MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 20TH DAY OF DECEMBER, 2005

On the 20th day of December, 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
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	Asst. City Manager/Public Works
Kenneth Williams	Asst. City Manager/Administrative Services
Doug Wood	Finance Director
Beauford Chapman	Inspection Services Director
Pete Prewitt	Fire Chief
Larry Brazil	Police Chief
Dorothy Wilson	Planning Director
Don Hannabas	Parks & Recreation Director
Jim Wehmeier	Economic Development Director
Nellie Matthews	Civic Center Director
Barbara Thompson	Main Street Director
Judy Maddux	Lufkin Youth Baseball Association
Chris Claunch	Claunch and Miller, Inc.
David Casper	Claunch and Miller, Inc.
Madhu Kilambi	Claunch and Miller, Inc.
Nick Popovich	Claunch and Miller, Inc.
Tommy Deaton	
Elsie Maddux	
David Miles	
Wayne Stolz	

being present, and

R. L. Kuykendall	Councilmember, Ward No. 1

being absent, when the following business was transacted:

1. The meeting was opened with prayer by Pastor Andy Salagaj, First Assembly of God.

2. Mayor Louis Bronaugh welcomed visitors present.

3. **<u>APPROVAL OF MINUTES</u>**

   Minutes of the Regular Meeting on December 6, 2005 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Dennis Robertson. A unanimous affirmative vote was recorded.

OLD BUSINESS:

4. **<u>SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - 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 THE MADDUX SUBDIVISION, BLOCK</u>**

1, LOT 1 AND BEING APPROXIMATELY 7.03 ACRES OF LAND FROM A LARGE SINGLE-FAMILY DWELLING ZONING DISTRICT TO A COMMERCIAL ZONING DISTRICT AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP

Mayor Louis Bronaugh stated that the next item for consideration was the Second 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 the Maddux Subdivision, Block 1, Lot 1 and being approximately 7.03 acres of land from a Large Single-Family Dwelling Zoning District to a Commercial Zoning District and authorizing the City Planner to make such changes on the official map. City Manager Paul Parker stated that there was considerable discussion among the Mayor and Council at the last Council meeting concerning this item. City Manager Parker explained that the Council had discussed the potential fence that was to be erected on the property and whether or not it conflicted with the floodway or floodplain. City Manager Parker stated that the last map, under attachment number four, in the Council's packet, showed the proposed fence layout in relation to the floodplain and floodway. City Manager Parker pointed out that none of the fence was in the floodway and that only a small portion was in the floodplain. City Manager Parker added that a privacy fence could be erected without any problems. City Manager Parker stated that Staff would answer any other questions that Council had.

Mayor Bronaugh then asked if there was anyone in the audience that wished to speak for or against this Ordinance. Speaking on the Zoning Ordinance was:

Tommy Deaton

There was discussion among the City Council Members concerning the Zone Change.

Councilmember Lynn Torres moved to approve the Second 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 the Maddux Subdivision, Block 1, Lot 1 and being approximately 7.03 acres of land from a Large Single-Family Dwelling Zoning District to a Commercial Zoning District and authorizing the City Planner to make such changes on the official map. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

5. **SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY GRANTING A SPECIAL USE PERMIT FOR A RESTAURANT WITH A PRIVATE CLUB WITHIN A LOCAL BUSINESS ZONING DISTRICT ON CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, DESCRIBED AS THE GARDEN DISTRICT SHOPPING VILLAGE PHASE IV, LOT 1 AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP**

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a Special Use Permit for a Restaurant with a Private Club within a Local Business Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, described as the Garden District Shopping Village Phase IV, Lot 1 and authorizing the City Planner to make such changes on the official map. City Manager Paul Parker had no additional comments.

Mayor Bronaugh then asked if there was anyone in the audience that wished to speak for or against this Ordinance. There was none.

