

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 2nd DAY OF OCTOBER, 2007**

On the 2nd day of October, 2007, 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.
Rose Faine Boyd
R. L. Kuykendall
Lynn Torres
Don Langston
Phil Medford
Paul L. Parker
Keith Wright
Robert Flournoy
Renee Thompson
Larry Brazil
Scott Marcotte
Doug Wood
Steve Floyd
Lynn Winthrop
David Koonce
Barbara Thompson
Chuck Walker
Dorothy Wilson
Jim Wehmeier
Gorden Henley

Mayor
Mayor Pro-Tem
Councilmember, Ward No. 1
Councilmember, Ward No. 3
Councilmember, Ward No. 4
Councilmember, Ward No. 6
City Manager
Assistant City Manager
City Attorney
City Secretary
Police Chief
Assistant Police Chief
Finance Director
Solid Waste & Recycling Director
Recycling Coordinator
Human Resource Director
Main Street Director
City Engineer
Planning Director
Economic Development Director
Zoo Director

being present, and

Rufus Duncan

Councilmember, Ward No. 5

being absent, when the following business was transacted:

1. The meeting was opened with prayer by City Attorney Bob Flournoy
2. Mayor Jack Gorden welcomed visitors present. Councilmember Lynn Torres recognized LHS students who were present satisfying their government class requirement.

Mayor Jack Gorden then introduced John Patrick McCoy. Mayor Gorden explained that Mr. McCoy had recently saved the life of a three (3) year old child while on vacation. Mayor Gorden then presented Mr. McCoy with a medal from the Mayor, City Council, Management and Staff of the City of Lufkin for “Meritorious Service” and for representing the City in such a heroic manner.

3. APPROVAL OF MINUTES

Minutes of the Regular Meeting of September 18, 2007 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. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - DENIED - BY CHANGING THE ZONING DESIGNATION OF A CERTAIN TRACT OR PARCEL OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, DESCRIBED AS PARKMAN ROAD SUBDIVISION LOTS 2 AND 3 AND BEING APPROXIMATELY 5.521 ACRES OF LAND FROM A LARGE SINGLE-FAMILY DWELLING ZONING DISTRICT TO A MEDIUM SINGLE-FAMILY**

DWELLING ZONING DISTRICT 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 First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation of a certain tract or parcel of land within the corporate limits of the City of Lufkin, Texas, described as Parkman Road Subdivision Lots 2 and 3 and being approximately 5.521 acres of land from a Large Single-Family Dwelling Zoning District to a Medium Single-Family Dwelling Zoning District and authorizing the City Planner to make such changes on the Official Map.

City Manager Paul Parker stated that the applicant, Michael Parker, on behalf of the owner Jesse R. Jacobs and Ginger Jacobs, was requesting a zone change from “Residential Large Single Family Dwelling” to a classification of “Residential Medium Single Family Dwelling” on properties on Parkman Street. City Manager Parker added that the applicant intended to develop the property for single family homes. City Manager Parker stated that the subject area was over five (5) acres and was currently vacant and divided into two (2) parcels. City Manager Parker explained that both parcels were currently zoned “Residential Large Single Family Dwelling”. City Manager Parker added that to the west both properties were abutting a large area zoned “ Small Single Family Dwelling” which included the Whisper Creek Subdivision. City Manager Parker stated that the properties to the north, south, and east of the area were currently zoned “Residential Large Single Family Dwelling”. City Manager Parker added that the Future Land Use Plan classified the applicant’s area as “Low Density Residential”. City Manager Parker explained that due to the proximity to the Whisper Creek Subdivision and its conformity with the Comprehensive Plan, the development of the properties could fit the need for moderate range residential housing within the City. City Manager Parker stated that the Planning and Zoning Commission, by a three (3) to two (2) vote, with one (1) commissioner recusing himself, recommended that the Zone Change be approved. City Manager Parker added that it took four (4) votes from the Planning and Zoning Commission for it to be a formal recommendation from the Commission. City Manager Parker stated that there was over a twenty percent (20%) written protest filed in opposition to the Zone Change. City Manager Parker explained that the Ordinance would require an affirmative vote of six (6) of the seven (7) Council Members to be approved.

Mayor Gorden then opened the Public Hearing at 5:10 p.m. Speaking on the Ordinance was:

J. C. Havard
Joe Elliott
Mike Parker
Pat Havard
Walt Scalen
Lawasa Thomas
Aaron Grimes

Mayor Gorden then closed the Public Hearing at 5:45 p.m. and entertained a motion from Council.

