MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 3RD DAY OF OCTOBER, 2006

On the 3rd day of October, 2006, 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.	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
Rufus Duncan, Jr.	Councilmember, Ward No. 5
Phil Medford	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Renee Thompson	City Secretary
Robert Flournoy	City Attorney
Keith Wright	Asst. City Manager
David Koonce	Human Resource Director
Larry Brazil	Police Chief
Scott Marcotte	Asst. Police Chief
Pete Prewitt	Fire Chief
Doug Wood	Finance Director
Steve Floyd	Solid Waste and Recycling Director
Barbara Thompson	Main Street Director
Steve Poskey	Street Department, Superintendent
Dorothy Wilson	Planning Director
Ray Wells	Water Distribution, Superintendent
Tara Jones	Interim Inspection Services Director
Linda Jones	Pre-Treatment Coordinator, WWTP
Jim Wehmeier	Economic Development Director
Rhonda McLendon	Municipal Court & Animal Control Director
Linda Parker	Economic Development
Scott Rayburn	City Planner
Clay Dark	
Kenneth Jeffreys	
Mack Coward	
Jason Armstrong	
Homer McCall	
Buck Cornett	
Darrell Beene	
Mitch Gibson	
Donavan Rudd	

being present, when the following business was transacted:

1. The meeting was opened with prayer by Reverend Derrick Noble, Abundant Life United Methodist Church.

2. Mayor Jack Gorden welcomed visitors present. Councilmember Lynn Torres recognized LHS students who were present, satisfying their government class requirement.

3. Mayor Jack Gorden then recognized City of Lufkin Inspections employee Tara Jones. Mayor Gorden then read a letter written by Woody Gann to the City of Lufkin City Manager Paul Parker commending Ms. Jones on her outstanding work and responsiveness to some code enforcement issues. Mayor Gorden then thanked Ms. Jones for representing the City of Lufkin employees so well and setting an example for everyone to live up to in service to the citizens of Lufkin.

3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting on September 19, 2006 were approved on a motion by Councilmember Rufus Duncan, and seconded by Councilmember Lynn Torres. A unanimous affirmative vote was recorded.

OLD BUSINESS:

4. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BEING ORDINANCE NO. 3368, BY AMENDING ARTICLE III TO ADD "AG – AGRICULTURAL DISTRICT" AND AMENDING ARTICLE XIX "SCHEDULE OF PERMITTED USES" TO ADD THE AGRICULTURAL DISTRICT AND ASSOCIATED USES THERETO; REPEALING CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE**

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance No. 3368, by amending Article III to add "Ag – Agricultural District" and amending Article XIX "Schedule of Permitted Uses" to add the Agricultural District and associated uses thereto; repealing conflicting provisions; and providing an effective date. City Manager Paul Parker stated that this was the Second Reading of a Zoning Ordinance that was designed to for any land that may be annexed that would be placed in a holding zone or an Agricultural Zone. City Manager Parker added that the zone allows some specific usage such as residential and some other uses within that agricultural zone and it recommended to you by the Planning staff and Planning Commission for your approval.

Mayor Gorden asked for any comments from the Council on the Second Reading.

Council Member Don Langston asked if the ordinance would in any way pertain to any existing zones in the City. City Manager Parker stated that it could but that any existing zones would have to go through a zone change for it; it could apply to any existing property in the city that might fall within that classification.

Mayor Gorden then opened the Public Hearing at 5:11 p.m. concerning the Zoning Ordinance. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the Zoning Ordinance. Mayor Gorden then closed the Public Hearing at 5:12 p.m.

Councilmember R. L. Kuykendall moved to approve the Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance No. 3368, by amending Article III to add "Ag – Agricultural District" and amending Article XIX "Schedule of Permitted Uses" to add the Agricultural District and associated uses thereto; repealing conflicting provisions; and providing an effective date. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

5. **PUBLIC HEARING AND 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 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 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 authorizing the City Planner to make such changes on the Official Map. City Manager Paul Parker stated that this is property that the City recently annexed on behalf of the owners and the request now is to establish the zone "Residential Large" to a 15.62 acre tract located on Brentwood Rd.

