

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
15TH DAY OF NOVEMBER, 1994 AT 5:00 P. M.**

On the 15th day of November, 1994 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 A. Bronaugh	Mayor
Percy Simond	Councilman, Ward No. 1
Don Boyd	Mayor pro tem
Larry Kegler	Councilman, Ward No. 3
Bob Bowman	Councilman, Ward No. 4
Jack Gorden, Jr.	Councilman, Ward No. 5
C. G. Maclin	City Manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Tucker Weems	Councilman, Ward No. 6
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Virgil Jackson, Minister, First Missionary Baptist Church.
2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that minutes of the Called Meeting of October 25, 1994 and the Regular Meeting of November 1, 1994 be approved as presented. A unanimous affirmative vote was recorded.

4. **PUBLIC HEARING - ANNEXATION - FM 324 - FM 1336 - GOBBLERS KNOB ROAD - DONALD ARNETT**

Mayor Bronaugh opened Public Hearing to consider annexation on approximately 16.697 acres bounded by FM 324, FM 1336, Gobblers Knob Road and the existing City Limits, as requested by Donald Arnett.

There was no opposition to the request.

Mayor Bronaugh closed Public Hearing.

5. **ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT - RESIDENTIAL SMALL ZONING DISTRICT - HENDERSON STREET - LOTUS LANE - JAMES & LOLA STOVER**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for a Special Use Permit for a parking lot in a Residential Small Zoning District located on Henderson Street, just north of Lotus Lane, as requested by James and Lola Stover.

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

6. RESOLUTION - APPROVED - DEPOSITORY/AUTHORIZED SIGNATORS DESIGNATION FORM - TCDP 1994 URGENT NEED CONTRACT - WATER IMPROVEMENTS

Mayor Bronaugh stated that the next item for consideration was a Resolution authorizing delegated persons to sign the Depository/Authorized Signators Designation Form for the TCDP 1994 Urgent Need Contract for water improvements.

City Manager Maclin stated that the Resolution designates the Mayor as the official signature for the City's grant and financial documents.

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

7. RESOLUTION - APPROVED - HOUSING FINANCE CORPORATIONS ACT TO PROPERTY WITHIN THE CITY - EAST TEXAS HOUSING FINANCE CORPORATION

Mayor Bronaugh stated that the next item for consideration was a Resolution approving the application of the Housing Finance Corporations Act to property within the City; authorizing and approving other matters relating to bonds to be issued by the East Texas Housing Finance Corporation; and repealing prior Resolutions or orders in conflict herewith.

City Manager Maclin stated that included in the packet is a letter of explanation from Mike Byrd and a memorandum from Attorney Robert Dransfield of Fulbright and Jaworski. City Manager Maclin stated that the City has approved Resolutions similar to this type of program in the past. City Manager Maclin stated that this program allows cities of over 20,000 population within the geographic confines of the East Texas Housing Finance Corporations to receive allocations of funding for first time home builders at a reduced interest rate.

City Manager Maclin stated that First Bank & Trust, Bluebonnet Savings, Lufkin Federal, and Gann-Medford Realty had participated in this program in the past.

City Manager Maclin stated that the program serves a good purpose for the community in that it does give a first time homebuyer a break on interest rates by allowing them to finance a home at 7.48%.

City Manager Maclin stated that passage of this Resolution does not in any way obligate the City of Lufkin, but rather is a vehicle that is needed by Federal law in order to access these bond monies.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Resolution be approved as presented. A unanimous affirmative vote was recorded.

8. RESOLUTION - APPROVED - CLOSING UNNAMED RAILROAD CROSSING - SOUTHERN PACIFIC RAILROAD - FEAGIN DRIVE - SOUTHWOOD DRIVE

Mayor Bronaugh stated that the next item for consideration was a Resolution for the closing of the unnamed railroad crossing between Feagin Drive and Southwood Drive.

City Manager Maclin stated that several months back representatives from Southern Pacific Railroad and the Federal Railroad Inspection and Safety Regulators came through Lufkin to look at the railroad crossings. City Manager Maclin stated that the railroad has a program nationwide where they are going to close 10% of all

the crossings in America as a way of reducing accidents that happen between a car and a train. City Manager Maclin stated that the railroad representatives viewed all of the crossings in the City of Lufkin, and there were some locations that were logical due to the proximity of being very close to each other that would be up for consideration to close. City Manager Maclin stated that in the meantime the voters of Lufkin passed a Bond Election for the widening of Feagin Drive. The Southern Pacific Railroad owns a good portion of the north side of the street that the City would need for Feagin. City Manager Maclin stated that the City now has some leverage to approach the railroad with.

City Manager Maclin stated that the goal to achieve here would be in return for closing this crossing, they would then agree to provide the City the right-of-way that is needed for Feagin Drive.

