

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE
1ST DAY OF MARCH, 1994 AT 5:00 P.M.**

On the 1st day of March, 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
Don Boyd	Mayor pro tem
Larry Kegler	Councilman, Ward No. 3
Bob Bowman	Councilman, Ward No. 4
Jack Gorden, Jr.	Councilman, Ward No. 5
Tucker Weems	Councilman, Ward No. 6
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

Percy Simond	Councilman, Ward No. 2
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Ron Alford, Minister of Music and Youth, First Christian Church.
2. Mayor Bronaugh welcomed visitors present.

**3. RECOGNITION AND PRESENTATION OF CRIMINAL JUSTICE AWARD -
LUFKINLAND NEIGHBORHOOD ASSOCIATION**

Mayor Bronaugh stated that because Rev. Simmonds was out of town and unable to attend tonight's meeting, Councilman Kegler was requesting that this presentation be tabled until next meeting of the Council. (Mayor Bronaugh stated that the next regularly scheduled meeting of the Council is March 15, however, since five of the Councilmembers will be attending the National League of Cities meeting in Washington, D. C. and returning the afternoon of the 15th, the meeting had been rescheduled for March 22.)

4. APPROVAL OF MINUTES

Minutes of Regular Meeting of February 15, 1994 were approved on a motion by Councilman Don Boyd and seconded by Councilman Larry Kegler. A unanimous affirmative vote was recorded.

**5. PUBLIC HEARING - ANNEXATION PROCEEDINGS - BRENTWOOD DRIVE
AND WHITE HOUSE DRIVE**

Mayor Bronaugh opened Public hearing to consider annexation proceedings at the southeast corner of Brentwood Drive and White House Drive.

City Manager Maclin stated that this annexation was initiated by virtue of the fact that an individual came to Council requesting City services at the corner of Brentwood and White House. City Manager Maclin stated that since the City did have property on two sides of this tract, it was appropriate that this tract be annexed along with the request that was made previously for City services.

There was no one present in opposition of the request.

Mayor Bronaugh closed Public Hearing.

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE TO RESIDENTIAL SMALL - LOTUS LANE AND HENDERSON STREET - JAMES & LOLA STOVER - BUSTER NUGENT - MRS. WILLIAM HENLEY

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for a Zone Change from Residential Large to Residential Small on Lotus Lane and Henderson Street as requested by James and Lola Stover, Buster Nugent and Mrs. William Henley.

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

7. ORDINANCE - APPROVED - SECOND READING - CITY ELECTION - COUNCILMEMBER POSITIONS - CHARTER REVISIONS - POLLING PLACES - SETTING DATE OF ELECTION

Mayor Bronaugh stated that the next item for consideration is Second Reading of an Ordinance providing for the calling of a City election for Councilmember positions and Charter revisions, establishing polling places, and setting a date for the election.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that Ordinance be approved on Second and Final Reading. The following vote was recorded:

Aye: Councilmen Bowman, Kegler, Gorden, Boyd, Mayor Bronaugh
Nay: Councilman Weems

Motion carried by a vote of 5 to 1.

City Attorney Flournoy stated that at last Council meeting the stipend for the Councilmembers was discussed and they had voted to establish compensation at \$350 per Councilmember and \$500 for the Mayor. Mr. Flournoy stated that he had been asked about the percentage of increase that has amounted to over the last 28 years. Mr. Flournoy stated that based on original calculation of \$20 per month using the formula doubling that amount every seven years or eight years, that is how it was determined to be \$350. Mr. Flournoy stated that the way he had calculated the compensation at \$350 was a 6% increase, and Councilman Weems had done some calculations and it was more accurate at 10% compounded over that same period of time.

Councilman Weems stated that he would like for the record to reflect that the \$350 should be approximately \$107 and the \$500 should be approximately \$161, as based on the Houston Consumer Price Index of 6.2.

8. ORDINANCE - APPROVED - SECOND READING - HOTEL/MOTEL DELINQUENT TAX COLLECTION

Mayor Bronaugh stated that the next item for consideration is Second Reading of an Ordinance revising Hotel/Motel delinquent tax collection in accordance with current State legislation.