Mayor Gorden then opened the Public Hearing at 5:12 p.m. concerning the Zoning Ordinance. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the Zoning Ordinance. Mayor Gorden then closed the Public Hearing at 5:13 p.m.

Councilmember Phil Medford 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 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.

NEW BUSINESS:

6. FIRST PUBLIC HEARING FOR THE ANNEXATION PROGRAM 2006

Mayor Jack Gorden stated that the next item for consideration was the first Public Hearing for the Annexation Program 2006. Dorothy Wilson gave a presentation explaining the basic facts about the annexation. City Manager Paul Parker explained that if anyone had any questions, that the Planning staff would be happy to answer any they may have.

Mayor Gorden then opened the Public Hearing at 5:27 p.m. concerning the Annexation Ordinance. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the Annexation Ordinance. Speaking on the Annexation Program 2006 was:

Clayton Dark approached the podium. Mr. Dark explained that he received a notice that his 3.379 acres in G-7 on the North side of Gobbler's Knob road was in a potential annexation area. Mr. Dark stated that the map in the packet did not specifically show his piece of property but that City staff had assured him that his property was in the annexation area. Mr. Dark stated that if his property was being annexed by the City that he objected. Mr. Dark said that he did not need City services because he owned other property in which he had City services. Mr. Dark said he needed clarification if he had been given notice that there is intent to annex what portion of his property.

City Manager Parker asked to see the map of annexation areas. Mr. Dark stated that his property was the only one north of Gobbler's Knob Rd. that was not in the City limits. Mr. Dark noted again his objection and Mayor Gorden dually noted his objection.

Kenneth Jeffrey approached the podium. Mr. Jeffrey explained that he lived on FM 819 currently outside the City limits. Mr. Jeffrey said that he was instructed by Planning Staff to voice his concerns at this hearing. Mr. Jeffrey explained, referring to the map, exactly where his property was located, one mile east of the entrance to Crown Colony Subdivision on FM 819. Mr. Jeffrey voiced his concerns about annexing his property.

Mack Coward approached the podium. Mr. Coward explained that he opposed the annexation three years ago and he platted his forty (40) acre tract so that only fifteen (15) acres of the property would be annexed. Mr. Coward added that he was told at that time that the rest of his property would not be annexed within ten (10) years. Mr. Coward stated that the staff that had agreed with him is no longer at the City. Mr. Coward stated that he opposed the annexation now and asked for the new staff to honor the previous agreement.

City Planner Dorothy Wilson explained that the aerial map was going to be projected for easier reference.

Jason Armstrong approached the podium. Mr. Armstrong stated that he was speaking on behalf of Larry Choate. Mr. Armstrong said that Mr. Choate owns property in Area B of the potential annexation. Mr. Armstrong explained that Mr. Choate owns over seventy percent (70%) of the property in that area in which he uses for his homestead and has for the past twenty (20) years and that the other property is owned by the city. Mr. Armstrong said that Mr. Choate has City water and sewer and that there is no real benefit for annexation for either Mr. Choate or the City. Mr. Armstrong noted that his client objected to the annexation because there is no benefit for development to the property because it is his home.

Mayor Gorden asked if Mr. Choate was aware of the AG district being created by the city. Mr. Armstrong agreed that Mr. Choate was aware.

Homer McCall approached the podium. Mr. McCall stated that his property was in the G-5 region of the potential annexation area. Mr. McCall added that the property had been in his family for over one hundred thirty (130) years and that it was mostly creek bottom. Mr. McCall stated that they have no desire to be annexed and that they have no desire to develop the property. Mr. McCall explained that being outside the City limits what activities he enjoys such as shooting his gun. Mr. McCall asked if he would lose this right.

City Manager Parker stated he would not lose all his rights.

