

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

On the 1st day of November, 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
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
David Koonce	Human Resource Director
Doug Wood	Finance Director
Bill Cameron	City of Lufkin Webmaster
Beauford Chapman	Inspection Services Director
Pete Prewitt	Fire Chief
Larry Brazil	Police Chief
Scott Marcotte	Asst. Police Chief
Jim Wehmeier	Economic Development Director
Rhonda McLendon	Animal Control Director
Scott Rayburn	Planner
Tommy Scherry	CenterPoint Energy
Wayne Stolz	
Carl Ray Polk	

being present, and

Lynn Torres	Councilmember, Ward No. 3
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being absent, when the following business was transacted:

1. The meeting was opened with prayer by Reverend Mark O'Neill, Covenant Presbyterian Church.
2. Mayor Louis Bronaugh welcomed visitors present. Mayor Bronaugh recognized students from the Lufkin High School Government class, who were present in the audience, and welcomed them to the meeting.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting on October 18, 2005 were approved on a motion by Councilmember Rose Faine Boyd, and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

NEW BUSINESS:

4. PRESENTATION FROM CARL RAY POLK

Carl Ray Polk, Polk Oil Company, stated that just prior to Hurricane Rita their organization made a conscience effort, based on information from industry peers, to set aside fuel for emergency response vehicles in Lufkin and its outlying areas. Mr. Polk explained that this enabled them to provide fuel throughout the six to seven day

period of time to emergency response vehicles and departments of the City of Lufkin. Mr. Polk added that shortly after the disaster, Exxon Mobile contacted Polk Oil to notify them that two million dollars (\$2,000,000) had been set aside for disaster relief for emergency response vehicles, specifically for distributors in their network and the markets where they market their product. Mr. Polk stated that Polk Oil assisted City Manager Paul Parker and the City of Lufkin by providing fuel for City vehicles during the emergency. Mr. Polk commended his staff for their excellent work.

Mr. Polk stated that the bill for the fuel during the period totaled approximately \$12,000. Mr. Polk added that shortly after the event he contacted City Manager Parker to ask for permission to apply for reimbursement on behalf of the City of Lufkin. Mr. Polk then explained that he had received the reimbursement of \$12,275 for the City of Lufkin and then presented to Mayor Louis Bronaugh a check for \$12,275.

City Manager Parker stated that he had previously expressed to the Mayor and Council his appreciation, on behalf of the City of Lufkin, for the fine job that Mr. Polk and Polk Oil did during the disaster by providing fuel for the hurricane event. City Manager Parker added that in future years the City of Lufkin would bid fuel with the requirement that fuel would be provided during emergency events. City Manager Parker explained that Mr. Polk came to the City of Lufkin offering assistance before the City had to go to Polk Oil for help. City Manager Parker again thanked Mr. Polk and Polk Oil for their support during the event.

5. **ACKNOWLEDGED DONATIONS FROM THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS AND THE AMERICAN KENNEL CLUB TO THE ANIMAL CONTROL DEPARTMENT**

Mayor Louis Bronaugh stated that the next item for consideration was to acknowledge donations from the American Society for the Prevention of Cruelty to Animals and the American Kennel Club to the Animal Control Department. City Manager Paul Parker stated that the City of Lufkin received a donation from the American Society for the Prevention of Cruelty to Animals in the amount of twenty-five thousand dollars (\$25,000). City Manager Parker explained that it was an unsolicited donation to the City when they heard about the outstanding job that was done in Lufkin by the Animal Control Department. City Manager Parker explained that the Animal Control Department took in over four hundred (400) animals during the disaster and housed, fed and cared for them during the event. City Manager Parker added that because of the outstanding work done by the City of Lufkin Animal Control Department Staff and the services provided during the Hurricane Katrina and Hurricane Rita events the donation was made to their department. City Manager Parker stated that the City had budgeted for an eighteen foot (18') evacuation and adoption trailer. City Manager Parker explained that with approval from the Council the Staff would use the donation to purchase the trailer and reserve the previously allocated funds for future use.

City Manager Parker stated that the City of Lufkin Animal Control Department also received from the American Kennel Club twelve (12) large dog crates, twelve (12) large cat condos, two (2) catch poles, two (2) pair of bite resistant gloves and a hamster cage during the Hurricane Rita Event. City Manager Parker explained that these items were valued at over three thousand five hundred dollars (\$3,500). City Manager Parker stated that the City of Lufkin wanted to show its appreciation to these two (2) groups for their generosity and support.

Mayor Louis Bronaugh stated that on October 3, 2005, he was invited to Temple Inland Corporate Headquarters in Diboll, Texas, and was presented a check to the City of Lufkin for \$50,000. Mayor Bronaugh thanked the citizens of Lufkin for their help during emergencies and added that the corporations in the area should also be thanked for being corporate good neighbors to the City of Lufkin.