City Manager Maclin stated that a revised copy of the Ordinance had been placed before the Councilmembers to reflect the following changes: Grammatical changes

to paragraphs (c) and (d) under Section 4 Tax Collection; a reduction in the number of days the City would issue the Certificate; and a clarification on the City Treasurer, which would be the Director of Finance, Mr. Mayfield.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that Ordinance be approved on Second Reading with the changes as outlined above. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT (ANIMAL SHELTER) - ANGELINA COUNTY HUMANE SOCIETY - BUDDY ZEAGLER - WEST LOOP

Mayor Bronaugh stated that the next item for consideration is request of Buddy Zeagler, on behalf of the Angelina County Humane Society, for approval of a Special Use Permit for an animal shelter on approximately 3.966 acres out of the Jessie Blackburn Survey currently zoned Light Manufacturing and located on the inside of the West Loop.

City Manager Maclin stated that included in the Council packet is a recommendation by the Planning Department, and a unanimous recommendation by the Planning and Zoning Commission for approval of this Special Use Permit.

Buddy Zeagler, President of the Angelina Humane Society, Inc., was present to represent the request.

There was no opposition present.

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

10. ORDINANCE - APPROVED - SPECIAL USE PERMIT (PRIVATE CLUB) - CENTRAL BUSINESS ZONING DISTRICT - BARRION JOHNSON /JERRY MOORE

Mayor Bronaugh stated that the next item for consideration is a request by Barrion Johnson, on behalf of Jerry Moore, to amend the Special Use Permit for a private club at 112 S. First Street within a Central Business Zoning District.

City Manager Maclin stated that included in the packet was a memo from the Planning Department and a recommendation of the Planning & Zoning Commission by a vote of 6 to 1 to approve this Amendment. City Manager Maclin stated that basically this is an Amendment to the original floor plan for the club to expand the utilization of that facility to include a third floor, or second floor mezzanine. City Manager Maclin stated that the applicant indicated the desire to have the third floor available for reservations and overflow from the restaurant.

Barrion Johnson, co-owner of the private club, stated that he had met with the Fire Marshal and the City Building Official, and he is in compliance with all City Ordinances. City Manager Maclin stated that the emergency exit for the stairwell on the third floor is an emergency exit only, it does face First Street but is not an entrance and does not come in conflict with any other entrance requirement.

Mr. Johnson stated that he is the co-owner of the Cotton Square Cafe Meeting Place. Mr. Johnson stated that the third floor is not the mezzanine, there is a first floor and second floor and the mezzanine area is where the restaurant is located.

In response to question by Councilman Bowman, Mr. Johnson stated that the first floor is the club area and the amendment will be to include the second floor. Mr. Johnson stated that Abram's did not have a permit for the second floor, which will be used for banquets and private gatherings. Restrooms and a fire exit approved by

the Fire Marshal will be added in order to utilize the second floor.

Mr. Johnson stated that he is trying to get away from the negative connotation of a private club and that is why they are calling it the "Cotton Square Cafe Meeting Place".

Councilman Bowman stated that there had been problems with the previous establishment. Mr. Johnson stated that, in his opinion, those problems could be solved with proper management. Mr. Johnson stated that maintenance of the alleys will be included in one of the employee's job description.

Motion was made by Councilman Larry Kegler and seconded by Councilman Don Boyd that Ordinance be approved on First Reading as presented. The following vote was recorded:

Aye: Councilmen Boyd, Kegler, Gorden, and Mayor Bronaugh

Nay: Councilmen Bowman and Weems

Motion carried by a vote of 4 to 2.

11. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE AND RESIDENTIAL LARGE, SPECIAL USE (TRUCK TERMINAL) TO COMMERCIAL - RUFUS DUNCAN, JR. AND OTHERS

Mayor Bronaugh stated that the next item for consideration is request of Rufus Duncan, Jr. and others to change the zoning on approximately 43.07 acres located at the northwest corner of Loop 287 and Homer Alto Road from Residential Large and Residential Large, Special Use (Truck Terminal) to Commercial.

City Manager Maclin stated that back in 1990 when this property was annexed into the City it was kind of a fragmented annexation, and portions of the tracts were extended beyond the City limit line, and only that portion that was within the City could be zoned. City Manager Maclin stated that the land located within the City was zoned "Commercial" and "Residential Large, Special Use (Truck Terminal)", and basically this is an attempt to provide uniformity to all the property. City Manager Maclin stated that the Planning & Zoning Commission unanimously recommends approval of this request.

There was no opposition present.