Mr. McCall asked about Area G-4 and about how the lines of the area were drawn. Mr. McCall called out some property owner names and asked to be given the same consideration as these owners.

Mayor Gorden asked for clarification for which specific areas in which he was referring to.

Mr. McCall gave clarification and stated that his information came from the appraisal district. There was some discussion among the Staff, Council and Mayor concerning the property lines. Mr. McCall stated that he would like to discuss this in length at a later time.

Buck Cornett approached the podium. Mr. Cornett stated that he was Mr. McCall's neighbor in Area G-4. Mr. Cornett stated that he and Mr. McCall area the only two (2) property owners in that area and that there was no reason to annex the area. Mr. Cornett added that there would be a lot of work to be done and a lot of money spent to repair the wash out of the creek bottom, repair the road and install city water and sewer to the area. Mr. Cornett stated that he opposed the annexation and that he did not need or want the City services that would be offered in the annexation.

Darrell Beene approached the podium. Mr. Beene stated that he and his father, Fred Beene owned a fireworks superstore on Hwy 59. Mr. Beene gave the council a picture of the building. Mr. Beene stated that they did not necessarily oppose the annexation. Mr. Beene explained that he understood that the growth of the City was necessary. Mr. Beene stated that hardships that would come from the ordinances that would be placed on the property due to the annexation including mortgage and family welfare. Mr. Beene explained how organizations in the community have benefited from selling fireworks from their facility. Mr. Beene asked for a special use permit that would allow them to sell fireworks in the City limits or any comparable arrangement. Mr. Beene asked who he would need to speak with about the issue and if it was feasible.

Mayor Gorden explained that he would need to meet with Dorothy Wilson and Bob Flournoy. Mayor Gorden stated that the Ordinance would have to be amended in order to do this. There was some discussion among the Staff, Council and Mayor concerning the Ordinance

Mitch Gibson approached the podium. Mr. Gibson stated that he owned four (4) out of six (6) tracts in G-7 and described the property. Mr. Gibson added that annexing this property of more than twelve hundred (1200) acres was premature. Mr. Gibson explained that he did not oppose the annexation. Mr. Gibson stated that the major problem was the roadway width, explained them at length, and said that he would like to see this improvement. Mr. Gibson added that he will be conducting a silt study on Cedar Creek.

Mayor Gorden asked Mr. Gibson to outline those items not discussed at the previous meeting.

Mr. Gibson stated that he would need a City planner to work with Corp of Engineers with the creek. Mr. Gibson stated again that the annexation was premature and that if anyone had any questions that he would be happy to answer them.

Mayor Gorden thanked everyone for their comments. Mayor Gorden added that he felt that everyone was in agreement that the City did need to grow and that we could work together to make this annexation a positive issue. Mayor Gorden then asked if there were comments from the council on the issue.

Councilmember Don Langston stated that after hearing the issues from the citizens, that he had some concerns, but that he would discuss them with the Council at a later date.

Mayor Gorden then closed the Public Hearing at 5:56 p.m.

7. **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 OF LOTS 5, 6, AND 7 OF THE SHEARER ADDITION 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 of Lots 5, 6, and 7 of the Shearer Addition 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 this was a request that was filed by Donovan Rudd of behalf of Billy Scott Lee and Gilbert M. Spring for changing the zoning from the current classification "Duplex" and "Commerical" to "Commercial" only on property described as Lots 5, 6, and 7 of Block 3 of the Shearer Addition located on North Chestnut near Lufkin Ave. City Manager Parker added that the property was probably best recognized by its location next to Durham's Radiator shop and the law office of Gilbert Spring. City Manager Parker explained that the purpose of the zone change according to the applicant was for the development by proposed perspective buyer for a dry cleaner's establishment. City Manager Parker stated that the property was well positioned for this type of use due to the high volume of traffic along Timberland Dr. City Manager Parker added that the Planning and Zoning Commission previously heard this request and recommended it, along with the Staff that the City Council approve to change the Future Land Use Map to be "Commercial" and the zone change to be approved as "Commercial".