Councilmember Phil Medford stated that many issues had been raised other than just the correct zoning for the property in question. Councilmember Medford added that there were issues raised concerning drainage, traffic, parking on the street, the cul-de-sac, etc. Councilmember Medford stated that he was not sure that all of the questions could be answered during the current meeting but that he would have the same concerns as those citizens that lived there. Councilmember Medford stated that the question that he had was what the owner was obligated to do prior to the development of the property whether it was “Residential Large” or “Residential Medium”. Councilmember Medford stated that there were issues that would arise as the property was developed. Councilmember Medford added that his question was in the platting of the property, was Mr. Jacobs donating additional right-of-way for Parkman or did the City currently own fifty (50) feet of right-of-way there. Councilmember Medford also asked if Mr. Jacobs was donating the right-of-way needed for the cul-de-sac out of the property that he currently owned.

Assistant City Manager Keith Wright stated that several things would or could be required of the applicant. Assistant City Manager Wright explained that the applicant would be required to provide utilities which would include a sewer line. Assistant City Manager Wright added that the applicant would be required to upgrade the current water line due to it not being sufficient to handle the additional housing. Assistant City Manager Wright stated that in the proposal was a requirement to dedicate and construct a cul-de-sac on the road. Assistant City Manager added that an additional requirement that would limit the amount of drainage in the roadway so the applicant would be required to look at the drainage, road side ditches and the runoff on the property. Assistant City Manager Wright added that the City could require that the roadway be improved but that had not typically happened in the past. Assistant City Manager Wright stated that with the new Subdivision Ordinance there were some guidelines for traffic impact analysis that could be implemented.

Councilmember Medford asked when an area was developed on either side of an existing street was the developer automatically required to improve the street. Assistant City Manager Wright stated that with the new Subdivision Ordinance there was a mechanism for a level of service calculation that could require a traffic impact analysis and look at the impact of the level of service on the roadway. Assistant City Manager Wright added that there were many types of factors involved in the calculation that could lead to the requirement to improve the pavement.

Councilmember Don Langston asked what the length of the road and how many lots were being proposed. Assistant City Manager Wright stated that there were nineteen (19) lots on “Residential Large” zoning and twenty-six (26) lots on “Residential Medium” zoning. Assistant City Manager Wright added that the length of the road was approximately one thousand two hundred (1200) feet. Councilmember Langston asked how the Subdivision Ordinance addressed the cul-de-sac length. Assistant City Manager Wright stated that a residential cul-de-sac should not exceed one thousand (1000) feet or serve more than thirty (30) dwelling units. Assistant City Manager Wright added that there was a guideline that based upon a City Staff recommendation, the Planning and Zoning Commission could approve or waive a suspension of over-length streets and cul-de-sacs upon consideration of alternative designs which would reduce street cul-de-sac length, the effect of over-length streets upon access, congestion, delivery of municipal services and the number of houses that were in the area. Councilmember Langston stated that his overriding concern was not necessarily the density issue, although he thought it was always some concern, but was more the characteristic of the corridor in that everything fronting and entering FM 58 was currently “Residential Large” and that the zone change would begin a process that would open other properties for justification to look at a different zoning structure or status to “Residential Medium or Small”. Councilmember Langston added that there were a number of vacant tracts in the area. Councilmember Langston stated that some of the petition signers owned some of the larger tracts and it would be to their advantage to see a small zoning restriction placed on those tracts rather than hold to the larger zoning restrictions. Councilmember Langston added that he struggled with the justification of changing zoning that had existed for that length of time without seeing a real transition occurring. Councilmember Langston added that there was an area that was grandfathered. Councilmember Langston stated that he did not see the area quite ready for the transition and could not find a real reason to change the zone.

Mayor Jack Gorden stated that he agreed with Councilmember Langston. Mayor Gorden added that the infrastructure that was there and characteristics of the neighborhood lent itself to leaving the zoning as it was currently.

Councilmember Phil Medford asked what was the minimum frontage width of a “Residential Medium” versus a “Residential Large”.

Planning Director Dorothy Wilson stated that the minimum width of the “Residential Medium” was sixty (60) feet and the minimum width of the “Residential Large” was eighty (80) feet and the “Residential Small” was forty (40) feet.

