MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 1st DAY OF FEBRUARY, 2005

On the 1ST 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:

Louis Bronaugh	Mayor
Rose Faine Boyd	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Lynn Torres	Councilmember, Ward No. 3
Don Langston	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Dennis Robertson	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Renee Thompson	City Secretary
Robert Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Public Works Director
Don Hannabas	Director- Parks and Leisure Services
Pete Prewitt	Fire Chief
Larry Brazil	Police Chief
David Koonce	Director of Human Resources
Scott Marcotte	Asst. Police Chief
Doug Wood	Director of Accounting
Dorothy Wilson	City Planner
Nellie Matthews	Civic Center Director
Steve Poskey	Street Department, Superintendent
Joe Pase	President of the Lufkin Tree Board
Malcom McKinley	Goodwin-Lasiter, Inc.

Being present and none being absent when the following business was transacted.

1. The meeting was opened with prayer by Reverend Roy Stephens, Jr., Herty Baptist Church.

2. Mayor Louis Bronaugh welcomed visitors present. Councilmember Lynn Torres recognized LHS students who were present satisfying their government class requirement. Mayor Bronaugh also recognized and welcomed Scout Troup 290 from Trinity Baptist Church.

3. **APPROVAL OF MINUTES**

   Minutes of the Regular Meeting on January 18, 2005 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Rose Faine Boyd. A unanimous affirmative vote was recorded.

TABLED BUSINESS:

4. **FIRST 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 Louis Bronaugh 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 during the last City Council meeting held on January 18, 2005, there was a presentation made by Joe Pase with the City of Lufkin Tree Board. City Manager Parker added that modifications had to be made to the proposed amendment to the Ordinance which regulates the Tree Board, so the item was tabled. City Manager Parker stated that this would be the First Reading of the Amended Ordinance. City Manager Parker explained that the Tree Board suggested changing the number of members of the Board from five (5) members to seven (7) members. City Manager Parker added that three (3) of the Board Members would be City Councilmembers and four (4) would be citizens and that the City Planner and Arborist would attend the meetings as Staff support. City Manager Parker stated that the remaining changes in the Ordinance were somewhat minor with some changes to the distances from curbs, sidewalks, street corners and fire plugs and one change as it relates to the pruning of trees. City Manager Parker also explained that during the last City Council meeting there had been some questions relating to the removal of trees on private property and penalties for violations relating to this Ordinance. City Manager Parker stated that both Sections had previously been addressed and amended and the amendments were included in the Council's packets.

City Council discussed the removal of trees on private property. City Manager Parker explained that the past amendments had addressed this subject.

Councilmember R. L. Kuykendall 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 Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

5. ADOPTION OF A RESOLUTION – APPROVED - AUTHORIZING AN AMENDMENT TO THE 2004/2005 OPERATING BUDGET (BUDGET AMENDMENT NO. 10), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE CIVIC CENTER FUND; AND PROVIDING AN EFFECTIVE DATE AND BID FOR DRAPES FOR THE CIVIC CENTER

Mayor Louis Bronaugh stated that the next item for consideration was to consider adopting a Resolution authorizing an amendment to the 2004/2005 Operating Budget (Budget Amendment No. 10), providing for the supplemental appropriation of funds in the Civic Center Fund; and providing an effective date and bid for drapes for the Civic Center. City Manager Paul Parker stated that this project had actually been funded for the past two years and had been rolled over through two (2) budgets. City Manager Parker added that the amount that had been rolled over was $27,220 with $3000 being allocated to architectural fees, leaving the remaining balance for the drapes to be $24,220. City Manager Parker stated that the bid for this project was $37,800. City Manager Parker explained that an additional $13,600 would be required to be transferred from the Civic Center Fund Balance to complete the project and if the transfer was approved would leave the Civic Center Fund Balance at approximately $5000. City Manager Parker stated that Staff recommended the low bid of $37,800 from Louis Williams and Associates.

Councilmember Don Langston asked about the contingency on this project. City Manager Parker explained that there was a line item built into the bid for a $2000 contingency. Councilmember Don Langston asked about the disparity between the bidders. City Engineer Keith Wright explained that the contractor present at bid time explained that he had figured into his bid replacing the entire plaster ceiling. Mr. Wright added that the low bidder said that his bid would be to repair the plaster. Malcom McKinley, Goodwin-Lasiter explained that the contractor had no concerns with repairing and matching the plaster. Mr. McKinley also explained that the bid included a deductive alternate for a lighter weight fabric. Council discussed the advantages of a heavier weight fabric versus the lighter weight fabric and working around Civic Center reservations for work scheduling.