6. **PUBLIC HEARING AND PROCEDURAL RESOLUTION OF THE CITY OF LUFKIN, TEXAS, - APPROVED - SUSPENDING THE EFFECTIVE DATE**

INDEFINITELY FOR CENTERPOINT ENERGY ENTEX'S REQUEST TO INCREASE RATES WITHIN THE CITY OF LUFKIN UNTIL THE PUBLICATION OF PUBLIC NOTICE IN A MANNER CONSISTENT WITH THE LAW AND THE CITY'S INTERIM ORDER; REQUIRING PROMPT RESPONSES TO DISCOVERY REQUESTS; REQUIRING THE TRACKING OF COSTS RELATED TO THE PETITION FOR REVIEW OF THE INTERIM ORDER; AND CONTINUING A PUBLIC HEARING IN PROGRESS; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION 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 a Public Hearing and adoption of a Procedural Resolution of the City of Lufkin, Texas, suspending the effective date indefinitely for CenterPoint Energy Entex's request to increase rates within the City of Lufkin until the publication of Public Notice in a manner consistent with the law and the City's Interim Order; requiring prompt responses to discovery requests; requiring the tracking of costs related to the Petition for Review of the Interim Order; and continuing a Public Hearing in progress; determining that the meeting at which this Resolution was passed was in accordance with the requirements of the Texas Open Meetings Act and declaring an effective date.

Mayor Bronaugh then opened the Public Hearing at 5:16 p.m. and asked if there was anyone present wishing to speak on the Procedural Resolution.

Speaking on the Procedural Resolution was:

Tommy Scherry, CenterPoint Energy

There was discussion among Lufkin City Council Members concerning the Procedural Resolution.

Councilmember R. L. Kuykendall moved to approve the Procedural Resolution of the City of Lufkin, Texas, suspending the effective date indefinitely for CenterPoint Energy Entex's request to increase rates within the City of Lufkin until the publication of Public Notice in a manner consistent with the law and the City's Interim Order; requiring prompt responses to discovery requests; requiring the tracking of costs related to the Petition for Review of the Interim Order; and continuing a Public Hearing in progress; determining that the meeting at which this Resolution was passed was in accordance with the requirements of the Texas Open Meetings Act and declaring an effective date. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

7. FIRST READING OF AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE NO. 3762 FOR CERTAIN TRACTS OF PARCELS OF LAND WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF LUFKIN, TEXAS - APPROVED - DESCRIBED AS TRACTS 36.1 AND 36.3 OF THE ALLEN PROCTOR SURVEY FOR CERTAIN RESTRICTIONS PLACED UPON A PLANNED UNIT DEVELOPMENT ZONING DISTRICT AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES

Mayor Louis Bronaugh stated that the next item for consideration was the First Reading of an Ordinance granting an Amendment to Ordinance No. 3762 for certain tracts of parcels of land within the corporate city limits of the City of Lufkin, Texas described as Tracts 36.1 and 36.3 of the Allen Proctor Survey for certain restrictions placed upon a Planned Unit Development Zoning District and authorizing the City Planner to make such changes. City Manager Paul Parker stated that the applicant was requesting an amendment to a Planned Unit Development that was previously approved by the City Council. City Manager Parker explained that the amendment would provide a zero front building setback along Tulane Drive. City Manager Parker added that the property consists of 5.415 acres located on the northeast corner

of Harmony Hill Drive and Tulane Drive. City Manager Parker stated that the general character of the property is retail in nature with shopping centers to the north and west. City Manager Parker added that the Southloop Crossing Shopping Center is directly across Tulane Drive from the subject properties and has a zero front building setback line. City Manager Parker stated that the Planning Staff reviewed the request and the proposed amendment meets department standards and Staff recommended approval. City Manager Parker added that the Planning and Zoning Commission unanimously recommended approval of the Special Use Permit.

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

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

Councilmember Don Langston moved to approve on First Reading an Ordinance granting an Amendment to Ordinance No. 3762 for certain tracts of parcels of land within the corporate city limits of the City of Lufkin, Texas described as Tracts 36.1 and 36.3 of the Allen Proctor Survey for certain restrictions placed upon a Planned Unit Development Zoning District and authorizing the City Planner to make such changes. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

8. **FIRST READING 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 GARDEN DISTRICT SHOPPING VILLAGE PHASE II, BLOCK 1, LOTS 1, 2, & 3 AND BEING APPROXIMATELY 4.52 ACRES OF LAND FROM A LOCAL BUSINESS ZONING DISTRICT TO A COMMERCIAL ZONING DISTRICT AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP. THIS REQUEST WILL ALSO ENCOMPASS AMENDING THE FUTURE LAND USE MAP OF COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION OF THE PROPERTIES FROM “RETAIL” TO “COMMERCIAL”**

Mayor Louis Bronaugh stated that the next item for consideration was the 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 The Garden District Shopping Village Phase II, Block 1, Lots 1, 2, & 3 and being approximately 4.52 acres of land from a Local Business Zoning District to a Commercial Zoning District and authorizing the City Planner to make such changes on the official map. This request will also encompass amending the Future Land Use Map of Comprehensive Plan by changing the designation of the properties from “Retail” to “Commercial”. City Manager Paul Parker then asked City Planner Scott Rayburn to explain the Ordinance.

