authority for regulating such to be in the City Tree Board of the City of Lufkin; prescribing the powers and duties of the City Tree Board in connection with such regulations; providing a penalty for the violation of this Ordinance; and containing a savings clause. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

8. REPORTS FROM PAUL PARKER, CITY MANAGER

Mayor Louis Bronaugh stated that the next item for consideration was a report from Paul Parker, City Manager. City Manager Paul Parker stated that the City held its “Quarterly Finance Committee Meeting” on that day and the report from that meeting was before Council for their review.

- A. Financial Status Report: City Manager Parker referred Council to the document contained in their packets entitled “Statement of Revenues and Expenditures”. City Manager Parker stated that the good news from the City’s standpoint is that the interest rates have increased revenue. City Manager Parker drew attention to the detail of security holdings by the City of Lufkin, dated December 31, 2004. City Manager Parker explained that this would give the Council a synopsis of where the City stands overall. City Manager Parker added that every quarter the City reinvests part of the portfolio. City Manager Parker stated that the City has about forty-four percent (44%) of its money in agencies and the remaining fifty-six percent (56%) is in money markets such as TEXPOOL and TEXSTAR. City Manager Parker added that interest rates are increasing and that TWO MILLION DOLLARS (\$2,000,000.00) was coming due on January 18, 2005. City Manager Parker added that the TWO MILLION DOLLARS (\$2,000,000.00) would be invested in TEXPOOL and in the discussion in the “Quarterly Finance Committee Meeting”, the committee felt that there would probably be an increase after the February 1, 2005 Fed Meeting and that the belief was that the Fed would raise another twenty-five (25) basis points, and therefore interest rates would be more favorable in mid-February or the first of March. City Manager Parker stated that overall the yield was about 2.12% for the overall program for 2004 which was an increase from 2003. City Manager Parker added that the City has approximately FORTY-THREE MILLION DOLLARS (\$43,000,000) in investments. City Manager Parker explained that number would probably decrease over the summer when the City begins several projects and added that part of the increase was due to the Bond Project that began earlier this year and all money would be re-invested immediately to ensure the City getting the most of the funds. City Manager Parker stated that the City is beginning to receive monies from property taxes and the funds are being invested as soon as it is received. City Manager Parker concluded that the financial report of January 18, 2005 shows that the City’s policy is still sound and added that Dick Long suggested that the City maintain a balance between the agencies and money markets at approximately a 50-50 split and the City is at 44-56 at this time. Councilmember Dennis Robertson added that Mr. Long did forecast that the interest rates would probably improve during the course of the year. City Manager Parker added that Mr. Long highlighted that the 4-B Board should have a finance policy similar to the City’s and Mr. Long would be preparing such a policy to present to the 4-B Board for their approval.

City Manager Parker then offered to answer any questions Council had concerning the Statement of Revenues and Expenditures of All Budgeted Operating Funds. City Manager Parker

added that there was nothing in the "financials" at this time that Council should be concerned about. There were no questions.

- B. Project Status Report: City Manager Parker then reviewed the Project Status Report. City Manager Parker explained that the process has been improved and is easier to read and understand and is within two weeks of where the City stands on each project. City Manager Parker reiterated that the report will be updated each month so that Council can continuously refer to where the City is on each project. City Manager Parker then offered to answer any questions that Council had concerning either the "Financial Report" or the "Project Status Report". There were none.

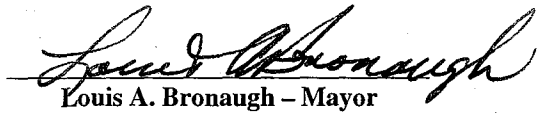
City Manager Paul Parker stated that one other update for the Council was the information concerning the Sales Tax Revenue. City Manager Parker pointed out that this month the City's Revenue was up 16.15 % and that the City is currently approximately 7.78% year to date above last year's Sales Tax Revenue and the City had budgeted for approximately 2%. City Manager Parker added that the next report would reflect the Christmas sales and explained that the trend has been good so far and in the first four months of this fiscal year the City has exceeded the estimated 2% budgeted amount.

9. Mayor Louis Bronaugh recessed the Regular Session at 6:03 p.m. to enter into Executive Session.

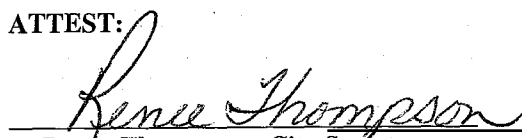
EXECUTIVE SESSION: In accordance with the Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Regular Session item requiring confidential attorney/client privileges necessitated by the deliberation of discussion or said item (as needed), and appointments to Boards and Commissions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

Mayor Louis Bronaugh reconvened the Regular Session at 7:27 p.m. and stated that during Executive Session, Council discussed attorney/client privileges and no decisions had been made.

10. City Manager Parker added that Councilmembers were also issued the current two-week calendar of events and reminded Council of the Annual Chamber of Commerce Banquet and the Lufkin/Nacogdoches Day in Austin and asked that if Council had not made arrangements to attend and would like to do so, to please contact the City Secretary's office.
12. There being no further business for consideration, the meeting adjourned at 7:30 p.m.


Louis A. Bronaugh – Mayor

ATTEST:


Renee Thompson – City Secretary