Mayor Gorden then opened the Public Hearing at 5:58 p.m. concerning the Zoning Ordinance. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the Zoning Ordinance. Speaking on the Zoning Ordinance was:

Donavan Rudd

Mr. Rudd stated that he was available for any questions. Mr. Rudd also stated that he owns the Comet Cleaners across the street from the property and that they have a chance to put in a more modern facility.

Mayor Gorden then closed the Public Hearing at 5:59 p.m.

Councilmember Phil Medford moved to approve the Second 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 of Lots 5, 6, and 7 of the Shearer Addition to a "Commercial" Zoning District and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of "Commercial". Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

8. <u>PUBLIC HEARING ON PROGRAM MODIFICATION FOR TECHNICALLY BASED LIMITS WITHIN THE CITY OF LUFKIN INDUSTRIAL PRE-TREATMENT PROGRAM</u>

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing on Program Modification for Technically Based Limits within the City of Lufkin Industrial Pre-Treatment Program. City Manager Paul Parker stated that the Texas Commission on Environmental Quality (TCEQ) has mandated that the City update its Industrial Pre-Treatment Program Modifications. City Manager Parker referred to the recommendation of the staff and the TCEQ response to the recommendation for the technically based limits. City Manager Parker stated that the Engineering Staff, the Engineering Company that prepared the study and other representatives were present to answer questions. City Manager Parker added that basically, this was the limits that it would be place on the City's existing industries and in some cases could effect the pre-treatment requirements for the City's industries. City Manager Parker stated that this notification had gone out and the businesses were aware of this. Manager Parker asked Assistant City Manager Keith Wright to expand on his explanation. City Manager Parker stated that the particular program information was available in Mr. Wright's office as well as representatives present to answer any questions.

Assistant City Manager Wright stated that basically there are two parts. Assistant City Manager Wright explained that the first part was the modifications on how the City handles its pre-treatment program, the standard operating procedures, and how the City responds to violations. Assistant City Manager Wright added that the second part was the technically based local limits for various pollutants, like arsenic, cyanide, silver, and different metals. Assistant City Manager Wright stated that established limits must be set on those pollutants so the treatment is able to process, based on the different types of technology. Assistant City Manager Wright explained that the City had taken three (3) years to get the process approved through TCEQ and there would be an Ordinance that would be brought back to the Council on October 17, 2006 for the First Reading. Assistant City Manager Wright stated that Linda Jones, Pre-treatment Coordinator and Janet Sims, Allen Plumber and Associates were both present to take any questions and for detailed information for the industries present.

Mayor Gorden then opened the Public Hearing at 5:58 p.m. concerning the Program Modification for Technically Based Limits within the City of Lufkin Pre-treatment Program. Mayor Gorden asked those attending the Council Meeting if there was anyone who wanted to speak concerning the Program. Mayor Gorden then closed the Public Hearing at 5:59 p.m.

Mayor Gorden asked for any comments from the Council Members.

Council Member Don Langston asked if the report and proposed actions in any way went beyond the mandate from TCEQ and EPA. Assistant City Manager Wright stated that the report followed the mandate and the requirements and did not go beyond what the City was required to do.

9. <u>RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES – APPROVED - TO THE TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL)</u>

Mayor Jack Gorden stated that the next item for consideration was the Resolution amending authorized representatives to the Texas Local Government Investment Pool (TexPool). City Manager Paul Parker stated that this was a request to allow Marleta Payne from the Finance Department to work in conjunction with Debbie Vance, who does the investments for the City of Lufkin, and provide cross-training in that area. City Manager Parker stated that Debbie Vance, Doug Wood and himself were currently authorized to sign for this service.