City Planner Scott Rayburn stated that the purpose of the Zone Change request was to modify the front building line on the property. Mr. Rayburn explained that this would give the area along Tulane from Loop 287 to Harmony Hill zero front building setbacks.

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

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

Councilmember Jack Gorden moved to approve on First Reading 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 Garden District Shopping Village Phase II, Block 1, Lots 1, 2, & 3 and being approximately 4.52 acres of land from a Local Business Zoning District to a Commercial Zoning District and authorizing the City Planner to make such changes on the official map. This request will also encompass amending the Future Land Use Map of Comprehensive Plan by changing the designation of the properties from "Retail" to "Commercial". Councilmember Dennis Robertson seconded the motion. A unanimous affirmative vote was recorded.

9. FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS - APPROVED - BY GRANTING A SPECIAL USE PERMIT FOR THE TELECOMMUNICATION TOWER WITHIN A COMMERCIAL ZONING DISTRICT ON CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS DESCRIBED AS A 0.57 ACRE PORTION OF TRACT 28 OUT OF THE J. A. BONTON SURVEY (ABSTRACT NO. 5) 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 First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a Special Use Permit for the telecommunication tower within a Commercial Zoning District on certain tracts or parcels of land within the Corporate Limits of the City of Lufkin, Texas described as a 0.57 acre portion of Tract 28 out of the J. A. Bonton Survey (Abstract No. 5) and authorizing the City Planner to make such changes on the official map. City Manager Paul Parker stated that the applicant was proposing to construct a one hundred ninety-five foot (195') self supporting telecommunication tower. City Manager Parker added that any structure over two hundred feet (200') would be required to be lit. City Manager Parker explained that Council had a handout from T-Mobile explaining tower lighting. City Manager Parker stated that the property was approximately .057 acres of land that was occupied on the north side by a single story commercial building. City Manager Parker added that the Special Use Permit would occupy a forty foot (40') by forty foot (40') lease area within the property. City Manager Parker explained that the general character of the area was commercially oriented. City Manager Parker stated that the Planning and Zoning Commission reviewed the request and unanimously recommended approval. City Manager Parker added that a stipulation of the Planning and Zoning Commission was a wooden privacy fence would be constructed on three sides of the tower that faces the residential areas.

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

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

Speaking on the Zone Change was:

Shawn St. John, T-Mobile

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

Councilmember Dennis Robertson moved to approve the First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a Special Use Permit for the telecommunication tower within a Commercial Zoning District on certain tracts or parcels of land within the Corporate Limits of the City of Lufkin, Texas described as a 0.57 acre portion of Tract 28 out of the J. A. Bonton Survey (Abstract No. 5) and authorizing the City Planner to make such changes on the official map. Councilmember Rose Faine Boyd seconded the motion. The following vote was recorded:

Aye: Council Members Robertson, Boyd, Langston, and Kuykendall

Nay: Mayor Bronaugh and Councilmember Gorden

The motion carried with four affirmative votes.

10. ARCHITECTURAL AGREEMENT BETWEEN THE CITY OF LUFKIN AND GOODWIN & LASITER, INC. - APPROVED - FOR THE DESIGN SERVICES FOR THE REMODELING OF THE POLICE DEPARTMENT DISPATCH AREA

Mayor Louis Bronaugh stated that the next item for consideration was an Architectural Agreement between the City of Lufkin and Goodwin & Lasiter, Inc. for the design services for the remodeling of the Police Department Dispatch area. City Manager Paul Parker stated this item was a flat fee negotiated contract for eight thousand four hundred fifty dollars (\$8,450) to provide the architectural services for the remodeling of the Police Department Dispatch area. City Manager Parker reminded Council that funds had previously been approved to remodel the dispatch area. City Manager Parker stated that Staff recommended that Council approve entering into a contract with Goodwin-Lasiter, Inc. for eight thousand four hundred fifty dollars (\$8,450) for the architectural services.

There was discussion among City Council Members concerning the Contract.