Councilmember Dennis Robertson moved to approve the Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a Special Use Permit for a Restaurant with a Private Club within a Local Business

Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, described as the Garden District Shopping Village Phase IV, Lot 1 and authorizing the City Planner to make such changes on the official map. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

6. **SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY GRANTING A SPECIAL USE PERMIT FOR A RESTAURANT WITH A PRIVATE CLUB WITHIN A LOCAL BUSINESS ZONING DISTRICT ON CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, DESCRIBED AS THE GARDEN DISTRICT SHOPPING VILLAGE PHASE III-A, LOT 4 AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP.**

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a Special Use Permit for a Restaurant with a Private Club within a Local Business Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, described as the Garden District Shopping Village Phase III-A, Lot 4 and authorizing the City Planner to make such changes on the official map. City Manager Paul Parker had no comments but stated he would answer any questions the Council had.

Mayor Bronaugh then asked if there was anyone in the audience that wished to speak for or against this Ordinance. There was none.

Councilmember Rose Faine Boyd moved to approve the Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a Special Use Permit for a Restaurant with a Private Club within a Local Business Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, described as the Garden District Shopping Village Phase III-A, Lot 4 and authorizing the City Planner to make such changes on the official map. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

7. **SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - 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 THE CITY OF LUFKIN SURVEY, BLOCK 75, LOTS 5 AND 6 AND BEING APPROXIMATELY .62 ACRES OF LAND FROM A NEIGHBORHOOD RETAIL ZONING DISTRICT TO A LOCAL BUSINESS ZONING DISTRICT AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP**

Mayor Louis Bronaugh stated that the next item for consideration was the Second 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 the City of Lufkin Survey, Block 75, Lots 5 and 6 and being approximately .62 acres of land from a Neighborhood Retail Zoning District to a Local Business Zoning District and authorizing the City Planner to make such changes on the official map. City Manager Paul Parker had no comments but stated he would answer any questions the Council had.

Mayor Bronaugh then asked if there was anyone in the audience that wished to speak for or against this Ordinance. There was none.

Councilmember Lynn Torres moved to approve the Second 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 the City of Lufkin Survey, Block 75, Lots 5 and 6 and being approximately .62 acres of land from a Neighborhood Retail Zoning District to a Local Business Zoning District and authorizing the City Planner to make such changes on the official map. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

8. SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY ESTABLISHING ZONING DESIGNATIONS FOR CERTAIN TRACTS OR PARCELS OF LAND ANNEXED BY THE CITY OF LUFKIN AND DESCRIBED AS TRACT 116.66 OF THE A.VARILLA SURVEY, ABSTRACT NO. 49 AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by establishing zoning designations for certain tracts or parcels of land annexed by the City of Lufkin and described as Tract 116.66 of the A.Varilla Survey, Abstract No. 49 and authorizing the City Planner to make such changes on the official map. City Manager Parker had no additional comments.

Mayor Bronaugh then asked if there was anyone in the audience that wished to speak for or against this Ordinance. There was none.

Councilmember Rose Faine Boyd moved to approve the Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by establishing zoning designations for certain tracts or parcels of land annexed by the City of Lufkin and described as Tract 116.66 of the A.Varilla Survey, Abstract No. 49 and authorizing the City Planner to make such changes on the official map. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

9. SECOND READING OF AN ORDINANCE ADOPTING SPECIFICATIONS AND STANDARDS FOR ACCESS DRIVEWAYS TO PUBLIC STREETS – APPROVED - AND REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING AN EFFECTIVE DATE

Mayor Louis Bronaugh stated that the next item for consideration was the Second Reading of an Ordinance adopting specifications and standards for access driveways to public streets and repealing all ordinances or portions of ordinances in conflict therewith, and providing an effective date. City Manager Parker stated this was the Second Reading on the Ordinance that would allow the City to permit driveway access within the City of Lufkin.

Councilmember Don Langston moved to approve the Second Reading of an Ordinance adopting specifications and standards for access driveways to public streets and repealing all ordinances or portions of ordinances in conflict therewith, and providing an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

10. PRESENTATION OF ROUTE ANALYSIS FOR HIGHWAY 59 SOUTH WATER AND SEWER RELOCATION.

Mayor Louis Bronaugh stated that the next item for consideration was the presentation of the Route Analysis for the Highway 59 South water and sewer relocation. City Manager Paul Parker stated the City of Lufkin entered into a contract with Claunch and Miller, Inc. to perform a rate analysis for the relocation of water and wastewater utilities along U. S. Hwy. 59 South. City Manager Parker added that Claunch and Miller, Inc. representatives were present to explain what was found in their study and to answer questions that Council had. City Manager Parker stated that no action would be needed from the Council. City Manager Parker added that future action would be to go forth with the actual design for the utility relocation.

