

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
5TH DAY OF MARCH, 1996 AT 5:00 P. M.**

On the 5th day of March, 1996 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
Percy Simond	Councilmember, Ward No. 1
Betty Jones	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Stephen Abraham	Director of Planning
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Pastor Josephine Hughes, Covenant of Love Ministry.
2. Mayor Bronaugh welcomed visitors present. Mayor Bronaugh presented Certificates of Commendation for heroic efforts on February 11 to Randy and Keri Smithhart, Mary Aughenbaugh and Darryl Collins for their part in removing passengers from a burning car on Ellis Street. Mayor Bronaugh also presented a Certificate of Commendation to Lt. Greg Denman of the Lufkin Police Department for his participation in this rescue effort.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the minutes of the Called Meeting of January 9, 1996, Called Meeting of February 12, 1996 and the Regular Meeting of March 5, 1996 be approved as presented. A unanimous affirmative vote was recorded.

4. **DEMONSTRATION - CITY OF LUFKIN - WEB SITE - INTERNET**

City Manager Maclin stated that today staff wanted to demonstrate the City of Lufkin's Worldwide Home Page, which has been on the Internet for several weeks. City Manager Maclin stated that this Home Page is aimed at those people who would like information about Lufkin in regard to economic development, site locators, and expansion opportunities.

City Manager Maclin stated that the City's web page is hosted through LCTX.

City Manager Maclin stated that included in the City's web page is the City of Lufkin profile, the Mission Statement, a page to meet the Mayor and Councilmembers, a listing of all the Board, Commissions and Committees, a listing of all City telephone and fax numbers plus some recycling information. City Manager Maclin stated that also available to the City is information about the U S Senate, and access to the Weather Bureau.

5. **PUBLIC HEARING - HARPER ROAD AND LOOP 287 - CROSSOVER CLOSURE**

Mayor Bronaugh opened Public Hearing to consider the closure of the crossing at 3/05/96

Harper Road and Loop 287.

There was no one present for or against this request.

Mayor Bronaugh closed Public Hearing.

6. ORDINANCES - APPROVED - SECOND READING - AMENDMENT TO ZONING ORDINANCE - FEE CHANGES AND AMENDMENTS - SUBDIVISION ORDINANCE

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinances amending the Zoning Ordinance relating to fees for changes and amendments, and amending the Subdivision Ordinance relating to filing fees.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that Ordinances amending the Zoning Ordinance relating to fees for changes and amendment, and amending the Subdivision Ordinance relating to filing fees be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. RIGHT-OF-WAY PURCHASE - APPROVED - TxDOT - U S 69 OVERPASS AT LOOP 287

Mayor Bronaugh stated that the next item for consideration was payment of matching funds to TxDOT to purchase additional right-of-way for the overpass at U S 69 and Loop 287.

City Manager Maclin stated that included in the Council packet was a letter from Tina Walker, engineer for TxDOT, addressing some questions brought up by Councilmember Boyd at the last meeting, and a letter from the Asst. Manager of Public Works.

City Manager Maclin stated that the staff recommendation is to submit the \$45,000 to TxDOT, which represents the City of Lufkin's 10% match towards this project.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that payment of matching funds in the amount of \$45,000 to TxDOT to purchase additional right-of-way for the overpass at U S 69 and Loop 287 be approved as presented. A unanimous affirmative vote was recorded.

8. CROSSING CLOSURE - APPROVED - SHADY PINE AND LOOP 287 - TxDOT

Mayor Bronaugh stated that the next item for consideration was closure of the crossing at Shady Pine and Loop 287.

City Manager Maclin stated that a Public Hearing was held on this item at the last Council meeting. City Manager Maclin stated that the net effect of closing all three crossings (Shady Pine, Harper Road, and Paul Avenue) would be that there would be no crossovers between Lufkin Avenue and Atkinson Drive, as a safety measure to try and eliminate some of the accidents that have been occurring in this area. City Manager Maclin stated that included in the packet is a statistical sheet noting the accidents that have occurred at Paul Avenue. City Manager Maclin stated that staff felt that in previous discussions at the Public Hearings, as well as input from the public and the Department of Transportation, by closing Paul and not closing the other crossings it would have a tendency to relocate potential safety problems that were created at Paul Avenue. City Manager Maclin stated that the long term goal of the Department of Transportation is to have the East Loop in an interstate type standard to where there would be no crossovers except at grade crossings. City Manager Maclin stated that there are U-turn provisions at Lufkin Avenue and Atkinson Drive.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that request of TxDOT for the closure of the crossing at Shady Pine and Loop 287 be approved as presented. A unanimous affirmative vote was recorded.