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

12. RESOLUTION - APPROVED - LEASE PURCHASE AGREEMENT - GOVERNMENT CAPITAL CORPORATION - REFUSE CONTAINERS WITH RADIO FREQUENCY ID SYSTEMS

Mayor Bronaugh stated that the next item for consideration is a Resolution for Lease Purchase Agreement for financing of refuse containers with radio frequency ID systems.

City Manager Maclin stated that Council had voted on this item at last meeting of the Council in principle with the understanding that staff would bring back a Resolution document to follow through on the financing of the refuse containers for the Solid Waste Department. City Manager Maclin stated that staff also indicated that they would work with Government Capital Corporation to try to reconfigure the lease payments and interest requirements in order to gain more interest savings for the City. City Manager Maclin stated that Mr. Mayfield had worked this out with GCC and achieved an additional \$19,000 in interest savings by using the funds in this year's budget, leveraging a capital payment up front, and with the timing that

10,000 of the containers would be paid for in April and 10,000 would be paid for in August.

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.

13. RESOLUTION - APPROVED - DEEP EAST TEXAS NARCOTICS TRAFFICKING TASK FORCE

Mayor Bronaugh stated that the next item for consideration is a Resolution for participation in the Deep East Texas Narcotics Trafficking Task Force.

City Manager Maclin stated that basically this is the appropriate time of the year to consider renewal of participation in the Deep East Texas Narcotics Trafficking Task Force, and we do have the funds allocated in the Police Department's budget to meet the financial requirements.

In response to question by Mayor Bronaugh, Chief Collins stated that the grantee of the program for 1994-95 is Sheriff Joe Evans of Nacogdoches. Chief Collins stated that it is his recommendation to continue participation in the program. Chief Collins stated that the efforts of the past year have been more successful than they have been in past years.

In response to question by Councilman Boyd, Chief Collins stated that this contribution is the same as last year, approximately \$13,000-\$15,000. Chief Collins stated that it is anticipated that the program will pick up two new members this year.

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

14. RESOLUTION - APPROVED - DARE PROGRAM - GRANT APPLICATION

Mayor Bronaugh stated that the next item for consideration is Resolution for DARE Program grant application.

City Manager Maclin stated that the desire to continue the DARE Program had been discussed in a previous Council meeting. City Manager Maclin stated that with the assistance of a DETCOG Criminal Justice staff member and the efforts of the Police Department and the County we have drafted an application that will provide a vehicle for continuance of this program and some expansion.

Chief Collins stated that he would like to give credit for the preparation of the grant request to Deputy Chief David Kirkland. Chief Collins stated that this is basically a \$102,000 total project, with 75% State money and 25% local match, to provide the DARE officers to teach the DARE curriculum in every fifth grade class in Angelina County. Chief Collins stated that this will take in those four schools which do not now have the DARE education. Chief Collins stated that currently the program is operating in Lufkin and at Hudson School where they contract with Officer David Fudge to teach the program, which is totally funded by the School District. Chief Collins stated that this application will go to the Governor's office of Criminal Justice, and it will be funds that the Task Forces throughout the State are competing for. However, they have set aside a certain percentage of that enforcement money for educational purposes. Chief Collins stated that this grant meets the criteria in that it is multi-jurisdictional, in that there are six independent school districts, Angelina County and the City of Lufkin. There will be funds for two full-time positions for police officers to do nothing but teach the program to fifth grades classes throughout the County, one of which would be a Lufkin Police Officer and the other, a County Sheriff's Deputy. The City of Lufkin would be compensated

for nearly 100% of the cost for maintaining this officer. Angelina County would be reimbursed nearly 100% of the cost to provide the Deputy Sheriff. The first year of the grant calls for the purchase of a new vehicle for the Sheriff's Department Officer to travel to the five outlying school districts. Chief Collins stated that there are 49 fifth grade classes within the County; 29 of those are in the City.

Chief Collins stated that the amount the schools would contribute to the program is almost equivalent to the 25% match for the total program. The City of Lufkin's expenditure would be to provide a vehicle to our officer and the expense of operating the vehicle. Chief Collins stated that he did not anticipate any additional expenses to the LPD. Chief Collins stated that as far as administering the grant this is a County Grant and Judge Joe Berry will sign the grant request.

