

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

On the 15th day of February 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:

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
Don Hannabas	Director- Parks and Leisure Services
Larry Brazil	Police Chief
David Koonce	Director of Human Resources
Scott Marcotte	Asst. Police Chief
Doug Wood	Director of Accounting
Dorothy Wilson	City Planner
Jim Wehmeier	Director of Economic Development
Rhonda McLendon	Director of Animal Control
Joe Pase	President of the Lufkin Tree Board
Marc Caldwell	President, Del Mar Development

being present, and

Louis Bronaugh	Mayor
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being absent, when the following business was transacted:

1. The meeting was opened with prayer by Chaplain, Kathy Norrod.
2. Mayor Pro Tem Rose Faine Boyd 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 February 1, 2005 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

OLD BUSINESS:

4. **SECOND READING OF AN ORDINANCE AMENDING SECTION 98.30: CONCERNING THE CREATION AND ESTABLISHMENT OF A CITY TREE BOARD; SECTION 98.31: CONCERNING THE TERMS OF OFFICE OF BOARD MEMBERS; SECTION 98.32: CONCERNING THE DUTIES AND RESPONSIBILITIES OF THE TREE BOARD; SECTION 98.04: CONCERNING THE DISTANCE FROM CURB AND SIDEWALK ; SECTION 98.18: CONCERNING THE DISTANCE FROM STREET CORNERS AND FIREPLUGS; SECTION**

98.09: CONCERNING PRUNING TREES; - APPROVED - OF THE CODE OF ORDINANCES OF THE CITY OF LUFKIN: ESTABLISHING AN EFFECTIVE DATE AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH.

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was to consider an Ordinance amending Section 98.30: concerning the creation and establishment of a City Tree Board; Section 98.31: concerning the Terms of Office of Board Members; Section 98.32: concerning the duties and responsibilities of the Tree Board; Section 98.04: concerning the distance from Curb and Sidewalk ; Section 98.18: concerning the distance from Street Corners and Fireplugs; Section 98.09: concerning pruning trees; of the Code of Ordinances of the City of Lufkin; establishing an effective date and repealing all Ordinances or parts thereof in conflict herewith. City Manager Paul Parker stated that Council had this Amendment before them on two separate occasions and have had the opportunity to examine it in great detail and added that he would be willing to answer any questions that the Council might have.

Councilmember Dennis Robertson moved to approve the Ordinance amending Section 98.30: concerning the creation and establishment of a City Tree Board; Section 98.31: concerning the Terms of Office of Board Members; Section 98.32: concerning the duties and responsibilities of the Tree Board; Section 98.04: concerning the distance from Curb and Sidewalk ; Section 98.18: concerning the distance from Street Corners and Fireplugs; Section 98.09: concerning pruning trees; of the Code of Ordinances of the City of Lufkin; establishing an effective date and repealing all Ordinances or parts thereof in conflict herewith. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

5. **ADOPTION OF A RESOLUTION - APPROVED - DECLARING SUPPORT FOR LANKFORD INTERESTS, LLC AND DEL MAR DEVELOPMENT, LLC TAX CREDIT APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE YEAR 2005**

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was to consider adopting a Resolution declaring support for Lankford Interests, LLC and Del Mar Development, LLC tax credit application to the Texas Department of Housing and Community Affairs for the Year 2005. City Manager Paul Parker called on Marc Caldwell, President of Del Mar Development to make a presentation concerning this request. City Manager Parker added that Council had before them a map showing the location of the property in question.

Marc Caldwell, President of Del Mar Development stated that he would give a background of the sales and the department that would be applied to for tax credits. Mr. Caldwell explained that he is requesting a Resolution of support from the City of Lufkin and would tell the Council a little about the development that they are working on in Lufkin. He added that he would then open the floor to any questions that the Council might have concerning the project. Mr. Caldwell stated that he is associated with Lankford Interests, LLC and Del Mar Development, LLC. Mr. Caldwell explained that they have developments in Killeen, Cameron, Crockett, Bay City, and are currently breaking ground on one in College Station. Mr. Caldwell explained that each of these developments had been through the Tax Credit Program in Austin. Mr. Caldwell furthered that the Tax Credit Program is very competitive and requires both a pre-application and then the permanent application which will be set for March 1, 2005. Mr. Caldwell informed Council that by July he would know whether they were successful and if they would be allocated the tax credits. Mr. Caldwell explained that they had worked with DETCOG to determine the type housing that is needed in the Lufkin area and development based values on the property as well. Mr. Caldwell stated that Council had before them an executive summary and explained that the development would be for an elderly based group with seventy-six (76) single story units on 9.7 acres of land at the North East corner of Loop 287 and Highway 69. Mr. Caldwell explained that these units would also be managed through a joint venture between Lankford Interests, LLC and Del Mar Development, LLC for fifteen (15) years as both the owners and property managers.

