

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
16TH DAY OF SEPTEMBER, 1997 AT 5:00 P. M.**

On the 16th day of September, 1997 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
Percy Simond
Don Boyd
Betty Jones
Bob Bowman
Tucker Weems
Bob Flournoy
Atha Stokes
Keith Wright
Kenneth R. Williams

Mayor
Councilmember, Ward No. 1
Councilmember, Ward No. 2
Councilmember, Ward No. 3
Councilmember, Ward No. 4
Councilmember, Ward No. 6
City Attorney
City Secretary
City Engineer
Public Works Director

being present, and

Jack Gorden, Jr.
C. G. Maclin

Councilmember, Ward No. 5
City Manager

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Henry Mills, Pastor, First Church of the Nazarene.

2. Mayor Bronaugh welcomed visitors present and recognized students from the government class of Lufkin High School: Kara Bradley, Chad Noyes, and David Horace.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that the minutes of the Regular Meeting of September 2, 1997 be approved as presented. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE -
RESIDENTIAL MEDIUM SINGLE FAMILY TO COMMERCIAL DISTRICT - 1600
SAYERS STREET - HOOD DAVIS**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "RM" Residential Medium Single Family to "C" Commercial on property located at 1600 Sayers Street as requested by Hood Davis.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Betty Jones that Ordinance to change the zoning from "RM" Residential Medium Single Family to "C" Commercial on property located at 1600 Sayers Street as requested by Hood Davis be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. **RESOLUTION - APPROVED - WAIVER OF CITY ORDINANCE - KIWANIS
CLUB'S TURKEY SHOOT - UNITED PENTECOSTAL CAMPGROUND**

Mayor Bronaugh stated that the next item for consideration was a Resolution for a waiver of a City Ordinance for the Kiwanis Club's turkey shoot at the United Pentecostal Campground.

Mayor Bronaugh stated that in the past the Kiwanis Club has held their turkey shoots at the Campground and it has not been a problem for the City. Mayor Bronaugh stated that now that the Campgrounds have been annexed into the City there is a conflict with the City Ordinance restricting the discharge of firearms in the City limits.

Mike Miller representing the Kiwanis Club stated that the Club would appreciate Council's consideration in waiving this restriction for the turkey shoot to be held on October 18th from 9:00 a.m. until 5:00 p.m. Mr. Miller stated that proceeds from this event will go towards scholarships which the Club awards to Angelina County college students in May each year. In response to question by Mayor Bronaugh, Mr. Miller stated that the Club has been holding the turkey shoots for at least 30 years.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that the Resolution waiving a City Ordinance for the Kiwanis Club's turkey shoot at the United Pentecostal Campground be approved as presented. A unanimous affirmative vote was recorded.

City Attorney Bob Flournoy reminded Mr. Miller that there is a provision in the Resolution holding the Police Chief responsible for the inspection of the site for safety prior to the event.

6. VOLUNTARY CAT AND DOG REGISTRATION - APPROVED - ANIMAL CARE & ENFORCEMENT DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was approval of voluntary cat and dog registration.

Mayor Bronaugh stated that a handout entitled "Voluntary Registration Program" had been placed on the Council table for Councilmember's consideration.

Cathy Clark, Director of Animal Enforcement & Protection Services, stated that this is strictly a voluntary registration program and is not mandated by City Ordinance. Ms. Clark stated that the Department is trying to incorporate a new concept to encourage people who want to get their dogs and cats registered, which is explained in the handout. Ms. Clark stated that she has talked to some local businesses that are pet oriented to be part of this program. Ms. Clark stated that when citizens register their pets they will be given a VIP (Voluntary Info Pet) card that they can present to these businesses which will make them eligible for certain benefits from these merchants. Ms. Clark stated that this program will also allow the Department to hopefully increase the number of animals that are vaccinated against rabies. Ms. Clark stated that Dr. Wood estimates that the veterinarians only see approximately 20% of the City's pet population. Ms. Clark stated that for a person to register their pet they will have to have a current rabies vaccination. Ms. Clark stated the funds to start this program will be taken from their "Paws for Recycling" account which currently has a balance of \$1,000. Ms. Clark stated that there will not be any cost to the City to get the program started.

In response to question by Mayor Bronaugh, Ms. Clark stated that there will be an identification tag for the animals and that record keeping on registered pets will be done by a free computer program that the Department already has in operation.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that voluntary registration program of cats and dogs within the City of Lufkin be approved as presented. A unanimous affirmative vote was recorded.

Mayor Bronaugh requested that Ms. Clark bring back to Council a list of rules and regulations regarding the voluntary registration.

Councilmember Bowman stated that he would like to commend Ms. Clark on the beautiful letter that the couple on Trailwood Circle wrote about services extended to them by the Animal Control Department.