Councilmember Don Langston moved to approve the Resolution amending authorized representatives to the Texas Local Government Investment Pool (TexPool). Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

10. **BID FOR LIQUID CHLORINE AND SULFUR DIOXIDE - APPROVED - FOR WASTEWATER TREATMENT AND WATER TREATMENT PLANT.**

Mayor Jack Gorden stated that the next item for consideration was the bid for liquid chlorine and sulfur dioxide for Wastewater Treatment and Water Treatment Plant. City Manager Paul Parker stated the chemicals were used in both the Wastewater Treatment and Water Treatment Plants. City Manager Parker added that the apparent low bidder for the liquid chlorine was Brenntag Southwest, Inc., Longview, TX in the amount of 2.46 cents per pound and their estimated yearly cost based upon the estimated usage was one hundred ninety-nine thousand two hundred sixty dollars ($199,260). City Manager Parker stated that the company was also apparent low bidder for the sulfur dioxide in the amount $.2375 per pound with an estimated cost of twenty-six thousand one hundred twenty five dollars ($26,125). City Manager Parker stated that Staff recommended that Council approve the bid for the chemicals.

Councilmember Rose Faine Boyd moved to approve the bid for liquid chlorine and sulfur dioxide for Wastewater Treatment and Water Treatment Plant. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

11. **MOBILE STORAGE SYSTEM AND EVIDENCE LOCKER - APPROVED - FROM SOUTHWEST SOLUTIONS GROUP FOR THE POLICE DEPARTMENT**

Mayor Jack Gorden stated that the next item for consideration was a mobile storage system and evidence locker from Southwest Solutions Group for the Police Department. City Manager Paul Parker stated that this is part of the renovation of the Police Department. City Manager Parker explained that these were the mobile files that are used within the Police Department. City Manager Parker stated that the Council allocated funding for the remodeling of the Police Department and took out of the Architectural bid because the bids could be done separately by the City and save the seven percent (7%) architectural fee. City Manager Parker added that the items were to be purchased from the State Bid and were the same items approved with the remodeling proposal. City Manager Parker stated that Staff recommended that the Council approve the bid of the mobile storage system and evidence locker from Southwest Solutions Group in the amount of forty-nine thousand two hundred three dollars and seventeen cents ($49,203.17).

Councilmember Lynn Torres moved to approve the mobile storage system and evidence locker from Southwest Solutions Group for the Police Department. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

12. **PURCHASE OF AN UPGRADE FOR THE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS) – APPROVED - FROM NEC FOR THE POLICE DEPARTMENT**

Mayor Jack Gorden stated that the next item for consideration was the purchase of an upgrade for the Automated Fingerprint Identification System (AFIS) from NEC for the Police Department. City Manager Paul Parker stated that this was the upgrade of the Police Department's Automatic Finger Print system. City Manager Parker added that the budget program included this upgrade and was required to remain within the system by the end of this calendar year. City Manager Parker explained that this was part of the City's equipment that would help keep eligibility in the AFIS system. City Manager Parker stated that the department provides this system to help fight crime in the area. City Manager Parker stated that Staff recommended that Council approve the purchase to NEC to provide the upgrades to the AFIS system in the amount of twenty-five thousand eight hundred forty five dollars ($25,845).

Councilmember Lynn Torres moved to approve the purchase of an upgrade for the Automated Fingerprint Identification System (AFIS) from NEC for the Police

Department. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

13. Mayor Jack Gorden recessed the Regular Session at 6:10 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 Jack Gorden reconvened the Regular Session at 6:44 p.m.

14. City Manager Paul Parker discussed negotiations with possible energy providers and the upcoming contract for an electrical provider. City Manager Parker requested that Council look over the information given to them and asked the Council to provide their thoughts and feedback.

15. Mayor Jack Gorden stated that Council had their Calendar of Events. Mayor Gorden reminded the members of the Hotel Occupancy Tax Committee of their upcoming meeting on Wednesday, October 4, 2006 at 12:00 p.m. in the City Hall OCR.

16. There being no further business for consideration, the meeting adjourned at 6:55 p.m.

Jack Gorden

Jack Gorden – Mayor

Renee Thompson

Renee Thompson – City Secretary