Mr. Caldwell added that the piece of property that is now under contract is half in the City of Lufkin and half in Angelina County. Mr. Caldwell stated that if the venture were to be successful, they would be working with the City of Lufkin to have the County portion annexed. Mr. Caldwell explained that the development would be paying full taxes. Mr. Caldwell concluded by asking the City Council to consider adopting the Resolution to support this venture and added that they would also be asking for letters of support from State Representative Jim McReynolds and State Senator Todd Staples.

Councilmember Dennis Robertson commented that he understood that Mr. Caldwell had previously been successful in filling the units in other cities where they were built. Mr. Caldwell explained that the Crockett development is a sixty-four unit development that is ninety-nine percent (99%) complete. Mr. Caldwell added that they were able to fill buildings as they were completed from a waiting list that developed during construction of the project.

Councilmember Lynn Torres moved to approve the adoption of the Resolution declaring support for Lankford Interests, LLC and Del Mar Development, LLC tax credit application to the Texas Department of Housing and Community Affairs for the Year 2005. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

6. **ADOPTION OF A RESOLUTION – APPROVED - AUTHORIZING THE FILING OF A GRANT APPLICATION WITH WORKFORCE SOLUTIONS DEEP EAST TEXAS FOR A WORKSKILLS ENHANCEMENT GRANT IN THE AMOUNT OF \$4,000; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF LUFKIN IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF LUFKIN WILL COMPLY WITH ALL GRANT REQUIREMENTS**

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was to consider adopting a Resolution authorizing the filing of a grant application with Workforce Solutions Deep East Texas for a Workskills Enhancement Grant in the amount of \$4,000; authorizing the City Manager to act on behalf of the City of Lufkin in all matters related to the application; and pledging that if a grant is received the City of Lufkin will comply with all grant requirements. City Manager Paul Parker stated Staff had identified that one of the items that needed to be worked with this year would be education and training in-house concerning diversity and employment practices. City Manager Parker added that the City of Lufkin had the opportunity to contact Dr. Richard Lewis with the University of Texas at San Antonio to present a two-day workshop to key department staff on racial diversity in the workplace. City Manager Parker explained that David Koonce, Director of Human Resources, had discovered the possibility of getting funding to pay for the training through the Workskills Enhancement Grant. City Manager Parker added that Staff is requesting that Council authorize the application for a Workskills Enhancement Grant to fund the training.

Councilmember R. L. Kuykendall moved to adopt a Resolution authorizing the filing of a grant application with Workforce Solutions Deep East Texas for a Workskills Enhancement Grant in the amount of \$4,000; authorizing the City Manager to act on behalf of the City of Lufkin in all matters related to the application; and pledging that if a grant is received the City of Lufkin will comply with all grant requirements. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

7. **FIRST READING OF AN ORDINANCE AMENDING SECTION 91.047: CONCERNING IMPOUNDED ANIMAL BEING HELD ON COMPLAINT; OF THE CODE OF ORDINANCES OF THE CITY OF LUFKIN; - APPROVED – ESTABLISHING AN EFFECTIVE DATE AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH**

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was to consider on First Reading the Ordinance amending Section 91.047: concerning Impounded Animal Being Held on

Complaint; of the Code of Ordinances of the City of Lufkin; establishing an effective date and repealing all Ordinances or parts thereof in conflict herewith. City Manager Paul Parker stated that when a case has been filed in Municipal Court concerning cruelty to an animal the City of Lufkin can rule on that case and hold the animal. City Manager Parker explained that when a cruelty case is in County Court or District Court the City of Lufkin has no authority to hold the animals. City Manager Parker added that Staff is recommending that City Council approve expanding Animal Control's authority to hold an animal until courts within Angelina County have heard charges concerning animal cruelty.

Councilmember Don Langston asked if this authority would bring about harsher charges in these animal cruelty cases. City Manager Parker explained that there are times when the City has stricter laws regarding the cruelty cases than do County or District Courts and would enable the City of Lufkin to file the charges where the penalties would be more stringent and protect the animals where they would not have to be returned to the owners. Councilmember Lynn Torres asked Rhonda McLendon, Director of Animal Control, how many cases the City has in a month's time. Rhonda McLendon explained that it is a continuous problem and stated that the Animal Control Department gets quite a few calls concerning animal cruelty in a month. Ms. McLendon added that many of them do not turn out to be to the extent where the animal must be seized but there are usually a couple of cases a month that are being filed through the City of Lufkin Courts. Ms. McLendon explained that there is a State Law that states that if a person having a prior conviction of cruelty to animals, the second conviction would be ruled a felony. Councilmember Torres asked Ms. McLendon if the City Court addresses the disposition of the animal in the ruling. Ms. McLendon answered that they do have a determination hearing that decides whether or not the animal can be returned.