City Manager Maclin stated that if Council approves this Resolution, staff will forward it on to Southern Pacific in hopes that it would be approved by them and the City would get the deed and title to the right-of-way that is needed for the expansion of Feagin Drive.

City Manager Maclin stated that there are two other crossings east and west of this crossing that are not too far away that are in better condition and wider, so this area of town will not be without a crossing.

In response to question by Mayor Bronaugh, City Manager Maclin stated that the closing of the unnamed crossing will be accomplished during the construction phase of the roadway improvements in exchange for the additional Southern Pacific right-of-way along Feagin Drive and parallel to the Southern Pacific Railroad tracks, between Pershing Avenue and Loop 287.

Mr. Wesch stated that if Southern Pacific does not agree to give the City the right-of-way, then he will come back to Council and ask that the crossing not be closed.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Resolution for the closing of the unnamed railroad crossing between Feagin Drive and Southwood Drive be approved as presented. A unanimous affirmative vote was recorded.

9. RESOLUTION - APPROVED - NOTICE OF INTENTION TO ISSUE REVENUE BONDS

Mayor Bronaugh stated that the next item for consideration was a Resolution approving and authorizing the giving of notice of intention to issue revenue bonds.

City Manager Maclin stated that this Resolution is needed to issue revenue bonds to pay for replacement of the asbestos cement pipe in the well field and the new digester at the Waste Water Treatment Plant.

Motion was made by Councilman Don Boyd and seconded by Councilman Jack Gorden, Jr. that Resolution be approved as presented. A unanimous affirmative vote was recorded.

10. REQUEST - DENIED - SUBSTITUTE BASE MATERIAL - RODNEY MOORE HOMES, INC. - CITY'S ETJ

Mayor Bronaugh stated that the next item for consideration was request of Rodney Moore Homes, Inc. to utilize a substitute base material for the development of his subdivision within the City's ETJ.

City Manager Maclin stated that two meetings ago this request was brought before Council and staff requested more time to seek input from area professionals to get more background. City Manager Maclin stated that staff's feeling was that this was a

substitute base material that would be adequate in the ETJ and should also be adequate within the City limits. City Manager Maclin stated that Asst. City Manager Wesch had included some letters from area engineering firms in the packet relating to this request.

Mr. Wesch stated that the letter from Pickett-Jacobs shows that they have been testing sandstone based material. Mr. Wesch stated that at the Council meeting several weeks ago the discussion was based on a limestone rock material and not sandstone. Mr. Wesch stated that the letters from local engineers are all in agreement that the sandstone material out of the Zavalla pit, or sandstone material in its truest form, is not a good base material. Mr. Wesch stated that a copy of the Texas Department of Transportation requirements for flexible base included in the packet does not include sandstone materials. Mr. Wesch stated that after all the research and talking with local engineers, it is staffs recommendation to Council that the sandstone base that Mr. Moore is requesting not be allowed to be used. Mr. Wesch stated that if Mr. Moore wants to consider a substitute base it should be a limestone rock material as required by the TxDOT handbook.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Bob Bowman to deny the request of Rodney Moore Homes, Inc. to utilize a substitute base material for the development of his subdivision within the City's ETJ. A unanimous affirmative vote was recorded.

11. CONTRACT - APPROVED - DEPARTMENT OF JUSTICE - CRIME BILL GRANT

Mayor Bronaugh stated that the next item for consideration was approval of a contract with the Department of Justice Crime Bill Grant.

City Manager Maclin stated that included in the packet is a memo from Chief Collins reiterating that the City has received notification and contract documents necessary for the City to enter into an agreement with the Department of Justice to receive the grant funds. City Manager Maclin stated that there are three steps required if the City agrees to accept this grant and signs the contract, and they are: (1) A complete understanding of the City's cost to participate (2) Designation of the City's fiscal contact person, and (3) Complete and file the necessary forms (the forms are included in the packet).

City Manager Maclin stated that the Chief has also prepared a budget for Council of the City's match. Chief Collins stated that Council has before them a budget proposal that outlines the salary and benefits portion of the Police Department budget that will be effected only for the terms of the contract. Chief Collins stated that the figures had changed somewhat and he was present tonight to explain the changes and how they came about. Chief Collins stated that the contract was dated October 12, and would run from 1994 for three Federal fiscal years, but the City does have the latitude to change the terms or the time on the contract. Chief Collins stated that the Police Department could not possibly get the people hired and get the program going before January of 1995, and he proposes to request an extension to make the contract run from January 1995 for three continuous years thereafter. Chief Collins stated that would mean that the City would only be eligible for 75% of the cost during this fiscal year. Chief Collins stated that the total amount of money needed for this current fiscal year to be transferred to the Police Department's payroll and benefits account is \$48,128.16, which would give the Department sufficient money to meet the City's 25% share. Chief Collins stated that the contract says that there is a 75/25 split, but the Feds reduced the City's grant request from \$518,000 down to \$508,000, and he is not aware of where this \$10,000 was cut from. Chief Collins stated that this means that the City will have to come up with an additional \$10,000 over what Council approved in October of 1993. Chief Collins stated that the figures are a little inflated because of this \$10,000, plus the fact that Council has authorized a pay raise for all personnel since then. Chief Collins stated that he is asking (1) for permission to do the grant (2) to authorize a transfer from the contingency fund to the Police Department salary and benefits account in the