Chris Claunch, President of Claunch and Miller, Inc. introduced himself as well as introducing Madhu Kilambi and David Casper, Senior Project Managers and Nick Popovich. Mr. Claunch stated that they were excited to be in Lufkin to give the presentation. Mr. Claunch added that they had been working with the City of Lufkin for approximately five (5) years, specializing in this type of work. Mr. Claunch then turned the presentation over to Madhu Kilambi for the remainder of the presentation.

Madhu Kilambi thanked the Mayor and City Council for giving Claunch and Miller, Inc. the opportunity to work on the project. Mr. Kilambi stated that the Route Analysis Study was related to the proposed U. S. Hwy. 59 widening by the Texas Department of Transportation. Mr. Kilambi stated that as the Council was aware, TXDOT was in the design phase of performing improvements to U. S. Hwy. 59 South. Mr. Kilambi added that the project would entail widening the existing roadway and reconstructing the bridges. Mr. Kilambi stated that the project limits extend from Daniel McCall at U. S. Hwy. 59 to Tulane Drive at Loop 287. Mr. Kilambi explained that Claunch and Miller, Inc. attended a recent meeting that showed that the project would begin in July 2006.

Mr. Kilambi stated that as a part of the project, TXDOT requires any utilities be relocated outside of the limits of the proposed pavement. Mr. Kilambi explained that the reason was to avoid any conflicts with the storm sewer improvements and to make sure there was no utility under the roadway. Mr. Kilambi stated that Claunch and Miller, Inc. had completed their study and the project entails evaluating approximately twelve thousand six hundred fifty (12,650) linear feet of water line and nine thousand six hundred (9,600) linear feet of sewer line. Mr. Kilambi added that this also includes three (3) water line crossings and three (3) sewer line crossings. Mr. Kilambi explained that the sizes on the water line side ranged from six (6) inches to sixteen (16) inches and on the sewer line side from eight (8) inches to twenty-four (24) inches.

Mr. Kilambi then showed a schematic of the project area, pictures of properties affected in the water and sewer line relocation, and existing conditions. Mr. Kilambi explained that in the scope of work Claunch and Miller, Inc. evaluated several alternatives for relocation and adjustment of existing water and sanitary sewer utilities in conflict with TXDOT's proposed roadway improvements. Mr. Kilambi added that Claunch and Miller, Inc. has identified the most feasible and cost effective solution for the City. Mr. Kilambi stated that when Claunch and Miller, Inc. obtained the project, TXDOT was proceeding to design the improvements. Mr. Kilambi explained that Claunch and Miller, Inc. did not have a template of TXDOT's design. Mr. Kilambi stated that the largest challenge was coordinating with TXDOT's Engineer to get drawings and schematics of their plans. Mr. Kilambi added that Claunch and Miller, Inc. would work in tandem with TXDOT and makes sure the interest of the City of Lufkin is protected. Mr. Kilambi stated that Claunch and Miller, Inc. attends meetings with TXDOT, talks with the TXDOT Engineers on a regular basis, and exchanges information with the City Staff to determine the best solutions. Mr. Kilambi added that when the Route Study is completed and the Design Phase is started there would be several anticipated methods to be performed. Mr. Kilambi stated that they would perform some specialized construction methods such as tunneling construction for highway crossings, augering construction at roadway and driveway crossings, and open cut construction in wide open areas. Mr. Kilambi stated that in summary, Claunch and Miller, Inc. looked at three alternatives. Mr. Kilambi explained that one alternative was to get a fifteen (15) foot designated easement. Mr. Kilambi added that another alternative was to acquire the easement, where it was possible, so that in the future whenever TXDOT wanted to widen U. S. Hwy 59, they would have to pay for the improvements where the City has acquired the easement. Mr. Kilambi stated that the third alternative was side easements and this was removed because it was cost prohibitive. Mr. Kilambi stated that Claunch and Miller, Inc. are recommending that the City of Lufkin utilities be outside TXDOT right-of-way except at critical locations where easements are not available or feasible, that the TXDOT right-of-way can be used for construction operations and for future maintenance access, the plan allows service connection tie-ins to the front of the buildings rather than the rear, the plan provides installation of accessible fire hydrants along the commercial corridors, and allows for a relatively simple utility line layout with no new lift stations.