Councilmember Medford stated that the applicant had the right to develop his property as did any other property owner in the City of Lufkin under the current zoning. Councilmember Medford added that the applicant signed a letter stating that he would address the objection to the size of the homes by using a deed restriction to a minimum of twelve hundred (1200)

feet. Councilmember Medford stated that everything was addressed in one fashion or another except for the sixty (60) foot lot versus the eighty (80) foot lot and the number of homes in total that would be increase by seven (7). Councilmember Medford stated that his concern was there had been inherent problems in the past with sixty (60) foot lots. Councilmember Medford added that there were problems with parking on the street with sixty (60) foot lots and that Parkman didn't lend itself to parking on the street. Councilmember Medford explained that he would be concerned with the issue of sixty (60) foot lots having a very small margin for tolerance on the number of cars, boats or anything else that would be allowed to be kept on the subject property.

Councilmember Don Langston moved to deny the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation of a certain tract or parcel of land within the corporate limits of the City of Lufkin, Texas, described as Parkman Road Subdivision Lots 2 and 3 and being approximately 5.521 acres of land from a Large Single-Family Dwelling Zoning District to a Medium Single-Family Dwelling Zoning District and authorizing the City Planner to make such changes on the Official Map. Councilmember Lynn Torres seconded the motion.

The following vote was recorded:

Aye: Mayor Jack Gorden, Council Members Phil Medford, Lynn Torres, Don Langston and Rose Faine Boyd

Nay: Council Member R. L. Kuykendall

The motion carried with (5) five affirmative votes.

5. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY CHANGING THE ZONING AND FUTURE LAND USE PLAN DESIGNATION ON LAND DESCRIBED AS BLOCK 11, LOTS 1, 2, 3, AND 4 OF THE WOODLAND HEIGHTS ADDITION TO A LOCAL BUSINESS ZONING DISTRICT AND THE FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN TO THE CLASSIFICATION OF RETAIL

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and First Reading of an Ordinance amending the Zoning Ordinance and the Future Land Use Plan of the 2001 Comprehensive Plan of The City of Lufkin, Texas, by changing the Zoning and Future Land Use Plan designation on land described as Block 11, Lots 1, 2, 3, and 4 of the Woodland Heights Addition to a Local Business Zoning District and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of Retail.

City Manager Paul Parker stated that the applicant, Focus Commercial Real Estate, LLC, on behalf of the owners of the four (4) properties was requesting a zone change from "Residential Large Single Family Dwelling" to a classification of "Local Business" on properties located on the corner of Mantooth Avenue and Bynum Street north of Frank Avenue. City Manager Parker added that the intent of the applicant was to combine the lots into a larger retail development on the corner of Frank Avenue and Bynum Street, which would merge the proposed four (4) lots which was approximately 1.5 acres with three (3) lots at .7 acres, located along West Frank Avenue. City Manager Parker stated that the alley separating the two (2) areas would be required to be vacated. City Manager Parker added that the applicant, at a later date, would request vacation of the alley from the City. City Manager Parker explained that there was no guarantee that even with rezoning that the Council would vacate the alley but the item could be considered. City Manager Parker stated that there was no planned access on Mantooth Avenue. City Manager Parker added that Council had a letter from the developer that stated that would not have any access to Mantooth. City Manager Parker stated that the properties to the north, east, and west of the subject area was currently zoned "Residential Large Single Family Dwelling" and the properties to the south were currently zoned "Local Business". City Manager Parker added that the Future Land Use Plan classified the area as "Low Density Residential" and that the applicant was requesting that the Future Land Use Plan be changed to "Retail". City Manager Parker stated that a retirement home was located across Bynum Street from the

subject area and properties along Frank Avenue across from Memorial Hospital were a mix of office and service type uses. City Manager Parker stated that CVS Pharmacy was located on the southeast corner of Frank Avenue and Bynum Street. City Manager Parker added that the uses along Frank Avenue had shifted from mainly “Single Family Residential” uses to commercially oriented properties. City Manager Parker stated that the Planning and Zoning Commission by unanimous vote recommended approval of the zone change and the Future Land Use Plan changed with a condition that prohibited ingress and egress from Mantooth Avenue.

Mayor Gorden then opened the Public Hearing at 5:55 p.m. Speaking on the Ordinance was:

Jim Owens
Joseph “Trey” Smith

Mayor Gorden then closed the Public Hearing at 6:07 p.m. and entertained a motion from Council.

Mayor Gorden asked City Planner Dorothy Wilson how to address the issue of doing some trees and/or landscaping in the area. City Planner Wilson stated that she and the applicant could work to draft a plan that would be acceptable to the neighborhood.