7. DESIGNATED FUND BALANCES - APPROVED - 1996-'97 FISCAL YEAR BUDGET

Mayor Bronaugh stated that the next item for consideration was designated fund balances from the 1996-'97 Fiscal Year budget.

Keith Wright, City Engineer, stated that there are several submittals from each Department requesting that unspent funds from this year's budget be carried over to complete various projects or purchases not yet completed.

Mr. Wright stated that the first request is from Administration for repairs to the HVAC system in the amount of \$49,120, and a copy of the minutes approving this expense is attached. Mr. Wright stated that since this expense was approved staff has requested bids for an engineering study of the system.

Mr. Wright stated that the next item is the extension of the sewer system to the newly annexed Brentwood area in the amount of \$200,000. Mr. Wright stated that there will be an option on this request in that it could be considered with the Certificates of Obligation.

Mr. Wright stated that the next request is from the Engineering Department for the Hurricane Creek study in the amount of \$67,751. Mr. Wright stated that last year there was \$90,000 in the budget for this study and the City was behind waiting on aerial mapping and topography that was coming back from the mapping company. Mr. Wright stated that the Cedar Creek study, which his staff is about ready to submit to FEMA for approval, will be coming to Council shortly for a presentation on the new flood plain/floodway mappings and there will be a series of Public Hearings on this study. Mr. Wright stated that the Hurricane Creek study is still on-going and is in the first stages of that program. Mr. Wright stated that a portion of the \$90,000 budgeted for the Hurricane Creek study has already been spent and he is asking to carry over \$67,751 to complete the study. Mr. Wright stated that there is \$90,000 in the budget again this year to finalize the study because we did not receive the grant the City applied for last year through the Texas Water Development Board. Mr. Wright stated that staff is re-applying for this grant again this year.

Mr. Wright stated that there are a number of departments that are requesting carry over for uniforms. Mr. Wright stated that in years past it was required that employees who wore uniforms would come to one location for uniform sizing, which has been very disruptive to the Departments. Mr. Wright stated that this year the Cintas Company was requested to visit each individual department and this caused a delay in getting the bids out. Mr. Wright stated that this problem should be resolved this year. The following Departments will have uniform carry-overs: Recycling - \$803.25; Solid Waste - \$2,493.70; Civic Center - \$488.75; Street - \$4,001.50; Water Pollution Control - \$1,820; Water Utilities - \$4,000; Water Production - \$647; Parks & Rec - \$1,562.50; and Fleet Maintenance - \$921.75, for a total of \$16,738.45.

Mr. Wright stated that in the Solid Waste Department and the Water Utilities Department they are carrying over 1/2 ton pickup trucks. Mr. Wright stated that these pickups have been bid and approved by Council but during the process the 1997 trucks were taken off of the assembly line and because the manufacturer had quit making them. Mr. Wright stated that the City has been promised 1998 pickups for the same price as the 1997s.

Mr. Wright stated that the Street Department was working on street improvements to Copeland and Culverhouse, a bridge replacement to Daniel McCall and storm sewer replacement in Inwood Terrace. Mr. Wright stated that when the Street

Department went out on Copeland to do some overlays they ran into a problem with the base, and they wanted to do rehabilitation of the street by doing the overlays in two phases. Mr. Wright stated that they wanted to take the money they had allocated for overlays on Copeland this year and add that to some money from this year and do the rehabilitation of the street in order to bring the base and drainage up to standard. Mr. Wright stated that the problem for Culverhouse was basically the same. Mr. Wright stated that one of the items in the budget was for bridges under the TxDOT program for replacing and repairing bridges throughout the City, and these projects came in under budget. Mr. Wright stated that he would like to take this money (\$94,455.96) and do some repairs on the Daniel McCall bridge between the College and Brentwood. Mr. Wright stated that the bridge is narrow and this money would be to widen it and to increase the safety of the bridge. Mr. Wright stated that the storm sewer replacement in Inwood Terrace has been discussed previously and is just about ready to be bid out, but cannot be completed prior to the end of this budget year.

Mr. Wright stated that in the Water Pollution Control Department the staff car was rebid for a van, and the Department is waiting delivery on this vehicle. Mr. Wright stated that the pump replacement and the new blower building were projects that were delayed due to the expansion construction that was going on at the sewer plant. Mr. Wright stated that the Department has run into some problems on the storm water lagoon project and need to make some repairs to the concrete structures. Mr. Wright stated that the Wetlands Project was affected due to some strenuous requirements by the TNRCC permit. Mr. Wright stated that he would like to carry over this amount in the event that the City is able to work everything out with the TNRCC and we would have the capability to do the Wetlands project.