Mr. Kilambi stated that the project would be an on-going process. Mr. Kilambi added that Claunch and Miller, Inc. wants to be in the forefront doing what is best for the City of Lufkin during that time. Mr. Kilambi then gave a total construction cost estimate of approximately two million three hundred seven thousand twenty one dollars ($2,307,021). Mr. Kilambi added that they would acquire approximately forty-four (44) easements as part of the project.

Mr. Kilambi stated that the key element of the project would be scheduling. Mr. Kilambi explained that TXDOT is saying they will let the project by July of 2006, then allow the City and private utility companies time to finish their part of the project, and then TXDOT will come in and complete the construction of the project. Mr. Kilambi added that the schedule requires an accelerated engineering and construction schedule to meet the TXDOT timeline. Mr. Kilambi stated that this would require beginning surveying in January 2006, getting easement dialog started with the property owners, and then continuing with the geotech and design phase of the project. Mr. Kilambi stated that the critical path of the project would be the easements. Mr. Kilambi added that if everything goes as planned, they would advertise the job in May or June of 2006, have the City Council award the contract, and then begin when TXDOT gives approval to begin the project. Mr. Kilambi explained that Claunch and Miller, Inc. are looking at a nine (9) month construction duration for the City utility portion of the project and is unaware of how long the TXDOT portion of the project would take. Mr. Kilambi thanked the City for allowing Claunch and Miller, Inc. to work on the project and also the City Staff for their assistance and information.

City Manager Paul Parker pointed out that the original thought was that the City could possibly go behind the businesses with utilities and now realize that this would be cost prohibitive. City Manager Parker stated that the City would either put utilities in the right-of-way or purchase access easements adjacent to the right-of-way. City Manager Parker added that the advantage of access easements would mean that in the future if TXDOT moves the roadway then they would have to pay for the relocation and if the City is in their right-of-way then the City would be responsible for the relocation. City Manager Parker asked if TXDOT was purchasing easements or buying the right-of-way. Mr. Kilambi explained that they are buying the right-of-way.

Mayor Louis Bronaugh asked Mr. Kilambi if a solution had been reached concerning the historical rock fence along the Texas Forest Service area. Mr. Kilambi stated that there was no solution reached by the last meeting that was held.

Councilmember Jack Gorden asked if Claunch and Miller, Inc. were using estimates for easement costs in other areas of the City or if they were using estimates more realistic to the area of the project. Assistant City Manager Public Works/City Engineer Keith Wright stated that the estimates were based on a price worked out by Sid Medford and Jack Lyons on their assessment of what the cost would be.

Councilmember Don Langston asked if Claunch and Miller, Inc. were taking in account the escalating cost of water and sewer lines in their estimates. Mr. Kilambi stated that they were.

Councilmember Jack Gorden asked if any part of this project would be affected by future growth in the southern part of Lufkin. Mr. Wright stated that a couple of those issues had been addressed and they had upsized some of the water and sewer lines and did some looping to increase the pressure in some areas to provide improvement.

11. ACCEPTANCE OF PROPERTY DONATION FROM DR. PEYTON DENMAN

Mayor Louis Bronaugh stated that the next item for consideration was the acceptance of property donation from Dr. Peyton Denman. City Manager Paul Parker stated that the property across from Mantooth Park is currently owned by Dr. Peyton Denman. City Manager Parker explained that Dr. Denman has improved this property by adding a pavilion and Dr. Denman also added improvements to the Mantooth Park playground area. City Manager Parker added that one of the stipulations to the added improvements to the area was the City of Lufkin would accept the donation of property across from Mantooth Park as an addition to the park, once the improvements were completed. City Manager Parker stated that Staff recommended that the Council accept the donation of this property by Dr. Peyton Denman as a part of Mantooth Park.

