

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE
17TH DAY OF AUGUST, 1993 AT 5:00 P.M.**

On the 17th day of August, 1993 the City Council of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh
Don Boyd
Percy Simond
Bob Bowman
Jack Gorden, Jr.
Tucker Weems
C. G. Maclin
Darryl Mayfield
Ron Wesch
Tommy Deaton
Atha Stokes

Mayor
Mayor pro tem
Councilman, Ward No. 1
Councilman, Ward No. 4
Councilman, Ward No. 5
Councilman, Ward No. 6
City Manager
Asst. City Manager/Finance
Asst. City Manager/Public Works
Asst. City Attorney
City Secretary

being present, and

Larry Kegler

Councilman, Ward No. 3

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. David Evans, Minister, First Christian Church.
2. Mayor Bronaugh welcomed visitors present and recognized Chris Loyd Sims, Boy Scout Troop 136, who is working on his Communications Badge.

3. APPROVAL OF MINUTES

Minutes of the Regular Meeting of August 3, 1993 were approved on a motion by Councilman Don Boyd and seconded by Councilman Tucker Weems. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - BUDGET - FISCAL YEAR 1993-94

Mayor Bronaugh opened Public Hearing to consider the budget for fiscal year 1993-94.

There was no one present to speak for or against the proposed budget.

Mayor Bronaugh closed the Public Hearing.

**5. ORDINANCE - APPROVED - FIRST READING - APPROPRIATIONS
ORDINANCE**

Mayor Bronaugh stated that the next item for consideration was First Reading of the Appropriations Ordinance.

City Manager Maclin stated that this is the First Reading of the Appropriations Ordinance which sets forth the spending, including Maintenance and Operations, debt requirements, interest and sinking, for the General Fund, Utility Fund and Solid Waste Funds.

City Manager Maclin stated that basically this is the First Reading for consideration

by the Council of the budget that was presented last Thursday. City Manager Maclin stated that now is the time for any comments by Council for any additions or corrections.

Motion was made by Councilman Tucker Weems and seconded by Councilman Jack Gorden, Jr. that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - FIRST READING - TAX LEVYING ORDINANCE

Mayor Bronaugh stated that the next item for consideration was First Reading of the Tax Levying Ordinance.

City Manager Maclin stated that this is the Ordinance that provides the funding for the Appropriations Ordinance. City Manager Maclin stated that the Ordinance provides for the same tax rate as last year, which is 43.52. This technically is a slight increase in terms of definition of taxes by definition of effective tax rate as calculated by the standards applied by the State Tax Board. City Manager Maclin stated that from a standpoint of actual tax rate, it is the same as last year.

Councilman Weems stated that correction was needed on item 2, changing it from \$.99589 to \$.099589.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that Ordinance be approved on First Reading with correction to item 2. A unanimous affirmative vote was recorded.

7. STREET IMPROVEMENT PAYMENT - APPROVED - CITY'S CONTRIBUTION - TEXAS DEPARTMENT OF TRANSPORTATION - CHESTNUT AND PAUL STREETS

Mayor Bronaugh stated that the next item for consideration was approval of payment of the City's contribution for street improvements on Chestnut and Paul Streets.

City Manager Maclin stated that included in the packet is a letter from J. L. Beaird dated June 16, 1993, stating that the City owed \$191,070.84 as their obligation for the Paul Avenue/Chestnut Street projects. The next letter dated June 28, 1993, is from the Mayor requesting some consideration for relieving the City of the curb and gutter costs, reducing the City's liability from \$191,070.84 to less than \$40,000 (the liability for the sidewalks). City Manager Maclin stated that the State chose to abide by their Minute Order dated January 27, 1988, citing the City's participation at \$191,070.84. City Manager Maclin stated that staff now has to find a way to fund the City's contribution to this project. City Manager Maclin stated that in looking at the City's fund balances, and in recollection of the fact that a portion of this project is attributed to utilities and part of the project included the relocation and installation of new water and sewer lines, the City was eligible to apply some of this expense back to the utility fund. City Manager Maclin stated that also, due to the refinancing this year, there is an unbudgeted receivable to the General Fund from the Water and Sewer Fund. When the City refinanced some of its debt, it included some combination water and sewer tax funds from bonds that were issued some years ago, so that the Water and Sewer Fund has to pay to the General Fund its appropriate share of those bonds. City Manager Maclin stated that when the budget was prepared a year ago, staff did not know when the refinancing would take place or what the repercussions of that would be. As noted on August 5th, the City has realized over \$300,000 in savings over the next three years in interest as the result of the refinancing at lower interest rates. There is also the transfer from Water and Sewer to General Fund, which in essence has become the vehicle that the City can pay the \$191,070.84 without having to go into the Fund Balance or deplete the Contingency Fund. City Manager Maclin stated that this is a method that doesn't unduly burden the City's fund balance or completely deplete the contingencies, but

at the same time have the funds to pay the \$191,070.84. City Manager Maclin stated that approximately 22% of the cost will be borne through the Utility Fund due to the related costs for relocation of water and sewer lines.