Mr. Wright stated that the next items are in the Water Utilities Department and includes water line projects on Ponderosa Drive, Normandy Estates, Valley Avenue/Howard Street and Third Street for all depreciation funds. Mr. Wright stated that the Department has fallen behind on these projects due to new development. Mr. Wright stated that Normandy Estates is ready to bid and will be presented to Council later on the agenda. Mr. Wright stated that the one ton dump truck has been delayed from the factory and the Department just has not taken delivery on the one ton truck.

In response to question by Councilmember Jones, Mr. Wright stated that the Valley Avenue/Howard Street project will begin in the next two or three months after the Ponderosa Drive project is completed.

Mr. Wright stated that a revised Accounting Department form for the designated fund balance for the Water Production Department had been placed on the Council table. Mr. Wright stated that the aerator repair had inadvertently been included on the form, and this had already been completed. Mr. Wright stated that the storage tank repair was painting of the storage tank and was delayed because of not wanting to take it out of service during the summer months due to water production in meeting the needs of the citizens. Mr. Wright stated that included in this year's budget is another storage tank that needs to be refurbished and painted and it was staff's opinion that we could realize some economies of scale as far as doing two tanks as one bid.

Mr. Wright stated that the Police Department carry overs were for computer equipment and this is an on-going process in getting the system to where it will function properly.

Councilmember Weems stated that the total of all the carry-over requests was approximately \$1.6 million, which is approximately 10% of the City's budget for the prior year that did not get completed. Councilmember Weems stated that this has got to stop and staff needs to get a little closer on these projects rather than carrying this amount of dollars over into next year's budget. Mr. Wright stated that the City Manager had expressed this same concern.

In response to question by Mayor Bronaugh, Mr. Wright stated that the amount for Brentwood Drive was not actually a carry-over and was not a budgeted item. Mr. Wright stated that the Daniel McCall bridge project is not a budgeted item either.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that designated fund balances from the 1996-'97 fiscal year budget as discussed be approved as presented. A unanimous affirmative vote was recorded.

8. TREE BOARD RECOMMENDATION - APPROVED - TIMBER SALE - KIT MC CONNICO PARK

Mayor Bronaugh stated that the next item for consideration was recommendation from the Tree Board for authorization to sell timber at Kit McConnico Park.

Don Hannabas, Director of Parks and Leisure Services, stated that the history of this request is that David Cochran's office was approached a little over a year ago by a man who wanted to cut some of the timber from Kit McConnico Park. Mr. Hannabas stated that staff felt that this request should be given consideration by the Tree Board. Mr. Hannabas stated that the Tree Board met and discussed this request and their recommendation was that the City hire a consultant. Mr. Hannabas stated that ultimately Bryan Davis of Davis Forestry and Associates, Inc. was hired to look at the property and prepare a timber sale. Mr. Hannabas stated that Mr. Davis has completed that task and has reported back to the Tree Board. Mr. Hannabas stated that basically the request before Council tonight is for authorization to sell the timber. Mayor Bronaugh stated that also for approval is the sale of the timber to Champion.

Councilmember Weems stated that the City Attorney had pointed out at the last meeting that the money from the sale of this timber will be put back into the park.

In response to question by Councilmember Boyd, Mr. Hannabas stated that there will be some clean up for City crews to do after the timber is taken out.

Mayor Bronaugh stated that the recommendation from the consultant was that in order for the forest to continue to develop it would have to be thinned out and then re-evaluated in ten years.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Betty Jones that the recommendation by the Tree Board to sell timber at Kit McConnico Park to Champion Paper be approved as presented.

Councilmember Bowman recused himself from voting. Motion carried with five affirmative votes.

9. BID - APPROVED - PUMPER TRUCK - FIRE DEPARTMENT - CASCO INDUSTRIES

Mayor Bronaugh stated that the next item for consideration was bids for a pumper truck for the Fire Department.

Mr. Wright stated that this item is part of the 1997-'98 fiscal year budget and funding will come from future issuance of Certificates of Obligation. Mr. Wright stated that it normally takes over six months from the time of ordering to delivery of pumping units and the Fire Chief wanted to get this moving as soon as possible. Mr. Wright stated that included in the Council packet is the bid tabulation and the staff recommendation is to award the bid of Casco Industries in the amount of \$192,614. Mr. Wright stated that the amount budgeted for this item was \$175,000.

Chief Prewitt stated that normally there is a 5% increase from the manufacturer for

any new pumper. Chief Prewitt stated that the Department's last pumper was specked and ordered in 1996 and delivered in 1997. Chief Prewitt stated that this unit is specked and ordered in 1997 and hopefully will be delivered in 1998. Chief Prewitt stated that he allowed a 10% increase over the previous year and added approximately \$9,000 on top of that, however the overage amounted to approximately \$17,000. Chief Prewitt stated that he had talked to the manufacturer's representative this past week and they had some increases that they did not foresee such as safety requirements on the ABS brakes, muffler and exhaust systems, pump panel configurations and a number of other things that caused the increases. Chief Prewitt stated that he felt that he had been very proactive but got caught in a situation that he could not foresee. Councilmember Boyd asked if the Chief could absorb this amount in his present Departmental budget and the Chief replied "No sir". Councilmember Bowman stated that surely there were some places where he could cut \$17,000.