9. **CROSSING CLOSURE - APPROVED - HARPER ROAD AND LOOP 287 - TxDOT**

Mayor Bronaugh stated that the next item for consideration was closure of the crossing at Harper Road and Loop 287 as requested by TxDOT.

City Manager Maclin stated that a Public Hearing for this item was presented earlier in the Agenda.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that request of TxDOT for the closure of the crossing at Harper Road and Loop 287 be approved as presented. A unanimous affirmative vote was recorded.

10. **PETITION - ACCEPTED - COLLECTIVE BARGAINING - FIREFIGHTERS - POLICEMEN**

Mayor Bronaugh stated that the next item for consideration was a petition calling for vote on Collective Bargaining for the firefighters and policemen in the Lufkin Fire Dept. and Lufkin Police Department.

In response to question by Mayor Bronaugh, City Secretary Atha Stokes stated that 69 names were needed for the petition and the petition received had 245 names. City Manager Maclin stated that included in the Council packet was a memorandum from the City Secretary verifying that a petition was received in accordance with State law and it did have the required 69 names in order to be included on the ballot. City Manager Maclin stated that 111 names were verified with the Tax Assessor/Collector's office with Voter Registration roles making it an official petition.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Don Boyd to accept the petition of the Lufkin Firefighters and Lufkin Policemen requesting that Collective Bargaining be placed on the ballot for the May 4th election as presented. A unanimous affirmative vote was recorded.

11. **ORDINANCE - APPROVED - FIRST READING - CITY ELECTION - ESTABLISHING POLLING PLACES - SETTING DATE**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance providing for the calling of a City election, establishing polling places and setting a date for the election.

City Manager Maclin stated that included in the Council packet is a copy of the Ordinance that calls for an election in Wards 5 and 6, and in accordance with provisions of Section 5 of Article 5154-c-1 of Vernon's Annotated Texas Statutes, the Fire and Police Employees Act, for Collective Bargaining, a listing of the polling places, judges and alternate judges, and setting a date for the election.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance providing for the calling of a City election, establishing polling places and setting a date for the election be approved on First Reading as presented. A unanimous affirmative vote was recorded.

12. **RESOLUTION - APPROVED - FEES ESTABLISHED - ZONING - SUBDIVISION ORDINANCE - STREET CLOSING PROCESSES**

Mayor Bronaugh stated that the next item for consideration was a Resolution

establishing fees for Zoning, Subdivision and Street Closing processes.

City Manager Maclin stated that included in the Council packet is a memorandum from the Planning Department and a copy of the Resolution setting the fees for zone changes, special use permits, preliminary plats, final plats, minor plats and street closings.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that Resolution establishing fees for Zoning, Subdivision and Street Closing processes be approved as presented. A unanimous affirmative vote was recorded.

13. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL SMALL SINGLE FAMILY TO SINGLE FAMILY MIXED USE - PENSON STREET - JOHNNY AND NATHA JOHNSON

Mayor Bronaugh stated that the next item for consideration was the request of Johnny and Natha Johnson to change the zoning from "RS" Residential Small Single Family to "SF/MX" Single Family Mixed Use on approximately a 2.99 acre tract of land located along both sides of Penson Street.

City Manager Maclin stated that included in the Council packet was a memorandum from the City Planner giving an explanation of the request by the applicants. City Manager Maclin stated that there is a recommendation by the Zoning Commission for unanimous approval of the zone change, along with a map of the location, and a letter from the applicant.

There was no opposition to this request.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance for a zone change from "RS" Residential Small Single Family to "SF/MX" Single Family Mixed Use on approximately a 2.99 acre tract of land located along both sides of Penson Street as requested by Johnny and Natha Johnson be approved on First Reading as presented. A unanimous affirmative vote was recorded.

14. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - AUTOMOBILE PAINT AND BODY SHOP - LOCAL BUSINESS DISTRICT - ABNEY AVENUE - RICARDO MORALES

Mayor Bronaugh stated that the next item for consideration was request of Ricardo Morales to grant a Special Use Permit for an Automobile Paint and Body Shop in a "LB" Local Business District on approximately a .74 acre tract of land located at 718 Abney Avenue.