City Manager Maclin stated that the City had anticipated this project coming up in 1991, however, the State has had numerous delays in this project.

City Manager Maclin stated that staff recommendation is to pay the \$191,070.84 utilizing the methods described in a letter from the Asst. City Manager/Finance included in the packet. Councilman Weems questioned the figures in the letter, and Mr. Mayfield stated that a revised memo had been passed out to each of the Councilmembers prior to the meeting.

Motion was made by Councilman Tucker Weems and seconded by Councilman Jack Gorden, Jr. to approve the payment of the City's contribution for street improvements on Chestnut and Paul Streets. A unanimous affirmative vote was recorded.

8. ORDINANCE-APPROVED-FIRSTREADING-RESIDENTIAL/COMMERCIAL WATER RATE REVISION

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinance to revise residential and commercial water rates.

City Manager Maclin stated that the bulk of the 3% increase is for the financing of the debt for the \$7 million of improvements which includes the 2 million gallon elevated storage tank on White House Drive, approximately 18-20 miles of new distribution lines in various sizes ranging from 6" to 16", sewer treatment plant improvements, and some additional fire hydrants.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - FIRST READING - SEWER RATE REVISION

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance to revise sewer rates.

City Manager Maclin stated that the increase in sewer rates would be a 3% increase.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. EMS RATE REVISION - APPROVED

Mayor Bronaugh stated that the next item for consideration was revision in EMS rates and charges for incidentals.

City Manager Maclin stated that there are only two minor changes and they are (1) an upgrade to \$175 for all runs, and (2) that there is a procedure/supply price list to be able to charge for replacement items. City Manager Maclin stated that the City has been charging \$125 for Basic Life Support runs, however, since all the City's ambulances are certified as ALS units, we can charge the \$175 rate as it has been pre-approved.

Motion was made by Councilman Percy Simond and seconded by Councilman Jack Gorden, Jr. to approve the revised EMS rates and charges for incidentals as presented. A unanimous affirmative vote was recorded.

11. REQUEST - APPROVED - SEWER SERVICE OUTSIDE CITY LIMITS - FRAN HAVARD

Mayor Bronaugh stated that the next item for consideration was a request for sewer service outside of the City limits.

City Manager Maclin stated that the request for sewer service outside the City limits was from Fran Havard to place an ice cream retail sales shop in an area across from the Wal-Mart parking lot. City Manager Maclin stated that a map of the property had been included in the Councilmember's packets showing the intersection of White House Drive and Hwy. 59, and approximately where the City already has an existing sewer line. City Manager Maclin stated that the property on the north side of White House Drive is in the City Limits, and the property on the South side on Hwy. 59 east is not in the City limits. City Manager Maclin stated that the reason this request is on the agenda is because this is a service being requested outside the City limits, which only the City Council has the authority to grant.

City Manager Maclin stated that from the City's standpoint, in terms of our cost to service this request, there is already an existing line in the vicinity, and the only cost to the requestor would be a tap fee of \$150.

In response to question from Councilman Weems, City Manager Maclin stated that there is already a water tap at this location. City Manager Maclin stated that there is already a large section of City service in the neighborhood. Mr. Wesch stated that water is sold to these residents at 1 1/2 times for water, and 2 times on sewer service.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that request of Fran Havard for sewer service outside the City limits be approved as submitted. A unanimous affirmative vote was recorded.

12. AUTHORIZATION - APPROVED - 1993 TEXAS COMMUNITY BLOCK GRANT

Mayor Bronaugh stated that the next item for consideration was authorization to apply for 1993 Texas Community Block Grant.