Councilmember Lynn Torres moved to approve the Ordinance amending the Zoning Ordinance and the Future Land Use Plan of the 2001 Comprehensive Plan of The City of Lufkin, Texas, by changing the Zoning and Future Land Use Plan designation on land described as Block 11, Lots 1, 2, 3, and 4 of the Woodland Heights Addition to a Local Business Zoning District and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of Retail with the caveat of landscaping and future discussion between the applicant and the Planning and Zoning Commission. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

6. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY CHANGING THE ZONING AND FUTURE LAND USE PLAN DESIGNATION ON LAND DESCRIBED AS TRACTS 74 AND 75 OF THE M. BOYCE SURVEY TO A COMMERCIAL ZONING DISTRICT AND THE FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN TO THE CLASSIFICATION OF COMMERCIAL

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and First Reading of an Ordinance amending the Zoning Ordinance and the Future Land Use Plan of the 2001 Comprehensive Plan of the City of Lufkin, Texas, by changing the Zoning and Future Land Use Plan designation on land described as Tracts 74 and 75 of the M. Boyce Survey to a Commercial Zoning District and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of Commercial.

City Manager Paul Parker stated that the applicant, Joe Leediker, Jr., on behalf of Joyce Read, was requesting a change of zoning from “Residential Large Single Family Dwelling” and “Commercial” to a single classification of “Commercial” on properties located on East Denman Avenue. City Manager Parker added that the applicant intended to develop the property for office use and a self storage facility. City Manager Parker stated that the subject area was approximately 5.25 acres and was currently vacant and divided into two (2) parcels. City Manager Parker added that the zoning for the subject area located along East Denman was zoned “Commercial” and the area was approximately 1.46 acres with the remainder of the 5.25 acres zoned “Residential Large”. City Manager Parker stated that only had access on East Denman. City Manager Parker explained that the properties to the west were currently zoned “Commercial”, “Residential Large Single Family Dwelling”, and “Apartment”. City Manager Parker stated that the properties located to the east were currently zoned “Commercial” and “Local Business” and the properties to the north across East Denman Avenue were zoned “Commercial”. City Manager Parker added that the subject properties were located between a doctor’s office and the Acadia Arms Apartments. City Manager Parker stated that the Future Land Use Plan classified the applicant’s properties as “High Density Residential” and the Future Land Use Plan for the area was a

mix of “Retail”, “High Density Residential”, and “Commercial”. City Manager Parker added that the classification of the subject area as “Commercial” was appropriate due to the direct proximity of both “Commercial” and “Retail” uses developed in the area. City Manager Parker stated that the Planning and Zoning Commission and Planning Staff recommended that Council approve the Ordinance.

Mayor Gorden then opened the Public Hearing at 6:10 p.m. Speaking on the Ordinance was:

Attorney Jon Anderson

Mayor Gorden then closed the Public Hearing at 6:13 p.m. and entertained a motion from Council.

Councilmember Phil Medford moved to approve the Ordinance amending the Zoning Ordinance and the Future Land Use Plan of the 2001 Comprehensive Plan of the City of Lufkin, Texas, by changing the Zoning and Future Land Use Plan designation on land described as Tracts 74 and 75 of the M. Boyce Survey to a Commercial Zoning District and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of Commercial. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

7. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2007/2008 OPERATING BUDGET (BUDGET AMENDMENT NO. 1). - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL AND GENERAL CONSTRUCTION FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was a Resolution authorizing an amendment to the 2007/2008 operating budget (Budget Amendment No. 1), providing for the supplemental appropriation of funds in the General and General Construction Fund; and providing an effective date.

City Manager Paul Parker stated that recently the City purchased the Pines Theater. City Manager Parker explained that someone needed to be selected to do a rendering and preliminary drawings to get a cost estimate to carry to some charitable institutions that had indicated their willingness to support the renovation of the facility. City Manager Parker added that some concepts were needed but that Staff would bring a detailed proposal for the actual design of the proposed restoration at a later date. City Manager Parker stated that thirteen thousand dollars (\$13,000) would cover the cost of the architectural services, the rendering, and miscellaneous expenses.

Councilmember Lynn Torres moved to approve the Resolution authorizing an amendment to the 2007/2008 operating budget (Budget Amendment No. 1), providing for the supplemental appropriation of funds in the General and General Construction Fund; and providing an effective date. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

8. BID FOR 28,000 ROLLS OF BLACK REFUSE BAGS – APPROVED - FOR THE SOLID WASTE DEPARTMENT

Mayor Jack Gorden stated that the next item for consideration was the bid for 28,000 rolls of black refuse bags for the Solid Waste Department.