There was discussion among the City Council Members concerning the donation of the property.

Councilmember Dennis Robertson moved to accept the donation of property from Dr. Peyton Denman. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

12. **<u>BID - APPROVED - FOR PERSHING STREET BRIDGE REPLACEMENT</u>**

Mayor Louis Bronaugh stated that the next item for consideration was the bid for the Pershing Street bridge replacement. City Manager Paul Parker stated that bids were recently opened for the Pershing Street bridge replacement. City Manager Parker added that the existing bridge would be removed and new culverts would be installed by the Street Department. City Manager Parker stated that the Street Department would also complete all backfill and asphalt. City Manager Parker explained that the bid was for construction of the concrete headwalls, concrete driveway turnouts, concrete pavement, guard rails, sidewalks, and handrails. City Manager Parker stated that the low bid was from Cox Contractors, Inc. for $73,700. City Manager Parker added that the budget set aside for this portion of the project was $77,000. City Manager Parker explained that this bid was below the budget that was previously set up and that Staff recommended awarding the contract to Cox Contractors, Inc. in the amount of $73,700.

There was discussion among the Mayor and City Council Members concerning the bid and the Pershing Street bridge replacement.

Councilmember Dennis Robertson moved to approve the bid for the Pershing Street bridge replacement. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

13. **<u>PROPOSAL FOR PROFESSIONAL SERVICES – APPROVED - FOR AERIAL PHOTOGRAPHY</u>**

Mayor Louis Bronaugh stated that the next item for consideration was the proposal for professional services for aerial photography. City Manager Paul Parker stated this item was a little unique in the fact that Staff was not recommending the lowest qualified service. City Manager Parker explained that this was not a bid but was a request for proposal. City Manager Parker added that three of the proposals met all of the requirements of the initial request. City Manager Parker stated that the reason for recommending the slightly higher proposal of RazorTek was the scale that would be used was one (1) inch to six hundred (600) feet and they would be using digital photography. City Manager Parker added that Staff felt that the City would get a lot better quality product as far as the clarity of the mapping as well as the fact it would be in a digital format. City Manager Parker stated that Staff recommended that Council award the contract to RazorTek in the amount of $50,300. City Manager Parker added that there was an estimated budgeted amount of $55,000 which would make the proposal come in below budget.

There was discussion among the Mayor and City Council Members concerning the proposal for professional services for aerial photography.

Councilmember Lynn Torres moved to approve the proposal for professional services for aerial photography. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

14. **RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2005/2006 OPERATING BUDGET (BUDGET AMENDMENT NO. 4), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE CIVIC CENTER FUND; AND PROVIDING AN EFFECTIVE DATE**

Mayor Louis Bronaugh stated that the next item for consideration was the Resolution authorizing an Amendment to the 2005/2006 Operating Budget (Budget Amendment No. 4), providing for the supplemental appropriation of funds in the Civic Center Fund; and providing an effective date. City Manager Paul Parker stated that during Hurricane Rita the Lufkin Civic Center was the "Special Needs Shelter". City Manager Parker explained that Ms. Jane Hankins, one of the shelter evacuees who was staying at the Civic Center, lost her purse. City Manager Parker added that the purse was later found by one of the members of the Civic Center staff with $400 cash inside. City Manager Parker stated that when the family was contacted about the found purse, the family of Ms. Hankins requested to donate the money to the Civic Center as a token of their appreciation of her care during that time. City Manager Parker stated that Staff was requesting that Council amend the 2005/2006 Operating Budget to accept the $400 donation and to allocate the use of the funds toward the purchase of a washer and dryer for the Civic Center. City Manager Parker commended the City employee for turning in the found purse and money.