City Manager Maclin stated that this is the time of year, where if the City is going to make application for Texas Community Block funds, to begin preparing an application. City Manager Maclin stated that staff is seeking consideration from Council for authorization to proceed with the application process, which would include Public Hearings and a Resolution for Council consideration. City Manager Maclin stated that the project proposal that staff is recommending is consideration of a sanitary sewer rehabilitation on Davis Street to Martin Luther King westward. There is an area of approximately 10 blocks where there is an old concrete sanitary sewer line that has deteriorated over the years and is a good eligible candidate for a CDBG Grant. City Manager Maclin stated that this project, if submitted by the City, has a good possibility of being funded under the CDBG Grant.

City Manager Maclin stated that the second request that staff is seeking input from Council on would be the utilization of a consultant. City Manager Maclin stated that in past years the City has used several consultants, and in the last three years the City has utilized the services of Gary Traylor & Associates out of Tyler. City Manager Maclin stated that he had been approached by Councilmembers and by Raymond Vann for consideration of utilization of Mr. Vann, who is located in Lufkin, as the City's grant consultant. City Manager Maclin stated that Mr. Vann has contacted him in regard to the grant request on Davis Street and Martin Luther King Drive and offered his services as the grant consultant on this particular application.

City Manager Maclin stated that staff is seeking Council input regarding the selection of a grant consultant, whether to engage the services of Mr. Vann or to

continue with the firm of Gary Traylor & Associates. City Manager Maclin stated that both of these firms, when it comes to a CDBG grants, will do the preliminary application at no charge to the City, and if the City is not funded it will owe the firm nothing. If the City is funded, the consulting firm will be given a percentage, which is standard with consultants through Community Development Block Grants.

City Manager Maclin stated that several years ago the City utilized the services of Mr. Vann and had little success. Mr. Traylor's services were engaged in 1990, and he was successful on the Housing Rehabilitation Grant of \$250,000 in the Inez Timms vicinity, and was also successful on a \$500,000 housing rehabilitation grant that will cover North Lufkin. City Manager Maclin stated that on CDBG grants the City had applied on three different occasions for the overpass at the Dunbar School on Martin Luther King, and were not funded on any of those three occasions.

Mayor Bronaugh stated that one thing that had caused the City points in the past was the minority hiring, which has now been brought up to acceptable standards. City Manager Maclin stated that the points the City missed in this category because of minority hiring was not nearly as damaging as the points missed on the average per capita income on the 1990 census. City Manager Maclin stated that this was the single thing that hurt the City the most at the State level from receiving the Martin Luther King overpass project.

Motion was made by Councilman Don Boyd and seconded by Councilman Jack Gorden, Jr. to authorize staff to apply for the 1993 Texas Community Block Grant, and to recognize Raymond Vann as the City's grant consultant. A unanimous affirmative vote was recorded.

13. AUTHORIZATION TO ADVERTISE FOR BIDS - APPROVED - HEATING/COOLING UNIT - DISPATCH OFFICE - POLICE DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was authorization to advertise for bids for a heating/cooling unit in the Police Department dispatch office.

City Manager Maclin stated that in the packet is a letter from the Police Chief requesting consideration of this item. City Manager Maclin stated that in his Memoranda to the Council he indicated that this would need to come from the Contingency Fund, however, it appears that the funds can now be transferred from other line items within the Police Building Fund.

City Manger Maclin stated that the Police Department has had problems with the air conditioning in the building for a long time as far as getting adequate tonnage and adequate balance. As a result, the Dispatch Office is not receiving appropriate coolness compared to the rest of the building. City Manager Maclin stated that this will provide an additional unit specifically for the Dispatch Office and hopefully resolve what has been a long standing problem in terms of heating and cooling needs in the Police Department.

Councilman Simond stated that it was his understanding that this problem is not unique to the Police Department. Councilman Simond stated that there are offices in the City Hall building where the air conditioning is on in one section of an office while heaters are on across the room. City Manager Maclin stated that there are some employees who feel that they need to use the heaters. City Manager Maclin stated that staff has tried to make adjustments in the system which is somewhat unique in that it is energy efficient, but is a little more difficult to provide controls as easily as going an turning a thermostat. The system is based on a chilled water system where the water is chilled at night and pumped in the day time because it is cheaper to chill at night because the demand factor is lower for electrical cost. City Manager Maclin stated that the disadvantage is that it creates the situation that Councilman Simond has described. City Manager Maclin stated that staff is

constantly working, trying to find a happy medium.