Councilmember Rose Faine Boyd moved to approve the Architectural Agreement between the City of Lufkin and Goodwin & Lasiter, Inc. for the design services for the remodeling of the Police Department Dispatch area. Councilmember Jack Gorden seconded the motion. A unanimous affirmative vote was recorded.

11. ADOPTION - APPROVED - OF THE 2005 NATIONAL ELECTRICAL CODE

Mayor Louis Bronaugh stated that the next item for consideration was adoption of the 2005 National Electrical Code. City Manager Paul Parker asked Inspection Services Director Beauford Chapman to highlight the changes to the 2005 National Electrical Code.

Inspection Services Director Beauford Chapman went over the changes to the 2005 Electrical Code.

There was discussion among City Council Members concerning the 2005 National Electrical Code.

Councilmember R. L. Kuykendall moved to approve adoption of the 2005 National Electrical Code. Councilmember Dennis Robertson seconded the motion. The following vote was recorded:

Aye: Mayor Bronaugh, Council Members Kuykendall, Gorden, Boyd and Robertson

Nay: Councilmember Langston

The motion carried with five affirmative votes.

12. PUBLIC HEARING AND RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS - APPROVED - AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT PROGRAM APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS FOR THE SPECIAL DISASTER RELIEF FUND-TEXAS PUBLIC SHELTER IMPROVEMENTS TO AID VICTIMS OF HURRICANE KATRINA/RITA, AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE

COMMUNITY DEVELOPMENT PROGRAM

Mayor Louis Bronaugh stated that the next item for consideration was a Public Hearing and Resolution of the City Council of the City of Lufkin, Texas authorizing the submission of a Texas Community Development Program application to the Office of Rural Community Affairs for the Special Disaster Relief Fund- Texas Public Shelter Improvements to Aid Victims of Hurricane Katrina/Rita, and authorizing the City Manager to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Community Development Program. City Manager Parker stated that Staff was recommending that City Council authorize the submission of a grant application to the Office of Rural Community Affairs, a Department of the Texas Community Development Program. City Manager Parker explained that Staff recommended that this grant be used to provide an electrical generator for the Lufkin Pitser Garrison Civic Center.

There was discussion among City Council Members concerning the Grant.

Mayor Bronaugh then opened the Public Hearing at 6:39p.m. and asked if there was anyone present wishing to speak on the Resolution authorizing the submission of a Texas Community Development Program application to the Office of Rural Community Affairs for the Special Disaster Relief Fund- Texas Public Shelter Improvements to Aid Victims of Hurricane Katrina/Rita, and authorizing the City Manager to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Community Development Program. There was none. Mayor Bronaugh closed the Public Hearing at 6:40 p.m.

Councilmember Rose Faine Boyd moved to approve the Resolution of the City Council of the City of Lufkin, Texas authorizing the submission of a Texas Community Development Program application to the Office of Rural Community Affairs for the Special Disaster Relief Fund- Texas Public Shelter Improvements to Aid Victims of Hurricane Katrina/Rita, and authorizing the City Manager to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Community Development Program. Councilmember R.L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

13. Mayor Louis Bronaugh recessed the Regular Session at 6:40 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 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 6:59 p.m.

14. **APPOINT MEMBERS – APPROVED – TO CONSTRUCTION BOARD OF APPEALS**

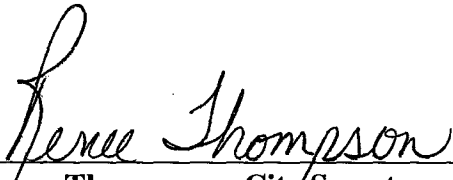
Mayor Louis Bronaugh stated that the next item for consideration was to appoint members to the Construction Board of Appeals. City Manager Paul Parker stated that Council had in their packets a list of names that were recommended for approval for the Construction Board of Appeals. City Manager Parker added that the Plumbing Contractor would however, be changed to Ray Davis.

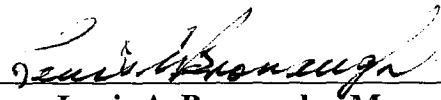
Councilmember Rose Faine Boyd moved to approve the list of names recommended for the Construction Board of Appeals pending contact of the prospective members. Councilmember R.L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

15. City Manager Paul Parker reminded the City Council about the "City Government Day" for the Leadership Lufkin Class that would be held on Thursday, November 3,

2005 at the Lufkin City Hall. City Secretary Renee Thompson reminded the City Council of the First Friday Luncheon at Crown Colony and asked Council to let her know if they planned to attend. Ms. Thompson also reminded City Council of the NASA "Mission Complete" Event that would be held on Tuesday, November 8, 2005 at the Expo Center.

16. There being no further business for consideration, the meeting adjourned at 7:02 p.m.


Renee Thompson – City Secretary


Louis A. Brounagh – Mayor