City Manager Paul Parker stated that the City of Lufkin Solid Waste Department annually dispersed refuse bags to the citizens of the City of Lufkin. City Manager Parker stated that the twenty-eight thousand (28,000) rolls of bags were for that purpose. City Manager Parker added that the City received thirteen (13) bids with DynaPak from Lawrenceburg, Tennessee, being the low bidder with a bid of three dollars and fifty-six cents (\$3.56) per roll. City Manager Parker pointed out that the bid was less than last year’s price of three dollars and ninety-three cents (\$3.93) per roll. City Manager Parker stated that there were funds available in the Solid Waste Budget and that the total amount for the twenty-eight thousand (28,000) rolls of bags was ninety-nine thousand six hundred eighty dollars (\$99,680). City Manager Parker stated that Staff recommended that Council approve the bid from DynaPak.

Councilmember Lynn Torres moved to approve the bid for twenty eight thousand (28,000) rolls of black refuse bags for the Solid Waste Department. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

9. BID FOR THE PURCHASE OF NINE (9) 2008 FORD CROWN VICS (POLICE INTERCEPTOR CARS) – APPROVED - FOR THE POLICE DEPARTMENT TO THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

Mayor Jack Gorden stated that the next item for consideration was the bid for the purchase of nine (9) 2008 Ford Crown Vics (Police Interceptor Cars) for the Police Department to the Texas Local Government Purchasing Cooperative (BuyBoard).

City Manager Parker stated that the City of Lufkin Police Department was requesting four (4) Patrol Cars (Patrol), three (3) Patrol Cars (Traffic), and two (2) Patrol Cars (Supervisors). City Manager Parker explained that the slight difference in price was due to the accessories needed for some of the vehicles. City Manager Parker stated that the total bid was two hundred sixty-six thousand six hundred twenty dollars (\$266,620) for the nine (9) units. City Manager Parker explained that the amount budgeted for the vehicles was two hundred forty-five thousand one hundred six dollars (\$245,106) but the additional funding would be allocated from the balance of the Amortization Fund. City Manager Parker stated that Staff recommended the purchase of the nine (9) Police cars for two hundred sixty-six thousand six hundred twenty dollars (\$266,620).

Mayor Gorden stated that he was happy that the City of Lufkin was still using Crown Victorias as some places were beginning to use smaller vehicles.

Councilmember Don Langston asked if the vehicles would come already outfitted and ready to use. City Manager Parker stated that they would be completely outfitted with lights, ready for computers, plastic seats that could be easily washed. City Manager Parker stated that the cars were identical to the white vehicles purchased the year before. City Manager Parker added that all of the blue vehicles would be replaced in Patrol but there were a few reserves in Traffic. City Manager Parker stated that most of the vehicles that would be seen on the streets would be white.

Councilmember Rose Faine Boyd moved to approve the bid for the purchase of nine (9) 2008 Ford Crown Vics (Police Interceptor Cars) for the Police Department to the Texas Local Government Purchasing Cooperative (BuyBoard). Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

10. BID FOR THE PURCHASE OF SIX (6) 2008 PETERBUILT 320 SIDE LOADER TRUCKS – APPROVED - FOR THE SOLID WASTE DEPARTMENT TO THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (HGAC)

Mayor Jack Gorden stated that the next item for consideration was the bid for the purchase of six (6) 2008 Peterbuilt 320 Side Loader Trucks for the Solid Waste Department to the Texas Local Government Purchasing Cooperative (HGAC).

City Manager Parker stated the City of Lufkin Solid Waste Department was replacing the residential collection fleet. City Manager Parker added that the total replacement cost was one million one hundred twelve thousand four hundred fourteen dollars and four cents (\$1,112,414.04). City Manager Parker added that there was a one hundred eighty-six thousand dollar (\$186,000) trade-in of existing units which would leave a total amount of nine hundred twenty-seven thousand four hundred fourteen dollars and six cents (\$927,414.06) obligated for the purchase. City Manager Parker explained that there was nine hundred ninety thousand dollars (\$990,000) in the budget. City Manager Parker added that the purchase was under budget with the trade-in. City Manager Parker stated that Staff recommended that Council authorize the purchase of six (6) 2008 Peterbilt Model 320 Side Loader Refuse Trucks to Rush Truck Center of Texas in the amount of one million one hundred twelve thousand four hundred fourteen dollars and four cents (\$1,112,414.04) with a trade in value of one hundred eighty-six thousand dollars (\$186,000).

Councilmember Don Langston asked if these units would also come ready to go. City Manager Parker stated that they would be ready to use and that there would actually be seven (7) units replaced. City Manager Parker explained that seven (7) units would be removed from use.