In response to question by Councilman Boyd, Chief Collins stated that the grant will be submitted on March 15. Chief Collins stated that the school is working on a backup plan if the funding does not come through; however, there is a lot of support from Everett Alford, who stated as late as today that he is optimistic. Chief Collins stated that he anticipates that the Chamber of Commerce Committee that is involved in this process will step in and come up with an alternate plan. Chief Collins stated that it is anticipated that the program will be operational in September of 1994.

Councilman Gorden expressed his appreciation to Deputy Chief Kirkland for his participation in drawing up the grant application.

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

15. RESOLUTION - APPROVED - MUNICIPAL BOND ELECTION - STREET IMPROVEMENTS

Mayor Bronaugh stated that the next item for consideration is Resolution ordering Municipal Bond Election for street improvements and establishing date of the election.

City Manager Maclin stated that as directed by the Council at the last meeting, there is a Resolution in the packets prepared by the Bond Counsel, which includes a sample ballot. City Manager Maclin stated that there is a generic time frame for a maximum of 25 years, but the City will probably do this on a 15-year note.

City Manager Maclin stated that as brought out in the last Council meeting, the tax increase necessary to amortize the \$8.65 million would be approximately 5 cents per \$100 evaluation.

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

16. GRANT ACCEPTANCE - APPROVED - TLL TEMPLE FOUNDATION - ANGELINA CHAMBER INDUSTRIAL FOUNDATION - RECYCLING CENTER

Mayor Bronaugh stated that the next item for consideration is acceptance of a grant and contract assurances with the TLL Temple Foundation and the Angelina Chamber Industrial Foundation for a new recycling center.

Mayor Bronaugh stated that he would like to publicly thank the TLL Temple Foundation for their support of an idea the City had a number of years ago for recycling in the City of Lufkin. Mayor Bronaugh stated that the Foundation had approached the City with a willingness to participate in the program. The City's program has been a success to the point that we have now outgrown the present

facilities and staff went back to the Foundation with a report and are now considering an agreement that has been included in the Council packet.

City Manager Maclin stated that a quick preface to how the City got to this point in terms of need, the City's recycling program has been very successful in terms of the volume of material that has been received and processed at the center. City Manager Maclin stated that as we look forward and anticipated the increase in materials from a City-wide curbside program, and the regional recycling program with the City of Nacogdoches via the Texas Natural Resources Conservation Commission Grant, it was apparent that we would be recycling materials that were exceeding our capacity and ability at the current site. City Manager Maclin stated that staff began to look at alternatives and options, and the TLL Temple Foundation had been very supportive in previous grant applications and gave an indication that if we did well with what we received they would consider further participation at the appropriate time. City Manager Maclin stated that staff has met with the TLL Temple staff and looked at the existing site for possible expansion and have determined that there would be additional costs because of topography at that existing site. City Manager Maclin stated that looking at additional sites owned by the Angelina Chamber Industrial Foundation, we ran into the same problem with topography which would have created additional expense for site preparation in leveling. There is a site that the Chamber Industrial Foundation had purchased through a Temple Grant on FM 819 and the topography was excellent, requiring minimal dollars to be spent in site preparation.

City Manager Maclin stated that in regard to economic development, the Recycling Center on the Loop is a potential site for a new business as an industrial park to locate in our City. City Manager Maclin stated that the City began to explore the possibilities of the 55 acre site on FM 819 after a meeting with the Temple Foundation staff and discussion of a plan to meet the City's needs. City Manager Maclin stated that there are several aspects to the plan, which he will try to break down into four pragmatic parts. The Temple Foundation would build a new recycling center on the rear nine acres of the 55-acre tract and would gift that facility to the City upon its completion. Simultaneously with the gifting of the property, the Chamber Industrial Foundation would gift the nine acres. The new site will enable the City to consolidate the composing facility which is presently at the old landfill site north of the Ellen Trout Park area, and have adequate room for expansion in the future. Secondly, the Temple Foundation would provide a grant to the City of Lufkin in the amount of \$355,000 for the City to construct an entrance road and install utility lines to service the new recycling facility, and likewise the acreage on the Industrial Park. In return for these items, the City's commitment of participation in this project would include the extension of water and sewer service to the frontage of the property on FM 819, and after the new recycling facility is completed and all the items above have taken place, and the City has relocated its recycling operations to the new site, then the City would take the existing building it owns with the six acres and gift it to the Industrial Foundation for the express purpose of creating a business incubator to help new businesses get started in the City.