Councilmember Lynn Torres moved to approve the Resolution authorizing an Amendment to the 2005/2006 Operating Budget (Budget Amendment No. 4), providing for the supplemental appropriation of funds in the Civic Center Fund; and providing an effective date. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

15. **ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BEING ORDINANCE NO. 3368, BY AMENDING ARTICLE XIX "SCHEDULE OF PERMITTED USES" AS IT RELATES TO PARKING RATIO; REPEALING CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE**

Mayor Louis Bronaugh stated that the next item for consideration was the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance No. 3368, by amending Article XIX "Schedule of Permitted Uses" as it relates to parking ratio; repealing conflicting provisions; and providing an effective date. City Manager Paul Parker stated this item would give some flexibility for development in the City of Lufkin. City Manager Parker added that it would allow for alternatives to the listed standard parking ratio. City Manager Parker stated that this Ordinance, along with the Engineering Study, would allow deviation to our standard parking ratio. City Manager Parker explained that this was an effort by Staff to make it a little easier to develop in Lufkin yet not jeopardize anything required for good business for tenants. City Manager Parker stated that Staff recommended approval of the Amendment to Article XIX of the Zoning Ordinance to allow for the alternative to the listed standard parking ratio.

There was discussion among the Mayor and City Council Members concerning the Ordinance.

Councilmember Jack Gorden moved to approve the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance No. 3368, by amending Article XIX "Schedule of Permitted Uses" as it relates to parking ratio; repealing conflicting provisions; and providing an effective date. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

16. **ORDINANCE WHICH SHALL CONSTITUTE AN ORDER BY THE CITY OF LUFKIN, TEXAS ("CITY") TO REQUIRE CENTERPOINT ENERGY ENTEX ("ENTEX") TO CEASE AND DESIST FROM CHARGING ILLEGAL**

AND UNLAWFUL RATES AND REQUIRING REFUNDS; TO REQUIRE THE FILING OF A REPORT WITH REGARD TO COSTS EXPENDED BY ENTEX IN CONNECTION WITH THE APPEAL OF ORDINANCE NO. 3785; MAKING FINDINGS WITH REGARD TO THIS ORDER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE

Mayor Louis Bronaugh stated that the next item for consideration was the Ordinance which shall constitute an Order by the City of Lufkin, Texas ("City") to require CenterPoint Energy Entex ("Entex") to cease and desist from charging illegal and unlawful rates and requiring refunds; to require the filing of a report with regard to costs expended by Entex in connection with the Appeal of Ordinance No. 3785; making findings with regard to this order; finding and determining that the meeting at which this Ordinance was passed was in accordance with the requirements of the Texas Open Meetings Act; and declaring an effective date. City Manager Paul Parker stated that Council is aware that Lufkin, along with other cities in this area, has taken a position that CenterPoint did not give appropriate notification when they began their process on the proposed rate increase. City Manager Parker added that CenterPoint also did not provide information that the Council requested as far as discovery and making their data up to date. City Manager Parker explained that CenterPoint has taken the position that they have complied with all requirements and have gone forward with collecting the proposed rate increase. City Manager Parker stated that the Ordinance before the Council reiterates with CenterPoint that the City of Lufkin believes this to be an illegal action and that they should cease and desist from charging the illegal and unlawful rates and refund the money to the residents that was wrongfully charged. City Manager Parker added that during a meeting in Tyler, on December 20, 2005 that was set for mediation, the cities and CenterPoint came to no common ground. City Manager Parker stated that it appeared there would be no settlement short of forced litigation in the matter. City Manager Parker added that Staff recommended approval of the proposed Ordinance requiring CenterPoint to cease and desist.

There was discussion among the Mayor and City Council Members concerning the Ordinance.