Councilmember Rose Faine Boyd moved to approve the bid for the purchase of six (6) 2008 Peterbuilt 320 Side Loader Trucks for the Solid Waste Department to the Texas Local Government Purchasing Cooperative (HGAC). Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

11. DONATION OF LOCOMOTIVE #110, - TABLED - CURRENTLY DISPLAYED AT THE ELLEN TROUT ZOO, TO THE GALVESTON RAILROAD MUSEUM

Mayor Jack Gorden stated that the next item for consideration was donating the Locomotive #110, currently displayed at the Ellen Trout Zoo, to the Galveston Railroad Museum.

City Manager Paul Parker explained that the Building Committee and the Council had briefly discussed that the existing railroad Locomotive #110 was located in the area of the Education and Administration Building to be constructed at the Ellen Trout Zoo. City Manager Parker stated that the Locomotive #110 would block the view from the meeting room into the Zoo. City Manager Parker explained that at one time the locomotive set out in the park but over the years the Zoo had grown around it. City Manager Parker stated that Locomotive #110 needed to be moved for the construction of the Education and Administration Building. City Manager Parker stated that Staff had looked into several options for relocation but there would be an expense involved in moving the train to any location. City Manager Parker added that one alternative that was recommended was to contact the Galveston Railroad Museum. City Manager Parker stated that representatives from the Museum had been to Lufkin to look at the locomotive and was very interested in obtaining the engine and would bear all costs which were estimated to be approximately twenty thousand dollars (\$20,000), if the City Council agreed. City Manager Parker added that the Museum would also bear the liability to remove and transport the Locomotive to the Galveston Railroad Museum and secure it for display. City Manager Parker stated that Staff recommended that Council accept the offer of the Galveston Railroad Museum to relocate Locomotive #110.

Mayor Gorden stated that he talked to Councilmember Rufus Duncan and that Councilmember Duncan regretted not being able to attend the meeting. Mayor Gorden added that Councilmember Duncan asked that Council consider tabling the item until he could be present to discuss the item with the Council.

Councilmember Phil Medford moved to table the donation of Locomotive #110, currently displayed at the Ellen Trout Zoo, to the Galveston Railroad Museum. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded. Mayor Gorden requested that City Manager Parker place the item on the next Council Meeting agenda.

12. MAYOR, COUNCIL AND STAFF WORK SESSION CONCERNING THE COMMERCIAL DUMPSTER PROGRAM.

Mayor Jack Gorden stated that the next item for consideration was the work session concerning the Commercial Dumpster Program.

City Manager Parker stated that the City of Lufkin was one of the few, if not the only city, that required commercial and industrial operators to purchase dumpsters. City Manager Parker added that traditionally cities provide dumpsters at a rental fee. City Manager Parker explained that because the City of Lufkin sold dumpsters the City had no authority to make sure the dumpsters were maintained and were aesthetically pleasing. City Manager Parker stated that several of the existing trucks had problems with the dumpsters leaking on them due to the bottoms being rotten caused deterioration paint and appearance of the trucks as well as the dumpsters. City Manager Parker explained that Council and Staff had discussed during a recent work session for the City to evaluate all of the dumpsters and purchase existing dumpsters and enter into a rental program. City Manager Parker then asked Solid Waste Director Steve Floyd to explain the proposal and address all comments and concerns that Council had at the last work session.