Councilmember Lynn Torres moved to approve the adoption of the Resolution authorizing an amendment to the 2004/2005 Operating Budget (Budget Amendment No. 10), providing for the supplemental appropriation of funds in the Civic Center Fund; and providing an effective date and bid for drapes for the Civic Center. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

6. BID FOR A COMPACT WHEEL LOADER – APPROVED - FOR THE RECYCLING CENTER

Mayor Louis Bronaugh stated that the next item for consideration was to consider bids for a Compact Wheel Loader for the Recycling Center. City Manager Paul Parker stated that when the recyclables are brought to the Recycling Facility, they are dumped onto the floor and must be repositioned periodically as they go through the recycling process. City Manager Parker explained that Recycling is now using a retrofitted fork lift or "Bobcat" which is not suitable to move this debris. City Manager Parker added that the wheel loader that is recommended by Staff is a tractor type vehicle with a large front bucket that is made to move around large amounts of loose recyclables. City Manager Parker stated that this vehicle is a Volvo L35B compact wheel loader and was appropriated in the fiscal year 2004/2005 Annual Budget and would be through the Texas Local Government Purchasing Cooperative (HGAC) in the amount of $73,218.

Councilmember Rose Faine Boyd moved to approve the bids for a Compact Wheel Loader for the Recycling Center. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

7. ADOPTION OF A RESOLUTION – APPROVED - AUTHORIZING THE CITY OF LUFKIN, TEXAS TO ENTER INTO AN AGREEMENT WITH THE STATE FOR THE TEMPORARY CLOSURE OF STATE HIGHWAYS FOR THE 2005 DOWNTOWN HOEDOWN PARADE FOR THE MAIN STREET DEPARTMENT

Mayor Louis Bronaugh stated that the next item for consideration was to consider adopting a Resolution authorizing the City of Lufkin, Texas to enter into an Agreement with the State for the temporary closure of State Highways for the 2005 Downtown Hoedown Parade for the Main Street Department. City Manager Paul Parker stated that this is the annual Main Street program to conduct the Annual Hoedown Festival and Parade on March 26, 2005 and would allow the City to close the streets for this event.

Councilmember Lynn Torres asked about the event being held on Easter Weekend. Public Works Director Kenneth Williams explained that the Main Street Board had considered this and thought more people would be in town during that weekend and wanted to try hosting the event on this date.

Councilmember Rose Faine Boyd moved to approve the adoption of the Resolution authorizing the City of Lufkin, Texas to enter into an Agreement with the State for the temporary closure of State Highways for the 2005 Downtown Hoedown Parade for the Main Street Department. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

8. BIDS FOR THE MATERIALS FOR REPLACING WATERLINES – APPROVED - IN THE MANTOOTH AREA

Mayor Louis Bronaugh stated that the next item for consideration was to consider bids for the materials for replacing waterlines in the Mantooth Area. City Manager Paul Parker stated that this project was originally budgeted for $401,400 with the intent to go out for a contract. City Manager Parker added that Staff reviewed this and determined that City staff could lay the water lines. City Manager Parker explained that this bid would be for the materials only for 15,000 feet of water line for $110,854.52. City Manager Parker added that the total cost of the project including engineering fees would be approximately $154,000. City Manager Parker stated that Staff recommended that City Council award the bid to Coburn's Supply in the amount of $110,854.52.

Councilmember Don Langston stated that he commended the City Staff for having the capabilities of doing the project "in-house". Councilmember Langston added that he still had a concern with the City Staff stating that the cost of the project would be $154,000 while they know there are many other costs involved to complete the total project. Councilmember Langston explained that he would like to see the City arrive at a "true cost" for projects. Councilmember Dennis Robertson asked about the possibility of damaging sewer lines when installing the water lines. City Engineer Keith Wright explained that he planned to rent a directional boring rig for this project and that there would always be the possibility of damaging the lines or finding lines that were already damaged and the City Staff would repair them as they are laying the water lines.