amount of \$48,128.16, and (3) a transfer of funds to the Police Department 's operating budget for a total of \$10,500 to be used to buy seven guns at \$500 each, and to fully equip the seven new officers with uniforms, leather goods, etc. in the amount of \$7,000. Chief Collins stated that his total request is that \$58,628.16 be transferred to the Police Department so that the City can participate in this grant, and to authorize the City Manager to sign the contract so they can get started. Chief Collins stated that the Police Department has a sufficient number of names on the eligibility list and feel that they can hire all seven people and have them in uniform and working for the City by January 2, 1995.

In response to question by Councilman Simond, Chief Collins stated that one of the seven applicants is an African-American. Chief Collins stated that this will give the Department two African-American officers, and that Mickey Hadnot has resigned to work for DPS.

In response to question by Councilman Simond, City Manager Maclin stated that no money has been spent out of the General Contingency Fund, which started with a balance of \$150,000. In response to question by Councilman Simond, Chief Collins stated that the Contract states that the fourth year be totally at the City's expense, however, if the Contract is extended through December 31, 1998 the City will have three months of Federal money for that fiscal year which will reduce the amount by \$38,000.

In response to question by Councilman Gorden, City Manager Maclin stated that in accepting the three year Grant, Council is committing to keep the seven officers after the third year.

Mayor Bronaugh stated that it appeared to him that the City will have some natural growth over the next four or five years in the need for more officers. This will help in considering that growth now rather than wait four years to help the City get to that level. Chief Collins stated that the grant request is aimed at directing three basic problems that are anticipated across the nation in the next decade and they are drugs, juvenile crime and gang activity. Chief Collins stated that the City qualified for the grant because of a plan they submitted dealing with these three problems.

In response to question by Councilman Kegler, Chief Collins stated that there is one African American applicant and one Hispanic applicant included in the seven officers. Chief Collins stated that there are 13 names on the eligibility list and, in his opinion, seven of them are employable.

In response to question by Councilman Kegler, Chief Collins stated that a continuing problem of operating under the Civil Service law is affirmative action hiring. Chief Collins stated that the City has to by law, accept the number 1 candidate who passed the test and go down the list accordingly. Chief Collins stated that, in his opinion, the Police Department has done everything they could to hire minority applicants. Chief Collins stated that the Department is now using a testing plan that requires the applicant to be certified, or completed the basic academy, and at the Council's expense the Department is sending minority applicants through the Academy.

In response to question by Councilman Kegler, Chief Collins stated that the case of Stephenville is final now and the Court ruled that Stephenville could do away with their Civil Service by a plurality vote. Chief Collins stated that citizens of the City of Lufkin would have to circulate a petition to call an election to repeal Civil Service. Councilman Boyd stated that a TML committee of which he is a member is proposing a policy to the Legislature that any certified peace officer who passes the Civil Service test can be hired regardless of his score.

Chief Collins stated that he and Personnel Director Kerry Little went to Austin last year when Representative Billy Clemons introduced similar legislation and he included some provisions for a promotional process that caused a reaction from the

Unions. Chief Collins stated that this year he has asked Representative Clemons to leave the promotional process out and just present the initial employment process in there so that anyone who establishes their competency comes in as an equal.

In response to question by Councilman Kegler, Mayor Bronaugh stated that repealing of the Civil Service law could be held at a special election, or the regular election in May. City Manager Maclin stated that it would take a petition with 10% of the registered voters in the last election to call an election. Councilman Kegler asked that the City Manager send him the requirements for calling an election.

Chief Collins stated that the Department has four vacancies at the present time, which does not include the seven officers covered by this Grant. Chief Collins stated that he will not be able to fill all the positions from the current eligibility list but will have to give another Civil Service test.

Mayor Bronaugh stated that he would like to compliment the Police Department and Personnel Department on the work they have done on the minority hiring process.