Councilmember Lynn Torres moved to approve on First Reading the Ordinance amending Section 91.047: concerning Impounded Animal Being Held on Complaint; of the Code of Ordinances of the City of Lufkin; establishing an effective date and repealing all Ordinances or parts thereof in conflict herewith. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

8. **ALLOCATION AND ESTABLISHMENT OF AN ADMINISTRATIVE BUDGET - APPROVED - TO ENSURE CONTROL OVER THE 2004 SHSP (STATE HOMELAND SECURITY PROGRAM) GRANT IN THE AMOUNT OF \$200,521**

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was to consider allocating and establishing an Administrative Budget to ensure control over the 2004 SHSP (State Homeland Security Program) Grant in the amount of \$200,521. City Manager Paul Parker stated that this item is the 2004 State Homeland Security Grant Program and may be the last opportunity to dispense monies from this grant. City Manager Parker explained that the next item on the agenda would be the first expenditure from this budget once Council approves setting up the budget for this Grant. City Manager Parker added that this sets up the administrative budget to ensure control over the grant funding and allocation.

Councilmember Dennis Robertson moved to approve allocating and establishing an Administrative Budget to ensure control over the 2004 SHSP (State Homeland Security Program) Grant in the amount of \$200,521. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

9. **PURCHASE OF A RADIO REPEATER - APPROVED - FOR THE LUFKIN POLICE DEPARTMENT**

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was the purchase of a radio repeater for the Lufkin Police Department. City Manager Paul Parker stated that this is the first

expenditure from the 2004 State Homeland Security Program Budget that Council had just established. City Manager Parker explained that it would be for a radio repeater system for the Lufkin Police Department. City Manager Parker added that the cost for this item would be \$13,105.56. City Manager Parker stated that there would be no cost to the City of Lufkin due to the Homeland Security Grant and would replace an existing repeater that has been a high maintenance issue and allows the City of Lufkin to have one that is more reliable, especially during emergency situations. City Manager Parker added that Staff recommends the purchase of a radio repeater through the HGAC in the amount of \$13,105.56.

Councilmember Don Langston moved to approve the purchase of a radio repeater for the Lufkin Police Department. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

10. REPORTS FROM PAUL PARKER, CITY MANAGER

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was a report from Paul Parker, City Manager. City Manager Paul Parker stated that there were a few highlights that he needed to mention to the City Council. City Manager Parker explained that Council had a handout from the Legislative Briefing Conference he had attended in Austin. City Manager Parker added that there are some troubling Bills that are being introduced that affect annexation and other problems within the State. City Manager Parker added that during the Lufkin/Nacogdoches Day visit in Austin, the Council Members who are attending may want to glance over the information before meeting with our Senator and Representatives.

A. Financial Status Report - City Manager Parker stated the City of Lufkin is in good shape on revenue and expenditures. City Manager Parker explained that the report is designed to show one-third of a fiscal year and even though sales tax looks below normal, actually the City is doing well on sales tax because the report does not reflect the sales tax from the Christmas Season. City Manager Parker added that the City of Lufkin is doing well in the revenue areas with the exception of the Water Fund. City Manager Parker stated there have been no outdoor water sales in approximately eight (8) months. City Manager Parker explained that this deficit may be made up during the summer months and the City will not be concerned until we see what the summer months bring in. City Manager Parker also explained that on the expenditure side, the Fleet Maintenance Budget appears to be over but that is because the gasoline sales had not been billed out to each individual department purchasing gas. City Manager Parker added that once the billing is complete the expenditure will reduce. City Manager Parker stated that Solid Waste is a little below the targeted amount but that account fluctuates slightly and should be on target. City Manager Parker added that the Hotel/Motel Tax is on a quarterly basis and the Recreation Fund usually has most of its growth during the summer months. City Manager Parker stated that there is really nothing significant that Council needs to be concerned about at this time where the revenue and expense accounts are concerned. City Manager Parker added that the first monies will be received in the Economic Development Account.

B. Projects Status Report - City Manager Parker stated that Council had the Project Status Report before them and would not go over any particular items unless Council had any questions they would like for him to answer. Councilmember Dennis Robertson asked if the 282 water leaks that were reported repaired was for one month. City Manager Parker explained that the number is a running total from the month of October 2004. City Manager Parker added that once the Lufkin area dries from the rain, the number of leaks will increase as they are more noticeable.

11. Mayor Pro Tem Rose Faine Boyd recessed the Regular Session at 5:25 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), real estate, and appointments to Boards and Commissions may be discussed.

Mayor Pro Tem Rose Faine Boyd reconvened the Regular Session at 5:49 p.m. and stated that during Executive Session, Council discussed real estate and attorney/client privileges and no decisions had been made.

12. City Manager Parker reminded Council Members to take note of the calendar before them and reminded those Council Members going to Austin that their hotel confirmations were at their places.
14. There being no further business for consideration, the meeting adjourned at 5:50 p.m.

Rose Faine Boyd, Mayor Pro-Tem

ATTEST:



Renee Thompson – City Secretary