City Manager Maclin stated that included in the Council packet was a letter of explanation from the Planning Department, and a recommendation for approval from the Planning & Zoning Commission with the following conditions: (1) A six foot high sight bearing fence be provided as shown on the site plan with all outdoor storage within the sight bearing fence; (2) An all weather parking surface with a capacity of up to seven parking spaces; and, (3) All code violations stated in the Fire Marshal's inspection report be rectified prior to issuance of a Certificate of Occupancy.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Ordinance for a Special Use Permit for an Automobile Paint and Body Shop in a "LB" Local Business District on approximately a .74 acre tract of land located at 718 Abney Avenue be approved on First Reading as presented. A unanimous affirmative vote was recorded.

15. ANNEXATION PROCEEDINGS - APPROVED - SABINE INVESTMENT COMPANY - CROWN COLONY COUNTRY CLUB - CHAMPION DRIVE

Mayor Bronaugh stated that the next item for consideration was request of Sabine Investment Company and Crown Colony Country Club to initiate annexation proceedings on approximately 117.677 acres of land south of, and between, the two current termination points of Champion Drive.

City Manager Maclin stated that this is the request that initiates the annexation process that was discussed in previous meetings for new area of development in Crown Colony by Sabine Investment Company. City Manager Maclin stated that included in the Council packet is a recommendation from the Planning Department that the annexation schedule be adopted at tonight's meeting, along with the plat showing the area, a letter from Sabine Investment requesting the annexation, and a legal description of the area.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that request of Sabine Investment Company and Crown Colony Country Club to initiate annexation proceedings on approximately 117.677 acres of land south of, and between, the two current termination points of Champion Drive, the annexation schedule be approved as presented. A unanimous affirmative vote was recorded.

16. RESOLUTION - APPROVED - NATIONAL POISON PREVENTION WEEK

Mayor Bronaugh stated that the next item for consideration was a Resolution proclaiming March 17-23, 1996 as National Poison Prevention Week.

Mayor Bronaugh stated that this Resolution comes to Council through the Mayor's office from the University of Texas Medical Branch at Galveston.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Resolution proclaiming March 17-23, 1996 as National Poison Prevention Week be approved as presented. A unanimous affirmative vote was recorded.

17a. BID - APPROVED - ROLL-OFF CONTAINER VEHICLE - SOLID WASTE DEPARTMENT - G & H MANUFACTURING

Mayor Bronaugh stated that the next item for consideration was bids for a roll-off container vehicle to be used in the Solid Waste Department.

City Manager Maclin stated that included in the packet is a bid tabulation listing of those vendors who were sent bid invitations. Four bids were received and staff recommendation is to award the bid of G & H Manufacturing in the amount of \$93,547.45.

In response to question by Councilmember Jones, City Manager Maclin stated that the Solid Waste Department has some other big ticket items, which will be part of what Council approved for the 1995-'96 budget, that staff believes will come in under budget and feels like we will not exceed the aggregate amount that Council has budgeted in the Depreciation Fund for the Solid Waste Department. City Manager Maclin stated that even though a couple of these items are above what was anticipated, another big ticket item is due for consideration in another month that staff is certain will come in well under what was budgeted. City Manager Maclin stated that what staff is committing to Council today is that the net effect will be that we not exceed the total dollars allocated for all the various pieces of equipment in the Solid Waste Depreciation Fund. City Manager Maclin stated that it is not anticipated that any funds will have to be used from the Contingency Fund for these items.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that bid of G & H Manufacturing in the amount of \$93,547.45 be approved as submitted. A unanimous affirmative vote was recorded.

17b. BID - APPROVED - SIDE LOADING GARBAGE TRUCK - SOLID WASTE DEPARTMENT - VOLVO - GMC TRUCK OF DALLAS

Mayor Bronaugh stated that the next item for consideration was bids for a small side loading garbage truck to be used in the Solid Waste Department.

City Manager Maclin stated that included in the Council packet is a bid tabulation which reflects that there were seven bids, and the actual lowest bid came from Metro Truck Sales in Dallas. City Manager Maclin stated that even though the Metro Ford Truck Sales bid was \$51 lower than the Volvo bid, Volvo can provide local servicing for this vehicle.