Solid Waste Director Steve Floyd presented a slide show with photos of dumpsters lacking maintenance and stated that Staff planned to get the "Dumpster Program" operating and presented slides with photos of rebuilt dumpsters. Mr. Floyd stated that during the retreat Councilmember Rose Faine Boyd asked about locking bars to help prevent illegal dumping. Mr. Floyd then presented slides with photos of locking bars on a container. Mr. Floyd explained that with the new program a locking bar could be installed at the request of the customer for one dollar (\$1) per month additional charge. Mr. Floyd stated that Councilmember Rufus Duncan asked about professional lettering on the dumpsters. Mr. Floyd stated that the lettering would be easy to install and would cost approximately six dollars (\$6) per dumpster. Mr. Floyd stated that Councilmember Don Langston asked Staff to visit life expectancy for a dumpster. Mr. Floyd explained that Staff had originally stated that life expectancy would be approximately four (4) year but had recently moved the expectancy out to six (6) years. Mr. Floyd stated that the monthly rental rate would be reduced and that the program would generate approximately fifty-five thousand dollars (\$55,000) per year. Mr. Floyd stated that a four (4) yard container would cost five dollars (\$5) rental and five dollars (\$5) maintenance for a monthly fee of ten dollars (\$10); a six (6) yard container would cost seven dollars (\$7) rental and five dollars (\$5) maintenance for a monthly fee of twelve dollars (\$12); and an eight (8) yard container would cost nine dollars (\$9) rental and five dollars (\$5) maintenance for a monthly fee of fourteen dollars (\$14) and that the fees would be added to the utility bill. Mr. Floyd gave the Council a copy of the letter that would be sent out to the current owners of the dumpsters advising them that the City of Lufkin would like to purchase the containers. Mr. Floyd added that the letter explained the program and what would happen after the City took ownership. Mr. Floyd stated that there were approximately eight hundred fifty (850) existing dumpsters with one hundred fifty (150) that needed replacing. Mr. Floyd explained that that the dumpsters that would need replacing had thirty percent (30%) or less remaining life. Mr. Floyd stated that the total cost of the project was three hundred thirty eight thousand dollars (\$338,000). Mr. Floyd explained that two hundred fifty thousand dollars (\$250,000) would be needed to purchase the dumpsters from the existing owners. Mr. Floyd added that eighty-eight thousand dollars (\$88,000) would be needed to replace the dumpsters that were at thirty percent (30%) or less remaining life. Mr. Floyd asked the Council for their consideration to move forward with the Dumpster Program and that in the Council's packet was an Ordinance Amendment that addressed the project. Mr. Floyd asked the Council to consider placing the item on the agenda of the October 16, 2007, Council Meeting.

Mayor Gorden asked for questions or comments from the Council. Councilmember Don Langston stated that the Council had spent a lot of time at the Retreat discussing the program and that he thought it was an excellent idea. Councilmember Langston added that his concerns were value to the end user and that it had been addressed and was an excellent program to help the City control the condition of the dumpsters.

13. MAYOR, COUNCIL AND STAFF WORK SESSION CONCERNING THE PROPOSED "LITTER ABATEMENT ORDINANCE"

Mayor Jack Gorden stated that the next item for consideration was the work session concerning the proposed "Litter Abatement Ordinance".

City Manager Parker stated that the control of litter in the City was becoming more and more of a problem. City Manager Parker added that some of the issue related back to Solid Waste and part of the problem was people leaving their property trashy. City Manager Parker stated that Staff was trying to combine several Ordinances and then asked Assistant City Manager Keith Wright to explain the proposed "Litter Abatement Ordinance".

Assistant City Manager Keith Wright stated that litter problems were addressed in some of the current Ordinances in some minor fashion. Assistant Manager Wright added that some of the problems were also addressed in some of the Parks Ordinances and some of items covered in the Ordinance were State Law. Assistant Manager Wright explained that Staff was working to produce one document to bring an emphasis to litter in the community. Assistant Manager Wright stated that Staff had noticed a build-up of litter in the community and were trying to find a way to clean it up and bring an emphasis to the litter. Assistant Manager Wright stated that some of the new items being added were definitions of a receptacle and elements. Assistant Manager Wright stated that the same Ordinance was prolific throughout the United States. Assistant Manager Wright stated that the elements

were basically wind, rain, and water that carried litter into the creek system and the storm sewer system from parking lots. Assistant Manager Wright added that the Ordinance would include flowing litter blown from receptacles. Assistant Manager Wright stated that the new Dumpster Program and the larger containers would help in the abatement of litter. Assistant Manager Wright stated that public places were also defined in the Ordinance. Assistant Manager Wright added that overflowing receptacles were causing litter to be blown into the parks and creeks. Assistant Manager Wright stated that a new violation was added where yard debris placed in the street would not be allowed. Assistant Manager Wright explained that the debris typically ended up in the City's gutter system and storm sewers. Assistant Manager Wright added that the right-of-way of property would be required to be kept free of litter by the property owners. Assistant Manager Wright stated that the Ordinance expanded the prohibition in the Parks Department of any litter in any creek or any type of body of water such as a lake and would include any location in the City as it related to litter in any body of water or water related system. Assistant Manager Wright stated that Angelina Beautiful Clean also had program that focused on litter in the community and that he would like to see the City of Lufkin to play a larger part in the program and develop a catchy phrase for it. Assistant Manager Wright stated that the catchy phrase could refer to the fine and what could occur if someone were caught throwing litter into the City. Assistant Manager Wright concluded that this was some of the ideas and that Staff wanted the Council's input.

Councilmember Don Langston stated that he was concerned that the definition of litter was not strong enough and how the Ordinance would be enforced.