Councilmember Rose Faine Boyd moved to approve the Ordinance which shall constitute an Order by the City of Lufkin, Texas ("City") to require CenterPoint Energy Entex ("Entex") to cease and desist from charging illegal and unlawful rates and requiring refunds; to require the filing of a report with regard to costs expended by Entex in connection with the Appeal of Ordinance No. 3785; making findings with regard to this order; finding and determining that the meeting at which this Ordinance was passed was in accordance with the requirements of the Texas Open Meetings Act; and declaring an effective date. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

17. Mayor Louis Bronaugh stated that the next item for consideration was a report from Paul Parker, City Manager.

City Manager Paul Parker stated that Council had both the Financial and Project Status Reports. City Manager Parker added that there was nothing alarming in the Financial Report at this time. City Manager Parker explained that it was early in the year and the Ad Val Orem Tax came in early in the first quarter of 2006. City Manager Parker added that the good news was the Sales Tax for the year had been considerably elevated compared to previous years. City Manager Parker stated that overall the revenues and expenditures were in balance. City Manager Parker added that expenditures look a little higher due to the transfer of health costs up front. City Manager Parker stated that other funds appeared to be right on schedule. City Manager Parker added that the exception to this would be the Hotel/Motel Fund. City Manager Parker stated that information was received from the auditors earlier in the week and approximately $18,000 was owed the City but approximately $9,000 would go back to the auditors for performing the audit. City Manager Parker added that other hotels would be audited in the future and the audits should bring some additional revenue to the Hotel/Motel Fund. City Manager Parker stated that overall everything was looking good early in the fiscal year.

City Manager Parker stated that he would not go into the Project Status Reports but explained that the one area that was being pushed was Whitehouse Phase III. City Manager Parker added that Whitehouse Phase II is under construction. City Manager Parker added that the City is waiting to get answers for permitting from TXDOT on Whitehouse Phase III.

Councilmember Jack Gorden asked if the City had information on the Hotel/Motel Tax. City Manager Parker stated that most of the properties pay quarterly and most of the payments would come in January 2006. City Manager Parker explained that the City would get an idea on the affect of Hurricanes Katrina and Rita on the hotel/motel taxes when those payments come in. Councilmember Lynn Torres asked if the one property that had been delinquent had paid in full. City Attorney Bob Flournoy stated that the City of Lufkin had filed suit on the property for two (2) quarters and the property owners had been in to pay to pay the second quarter and the City is proceeding to collect for the first quarter.

18. Mayor Louis Bronaugh recessed the Regular Session at 6:04 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 advices necessitated by the deliberation or discussion of said items (as needed), and real estate, appointment to boards and personnel may be discussed.

Mayor Louis Bronaugh reconvened the Regular Session at 7:10 p.m.

19. ACCEPT RESIGNATION FROM COUNCILMEMBER DENNIS ROBERTSON, WARD NO. 6

Mayor Louis Bronaugh stated that the next item for consideration was the resignation of City Councilmember Dennis Robertson, Ward No. 6. Mayor Bronaugh stated that Councilmember Robertson had been on Council for approximately six and one half (6 ½) years and his service to the City was greatly appreciated.

Councilmember Rose Faine Boyd moved to approve the resignation of Councilmember Dennis Robertson. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

City Manager Parker stated that Councilmember Dennis Robertson had a passion for the environment, sign ordinance, trees, landscaping, and other environmental issues. City Manager Parker added that it was refreshing to have Councilmember Robertson to bring challenges and different views to the City and Staff. City Manager Parker stated that the City and Staff would miss Councilmember Robertson for the contributions he made with the hours of service and sacrifices made to the City of Lufkin.

19. APPOINTMENTS – APPROVED - TO PLANNING AND ZONING COMMISSION

Mayor Louis Bronaugh stated that the next item for consideration was the appointments to the Planning and Zoning Commission.

Councilmember Lynn Torres moved to reappoint Ronnie Robinson and Odis Rhodes to the Planning and Zoning Commission and appoint Stephen Greak to fill the vacancy on the Planning and Zoning Commission. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

20. APPOINTMENTS – APPROVED - TO PARKS BOARD

Mayor Louis Bronaugh stated that the next item for consideration was the appointments to the Parks Board.

Councilmember Jack Gorden moved to reappoint Victor Bruce and Sumner Osgood to the Parks Board. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

21. There being no further business for consideration, the meeting adjourned at 7:14 p.m.

Louis A. Bronaugh

Louis A. Bronaugh – Mayor

Renee Thompson

Renee Thompson – City Secretary