Councilman Simond stated that he is concerned about the money situation and would like to know where staff projects the \$237,000 will come from for the fourth year. City Manager Maclin stated that basically what Council is deciding tonight is that in essence they will be approving \$58,000 out of the contingency fund for the remainder of this fiscal year, and for FY 1995-'96, 1996-'97, funds in the amount of \$70,000 and \$80,000 will be approved as Decision Packages for the Police Department. Then in the 1997-'98 FY budget, Council will be approving a \$240,000 Decision Package in order to maintain the seven additional police officers. City Manager Maclin stated that this will obviously make less money available for other projects. City Manager Maclin stated that the City in its normal growth pattern has been averaging the net of \$500,000 to \$800,000 a year increase in the budget in sales tax and property value growth. City Manager Maclin stated that in essence Council will be saying that they are going to commit some of these funds towards the Police Department. Councilman Simond stated that he was concerned that the other City departments will not have the opportunity of coming to Council for a four year advance on their budgets.

Chief Collins stated that it is important that Council looks at the fact that the Police Department will need additional officers along the line too. Chief Collins stated that if the City does not participate in the Grant, they will be paying 100% for these officers. Councilman Boyd stated that the City is constantly growing and it would be wise to get these seven officers while the Grant money is available.

In response to question by Mayor Bronaugh, Chief Collins stated that he had made the presentation to the Council in October of 1993 and had submitted the application for the Grant at that time.

Councilman Kegler stated that if Council is going to invest this much money over a five or six year period, we should invest the money in a way that it would look more like the neighborhood.

In response to question by Councilman Gorden, Chief Collins stated that two months of this fiscal year have already passed and the Department cannot have these people on board before January. Chief Collins stated that what the Department of Justice has offered begins in October of 1994, and he will be requesting that the three years begin in January of 1995 so that the grant will end in 1998.

Chief Collins stated that, in his opinion, by the time the Council sees the full effect of the current Penal Code that lowered the punishment on over 50% of the crimes committed in Texas, and the fact that Angelina County is not going to address the jail problem, they will wish that there was a Police Officer on every street corner three years from now. Chief Collins stated that if a person steals a car that sells for

\$19,000 he will never go to prison, but if he steals a car over \$20,000 he will go to prison. Chief Collins stated that there is no punishment for selling drugs anymore in Texas. Chief Collins stated that Community Policing is the only hope the City has to have a manageable situation to start reducing the number of calls for service. Chief Collins stated that Community Policing is crime reduction and crime prevention, it is getting away from the old traditional way policemen react to crime. Instead of waiting by the telephone to be notified of a crime, community policing is out in the neighborhood preventing crime. Chief Collins stated that the City currently has two shifts of community policing officers.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman to approve the Contract from the Department of Justice for the Crime Bill Grant as presented.

Councilman Simond stated that he does not believe that within three years there will be \$237,000 that can be given to the Police Department. Councilman Simond stated that, in his opinion, it is not fair to give this much money in advance to one department. Councilman Simond stated that he concurred with Councilman Kegler that the police officers should represent the neighborhood.

A unanimous affirmative vote was recorded.

12. BID - APPROVED - ADMINISTRATIVE AND LABORATORY BUILDING EXPANSION - WASTEWATER TREATMENT PLANT - MOORE BROS.

Mayor Bronaugh stated that the next item for consideration is expansion of the administrative and laboratory building at the Wastewater Treatment Plant.

City Manager Maclin stated that four bids were received and staff recommendation is to award the low bid of Moore Bros. in the amount of \$147,850.

Motion was made by Councilman Larry Kegler and seconded by Councilman Bob Bowman that bid of Moore Bros. in the amount of \$147,850 be approved as submitted. A unanimous affirmative vote was recorded.

13. REPORT - TABLED - FIRST SOUTHWEST COMPANY - DICK LONG

Mayor Bronaugh stated that the next item for consideration was a report by Dick Long of First Southwest Company.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that report be tabled at this time. A unanimous affirmative vote was recorded.

14. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:14 p. m. to enter into Executive Session. Regular Session reconvened at 7:59 p. m. and Mayor Bronaugh announced that Council had discussed attorney-client matters and possible litigation.

15. COMMENTS


Councilman Kegler stated that he would like for this Council to make sure that they work hard and diligently to make the Police force look like the neighborhood.


City Manager Maclin reminded Council of the following dates: Wednesday, November 16 at 11:30 - Grace Dunn Richardson Park dedication and lunch; Thursday, November 17 - DETCOG meeting in Livingston; and, Friday, November 18 at 10:00 a.m. - DETDA in Jasper.

Mayor Bronaugh reminded Council of the Neighborhood Alliance meeting at 6 :00 p.m. Thursday night in Room 202 at City Hall.

Mayor Bronaugh stated that on Tuesday, November 22, TxDOT will hold a Public Hearing on the Texas Transportation Plan, and urged Councilmembers to attend.

16. There being no further business for consideration, meeting adjourned at 8:03 p.m.

ATTEST:

Atha Stokes - City Secretary


Louis A. Bronaugh - Mayor