Councilman Simond asked if the policy was fair when a person who was freezing requested heat and was denied heat. City Manager Maclin stated that no one's heater has been disconnected, however, staff has requested that employees be energy conscious. City Manager Maclin stated that the system does not lend itself to making quick changes, but it takes hours to make a change in the temperature in the building. City Manager Maclin stated that staff is trying to be considerate and that is why the policy on the heaters has not been enforced.

Chief Collins stated that the Police Department has the chilled water system and an old conventional unit that is mounted on the roof as a "helper unit". Because the chilled water system has not worked effectively, the roof unit has had to run more hours per day to keep the building cool enough for the Dispatch Office.

Motion was made by Councilman Bob Bowman and seconded by Councilman Don Boyd that authorization be granted to advertise for bids for a heating/cooling unit in the Police Department. A unanimous affirmative vote was recorded.

14. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:58 p.m. to enter into Executive Session. Regular Session reconvened at 6:21 p.m. and Mayor Bronaugh stated that the Councilmembers had discussed appointments to the Zoning Board of Adjustment and Appeals, contract matters, real estate matters and a lawsuit.

15. APPOINTMENTS - APPROVED - ZONING BOARD OF ADJUSTMENT & APPEALS - LT. GEN. ORREN WHIDDON - JERRY BENSON - AL MEYER

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that Lt. Gen. Orren Whiddon, Jerry Benson and Al Meyer be re-appointed to the Zoning Board of Adjustment & Appeals. A unanimous affirmative vote was recorded.

16. PROPERTY ACQUISITION - APPROVED - WHITE AVENUE

Mayor Bronaugh stated that the next item for consideration was acquisition of property for a utility easement on White Avenue.

City Manager Maclin stated that this is a tract of property approximately 4/10's of an acre located at the west end of White Avenue. City Manager Maclin stated that the City has a lift station in that vicinity, however, in the not too distant future it appears that the lift station will need to be relocated due to erosion caused by the creek. City Manager Maclin stated that this property is contiguous to the property the City owns and will give the City adequate site to move the lift station to at some point in the future.

City Manager Maclin stated that staff is seeking Council's authorization to purchase the property in the amount of \$2,500.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman to approve purchase of property on White Avenue for a utility easement in the amount of \$2,500. A unanimous affirmative vote was recorded.

17. PROPERTY ACQUISITION - APPROVED - RECYCLING CENTER - 901 ELLEN TROUT DRIVE

Mayor Bronaugh stated that the next item for consideration was acquisition of property for the Recycling Center.

City Manager Maclin stated that this is a facility that the City has been utilizing since

the end of 1990. City Manager Maclin stated that the City has been leasing this facility which includes the building and six acres. City Manager Maclin stated that staff now has an agreement from the property owner to sell the property and the building to the City for \$150,000. City Manager Maclin stated that the funding for this property will come from the City's grant from the Texas Water Commission in the Clean Cities 2000 Program, which is being shared jointly with the City of Nacogdoches to implement a complete recycling program to be a model city for the region. City Manager Maclin stated that Asst. City Manager of Public Works negotiated on the acquisition of this property for several weeks, and staff feels that they have gotten a fair price for the property.

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems authorizing the City Attorney to prepare the paperwork for closing on the purchase of the property at the Recycling Center (901 Ellen Trout Drive). A unanimous affirmative vote was recorded.

18. COMMENTS

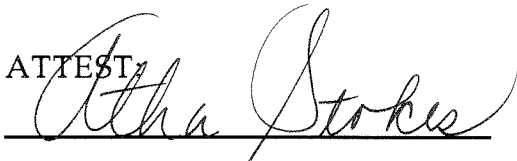
Councilman Simond stated that he had been traveling outside of East Texas recently and it was his understanding that while he was away that there had been three or four letters to the Editor of the newspaper regarding the City Council Travel Policy. Councilman Simond stated that he would like to point out that none of these letters had been received from North Lufkin.

City Manager Maclin stated that in front of the Councilmembers there was a Decision Package for the 1993-94 fiscal year reflecting items that were discussed and were unable to be funded. City Manager Maclin stated that if there were no objections, staff will proceed to add these items in the budget, and those items over \$2,000 will come back for bid approval by the Council.

City Manager Maclin stated that the monthly DETCOG meeting will be held on August 26th in Trinity at Waterwood.

19. There being no further business for consideration, meeting adjourned at 6:30 p.m.

ATTEST,



Atha Stokes - City Secretary



Louis A. Bronaugh - Mayor