Motion was made by Councilmember Betty Jones and seconded by Councilmember Bob Bowman that bid of Volvo and GMC Trucks of Dallas in the amount of \$42,701 be approved as the best bid submitted. A unanimous affirmative vote was recorded.

17c. BID - APPROVED - FLOOR CONTRACT - GOODWILL INDUSTRIES

Mayor Bronaugh stated that the next item for consideration of the renewal of the floor contract with Goodwill Industries.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that the floor contract with Goodwill Industries be renewed in the amount of \$36,814.15, which represents a 2.5% CPI increase over last year. A unanimous affirmative vote was recorded.

17d. BID - APPROVED - LITTER AND PARK CLEANING - GOODWILL INDUSTRIES

Mayor Bronaugh stated that the next item for consideration was renewal of the litter and park cleaning contract with Goodwill Industries.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that renewal of the litter and park cleaning contract with Goodwill Industries in the amount of \$12,800 be approved as submitted. A unanimous affirmative vote was recorded.

17e. BID - APPROVED - AZALEA TRAIL CONSTRUCTION CONTRACT - TIMBERLINE CONSTRUCTORS, INC.

Mayor Bronaugh stated that the next item for consideration was bids for the Azalea Trail Construction Contract.

City Manager Maclin stated that staff went to bid on this item in January and the bids came in almost double the Contract price. City Manager Maclin stated that with some assistance from the Department of Transportation and Wayne Stolz, along with some City force account, and County Commissioner Stanley, the City was able to do some additional site preparation work and the State was able to make some changes in the Contract that would reduce the cost. City Manager Maclin stated that on the Council table is a copy of a letter from TxDOT noting some amendments to the original contract whereby the State has reduced their administrative percentage of costs from 10% to 3%. City Manager Maclin stated that staff is recommending the award of the low bid of Timberline Constructors, Inc. in the amount of \$481,515. City Manager Maclin stated that only two bids were received and the other bid was in the amount of \$549,567.

TxDOT Engineer Tina Walker stated that the ISTEAs projects are reimbursement projects and is all Federal and local monies. Ms. Walker stated that in this application the City committed to 30% of the project and the Federal dollars were at 70%. Ms. Walker stated that in the first Amendment the City agreed to let the project and perform the inspection services, she stated that she neglected to make the adjustment in the administrative costs category. Ms. Walker stated that by doing the second Amendment earlier in the week, TxDOT was better estimating the actual cost the State will be incurring, thereby freeing up the funds that will be available for construction.

In response to question by Councilmember Simond, City Manager Maclin stated that the speculation response he would have as to the difference in the amount of the two bids is that one contractor probably had too much work already under contract, and was not interested in getting the job.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the bid of Timberline Constructors, Inc. in the amount of \$481,515 be approved as submitted. A unanimous affirmative vote was recorded.

18. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:08 p. m. to enter into Executive Session. Regular Session reconvened at 7:15 p. m. and Mayor Bronaugh announced that the demolition of dilapidated houses and the City Manager's Performance Evaluation had been discussed.

City Attorney Flournoy stated that the following houses are being presented for demolition:

1. 2405 Minnie Lou Street
2. 1524 Phelps
3. 1012 Glenn
4. 116 Forest Park
5. 1505 Pine
6. 600 North Avenue

Motion was made by Councilmember Percy Simond and seconded by Councilmember Don Boyd that the list of dilapidated houses as presented by the City Attorney be approved for demolition. A unanimous affirmative vote was recorded.

19. CITY MANAGER'S SALARY

Mayor Bronaugh stated that City Manager Maclin has been with the City for five years and the Council is extremely well pleased with his performance.


Motion was made by Councilmember Percy Simond and seconded by Councilmember Bob Bowman that the City Manager's salary be increased by \$7,500 a year. A unanimous affirmative vote was recorded.

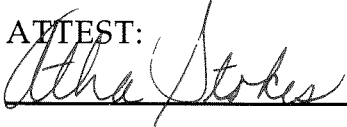
20. COMMENTS

City Manager Maclin expressed his gratitude and appreciation to the City Council for their confidence and support.

Mayor Bronaugh stated that a Code Enforcement report will be included on the next Council agenda.

21. There being no further business for consideration, meeting adjourned at 7:20 p.m.


Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes - City Secretary