Assistant City Manager Keith Wright stated that enforcement would be through the City of Lufkin Police Department and Code Enforcement Department. Assistant City Manager Wright stated that the City Attorney reviewed the Ordinance and welcomed his comments. City Attorney Bob Flournoy stated that the way litter violations were currently enforced was through the Code Enforcement Department filing charges. City Manager Parker stated that the Ordinance would speed up the process for the Code Enforcement Department. Assistant City Manager Keith Wright explained that the Code Enforcement Department currently had to go through a hearing process and several steps. Assistant City Manager Wright added that the Ordinance would allow a ticket to be written immediately.

Councilmember Langston stated that the Ordinance was needed and that if it would streamline the process it would be a plus.

Councilmember Rose Faine Boyd asked if the Code Enforcement could write tickets. Assistant City Manager Wright stated that the Code Enforcement Officers could write tickets as well as the Police officers.

City Manager Paul Parker stated that Staff would expand the definitions of litter and how the Ordinance would be enforced. Councilmember Langston stated that he would also like to see a seminar to include all members of City Staff about how to deal with litter in the City and also education of the public. Assistant City Manager Wright stated that education would be the key and that litter advertisement could be tied into the school system.

Mayor Gorden asked Assistant City Manager Wright how Staff would make the public aware of the litter campaign. Assistant City Manager Wright stated that education would be through the Homeowner Associations, working with Angelina Beautiful Clean, revitalizing the "Adopt a City Street Program", and possibly a City Clean-up Day. Assistant City Manager Wright stated that passing the Ordinance would be the first step in the program along with advertising through the media.

Councilmember Langston asked if disposal of yard waste on an absentee landowner's property was addressed in the Ordinance. Assistant City Manager Wright stated that it was addressed in the Ordinance.

Councilmember Phil Medford stated that professional landscape companies should be informed that debris could not be blown or placed in the City's drainage system and would be a violation. Councilmember Langston added that people did not know what grass clippings would do to public waterways and that education would go a long way toward solving that.

Councilmember Rose Faine Boyd added that Recycling should again be addressed. Councilmember Boyd stated that there were not enough people recycling so that litter would not have to be placed in the landfill. Assistant City Manager stated that Staff had some ideas concerning recycling and that Solid Waste Director Steve Floyd was working on and would bring back to Council at a later date.

City Manager Parker reiterated that Staff would strengthen definitions and would add more explanation of enforcement and the educational process and would add the Ordinance to the agenda for the next Council Meeting. City Manager Parker added that Staff would work with Angelina Beautiful Clean and Tony Moline on the education portion of the program. Mayor Gorden recognized Tony Moline and stated that it was good to have him at the meeting.

14. Mayor Jack Gorden recessed the Regular Session at 6:44 p.m. to enter into Executive Session.

EXECUTIVE SESSION: In accordance with the Texas Government Code Section 551.071

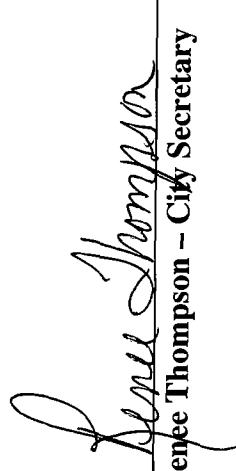
(2) Consultation with City Attorney on any Regular Session Agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed), and real estate, demolition of buildings, or appointments to boards and personnel may be discussed

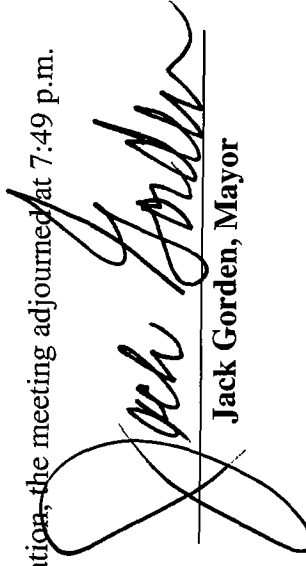
Mayor Jack Gorden reconvened the Regular Session at 7:46 p.m.

15. CALENDAR NOTATIONS FROM MAYOR, COUNCIL MEMBERS, AND CITY MANAGER

City Manager Paul Parker reminded the Council of the Grand Opening of the Kit McConnico Hiking/Biking Trail on Saturday, October 13, 2007 at 1:00 p.m. City Manager Parker added that he would be attending the ICMA Conference on October 8, 9, and 10, 2007. City Secretary Renee Thompson reminded the Council about the Leadership Lufkin Luncheon that would be on October 11, 2007 at the Lufkin City Hall.

13. There being no further business for consideration, the meeting adjourned at 7:49 p.m.


Renee Thompson – City Secretary


Jack Gorden, Mayor