Councilmember Dennis Robertson moved to approve the bids for the materials for replacing waterlines in the Mantooth Area. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

9. BIDS FOR STORM SEWER REPLACEMENT FOR WOODBERRY AND CHERRY HILL DRAINAGE PROJECT – APPROVED - FOR THE STREET DEPARTMENT

Mayor Louis Bronaugh stated that the next item for consideration was to consider bids for the storm sewer replacement for Woodberry and Cherry Hill Drainage Project for the Street Department. City Manager Paul Parker stated that this would be two projects that were combined for one bid in order to get a better price on the project. City Manager Parker stated that the project requires the removal of 180 feet of double row 36" X 54" deteriorated pipe and sloped concrete ends and the installation of double rows of 43" X 64" asphalt coated corrugated metal arched pipe. City Manager Parker added that Staff recommended that Council award the contract to Allen Loggins, the low bidder, in the amount of $96,400.

Councilmember Dennis Robertson asked how long the current pipe had been in the subdivision. Street Superintendent Steve Poskey stated that the pipe in the Woodberry and Cherry Hill area was installed in the early 1980's. Councilmember Robertson asked what would cause the pipe to deteriorate. City Engineer Keith Wright explained that it would depend on the chemistry of the adjacent soil and how aggressive it is on attacking the pipe. Street Superintendent Poskey added that the pipe that would be installed would be asphalt coated to protect it from deterioration and the pipe should have a longer lifespan. Councilmember Don Langston asked if the manufacturer of the asphalt coated pipe gave the City any expectation as to the life of the pipe. Street Superintendent Poskey stated that the typical lifespan of the pipe should be approximately twenty (20) years.

Councilmember Jack Gorden moved to approve the bids for the storm sewer replacement for Woodberry and Cherry Hill Drainage Project for the Street Department. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

10. BIDS FOR STORM SEWER REPLACEMENT FOR THE COLUMBINE DRAINAGE PROJECT – APPROVED - FOR THE STREET DEPARTMENT

Mayor Louis Bronaugh stated that the next item for consideration was to consider bids for storm sewer replacement for the Columbine Drainage Project for the Street Department. City Manager Paul Parker stated that this project would consist of demolition and replacement of 200 feet of 60" double row pipe, inlet boxes and street repair. City Manager Parker added that the low bidder for this project was Angelina Excavating at a contract price of $136,000.

Councilmember Jack Gorden moved to approve the bids for storm sewer replacement for the Columbine Drainage Project for the Street Department. Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

11. REPORT FROM PAUL PARKER, CITY MANAGER

Mayor Louis Bronaugh stated that the next item for consideration was a report from Paul Parker, City Manager on the Firemen's Pension Fund. City Manager Paul Parker stated that the City had asked the financial advisor for the Firemen's Pension Fund to provide monthly information. City Manager Parker added that the Fund was hopeful to gain eight percent (8%) during the past year and the estimate was right on target. City Manager Parker explained that most of the projected gain came during the final quarter of the year. City Manager Parker stated that the report included in the packet shows where and how the money was invested and the amounts that were invested in different holdings in the Firemen's Pension Board Fund. City Manager Parker added that the report would show how much is in equity, fixed income and cash. City Manager Parker stated that total assets are $10,763,888 as of the end of the last calendar year and added that he would provide a monthly report concerning this fund.

Councilmember Jack Gorden added that the Firemen's Pension Fund Board is in the process of engaging in an Actuarial Review that is done once every two years and the review would tell the Council and the Firemen's Pension Fund Board about where it stands for the foreseeable future

12. Mayor Louis Bronaugh recessed the Regular Session at 5:40 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 Louis Bronaugh reconvened the Regular Session at 6:21 p.m. and stated that during Executive Session, Council discussed real estate and attorney/client privileges and no decisions had been made.

13. Mayor Bronaugh added that Councilmembers were issued the current two-week calendar of events and reminded Council of First Friday. Mayor Bronaugh also reminded Council that the first day to file for candidacy for City Council Wards No. 5 and 6 would be Monday, February 7, 2005. Mayor Bronaugh added that the Arbor Day Ceremony at Garrett Elementary would be on Friday, February 4, 2005 at 9:00 a.m.

14. There being no further business for consideration, the meeting adjourned at 6:24 p.m.

Rose Faine Boyd

Rose Faine Boyd, Mayor Pro-Tem

ATTEST:

Renee Thompson

Renee Thompson – City Secretary