City Manager Maclin stated that included in the packet materials is a breakdown of the water line installation at a material cost of \$24,122 and the sewer line installation at \$10,787.50 (at the City's costs, if these items were contracted out it would cost \$46,065 for the water line and \$35,187 for the sewer line installation.)

City Manager Maclin stated that he is seeking Council's authorization tonight, in addition to authorization for signatures to be applied to the Temple Foundation letters included in the packet, for the \$24,122 in material cost for the water line and \$10,787.50 for the sewer line to come from the Utility Contingency Fund and authorize staff to install the lines and connect the Industrial Park to the City. City Manager Maclin stated that staff will be coming back to Council, possibly this summer, for a recommendation for annexation of the Industrial Park.

The road would be dedicated easement to the City and the Temple Foundation is providing full funding for a 32' concrete, curb and gutter industrial street and the water and sewer lines.

City Attorney Flournoy stated that he noticed an option in the agreement for acquiring an five additional acres of land adjoining this property on the south side. City Manager Maclin stated that the City had gone from a 6,000 SF site to a 20,000 SF site.

In response to question by Councilman Bowman, City Manager Maclin stated that there will be minor refurbishing costs for the economic development incubator site and the Temple Foundation will consider a grant to cover the costs. City Manager Maclin stated that the City has no obligations in terms of costs relating to that refurbishing.

City Manager Maclin stated that included in the packet are two letters that are requested by the Temple Foundation for the City to sign stating that we will meet these obligations that he mentioned earlier. City Manager Maclin stated that the only documents not included in the packet at this time are the financial arrangements that will be forthcoming for the conveying the nine acres of property to the City.

In response to question by Councilman Gorden, City Manager Maclin stated that there is currently \$150,000 in the Utility Fund and no monies in this fund have been spent in this year's budget.

Motion was made by Councilman Tucker Weems and seconded by Councilman Jack Gorden, Jr. to approve the contractual agreements with the TLL Temple Foundation for the new recycling center. A unanimous affirmative vote was recorded.

17. BID - APPROVED - MATERIAL SORTING MACHINE - RECYCLING CENTER - INDUSTRIAL DISPOSAL SUPPLY

Mayor Bronaugh stated that the next item for consideration is bids for a material sorting machine to be used at the Recycling Center.

City Manager Maclin stated that staff recommendation is the low bid of Industrial Disposal Supply in the amount of \$185,000. City Manager Maclin stated that funding for this item is appropriated as follows: \$58,920.57 will come from the TNRCC Grant; \$99,673.81 will be taken from the Temple Grant; and, the balance of \$26,405.62 will be funded from the Solid Waste Contingency Fund.

City Manager Maclin stated that this will give the City the ability to process the larger volumes of materials much more efficiently and effectively than in the past. The design of this new facility will incorporate this piece of equipment and the new equipment will not be delivered until the new facility is read, so there will be no relocation expense.

In response to question by Councilman Gorden, City Manager Maclin stated that an optimistic goal is that the facility will be in operation by the first of August.

Motion was made by Councilman Larry Kegler and seconded by Councilman Don Boyd that the bid of Industrial Disposal Supply in the amount of \$185,000 be approved as submitted. A unanimous affirmative vote was recorded.

18. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:10 p. m. to enter into Executive Session. Regular Session reconvened at 6:55 p.m. and Mayor Bronaugh announced that Council had discussed legislative matters, and the creation and appointment of

members to a City Board. No decisions were made in Executive Session.

19. COMMENTS

Councilman Bowman stated that he had noticed that there were a number of lawsuits involving flow control lawsuits regarding ownership of the recyclable materials and asked if there had been any research on this by the City staff. City Manager Maclin stated that most of the government entities agree that once the material is in the container and picked up by the City, it is the possession and responsibility of the City. Councilman Bowman stated that that is now being challenged.

Mayor Bronaugh stated that on Thursday between 1:00 p.m to 4:00 p.m. at the Angelina College, the Texas Natural Resource Conservation Commission will receive input from different entities on things they can do to help on some of the unfunded mandates. Mayor Bronaugh stated that the City and County will be making a presentation at this meeting.

Mayor Bronaugh stated that at the First Friday luncheon the City of Lufkin will be recognized for the Recycling Program.

20. There being no further business for consideration, meeting adjourned at 9:33 p.m.



Louis A. Bronaugh - Mayor

ATTEST:



Atha Stokes - City Secretary