In response to question by Mayor Bronaugh, Chief Prewitt stated that since this pumper is being considered for payment with the Certificates of Obligation he would strongly request that Council approve the amount of overage on this item. Mr. Wright stated that the Certificates of Obligation are separate from the budget. Chief Prewitt stated that this is a fully equipped pumper that hopefully will be delivered in June of next year to coincide with the opening of Station No 6.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that bid of Casco Industries in the amount of \$192,614 be approved as submitted.

The following vote was recorded:

Aye: Councilmembers Jones, Weems, Simond, Boyd and Mayor Bronaugh
Nay: Councilmember Bowman

Motion carried with a 5 to 1 vote.

10. BID - APPROVED - TRANSFER PUMPS - WATER POLLUTION DEPARTMENT - NEWMAN ENGINEERED EQUIPMENT

Mayor Bronaugh stated that the next item for consideration was bids for transfer pumps for the Water Pollution Department.

Mr. Wright stated that included in the Council packet is a bid tabulation and the staff recommendation is to award the low bid of Newman Engineered Equipment in the amount of \$25,278. Mr. Wright stated that this is part of the designated fund balance that was carried over for the two pumps. Mr. Wright stated that this year's budget will include one additional pump so that eventually three pumps will be replaced. Mr. Wright stated that these are new centrifugal pumps and the old pumps that are being replaced are old piston type pumps and are 10 years old with high maintenance.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that bid of Newman Engineered Equipment in the amount of \$25,278 for transfer pumps for the Water Pollution Department be approved as submitted. A unanimous affirmative vote was recorded.

11. BID - APPROVED - WATER LINE REPLACEMENT - NORMANDY ESTATES - J & D CONSTRUCTION COMPANY

Mayor Bronaugh stated that the next item for consideration was the award of a bid for Normandy Estates water line replacement.

Mr. Wright stated that two bids were received for the installation of 6,760 linear of 6" water main in the Normandy Estates Subdivision and the low bid was from J & D

Construction in the amount of \$123,178. Mr. Wright stated that this will replace old 2" galvanized pipe. Mr. Wright stated that this Subdivision is experiencing numerous water leaks and at this time there is virtually no fire protection. Mr. Wright stated that the budget for this item was \$115,000 and it is hoped that the difference can be made up on the bidding of the other projects. Mr. Wright stated that if this difference cannot be absorbed in the budget staff will have to come back and ask that contingency fund balance be used.

Councilmember Jones stated that this is an area that has needed attention for a long time.

In response to question by Mayor Bronaugh, Mr. Wright stated that the main reason this bid is over budget is because everyone is busy. Mr. Wright stated that normally the City would have received at least four or five bids on this construction job.

Motion was made by Councilmember Betty Jones and seconded by Councilmember Bob Bowman that bid of J & D Construction Company in the amount of \$123,178 for the replacement of water lines in the Normandy Estates be approved as submitted. A unanimous affirmative vote was recorded.

12. COMMENTS

Councilmember Simond stated that some new laws were passed on September 1 regarding traffic violations and the Legislature had increased some of the fines to an inordinate amount. Councilmember Simond stated that the fine for not wearing a seatbelt had been raised to \$105. Councilmember Simond requested that the City Attorney look into this new Legislation and see if there is anything that the City can do regarding these fines. Councilmember Boyd stated that the County Commissioners had set the fines that Mr. Simond was referring to. Chief Collins stated that the City has received a Seatbelt Grant where City officers enforce the seatbelt law. Chief Collins stated that the law has not changed on the fines for seatbelt violations nor very many other traffic violations this past session. Chief Collins stated that the JPs for the County got together and set a standard fine for all of the offenses. Chief Collins stated that the JPs can set the law anywhere from zero to \$200 and they just voted to set the fines throughout the County at \$105 for seatbelt violations. Chief Collins stated that the justification for this is that the City as well as all Judges have to send in a greater portion of the fine money to the State.

Councilmember Simond asked how many individuals or organizations does the City give office space to in City Hall. Mr. Wright stated that the Concerned Citizens of Lufkin and Pineywoods Home Team have offices in City Hall at this time. Councilmember Simond asked the Mayor if the request for office space for these two organizations had ever come before City Council for using office space without Council's approval. Mayor Bronaugh stated that the transit company had requested office space in City Hall and the 9-1-1 Program through DETCOG had been located in City Hall at one time. Mayor Bronaugh stated that this may be a call of the City Manager. Councilmember Simond stated that, in his opinion, it was for the Council to make that decision and not the City Manager or anyone else has that authority. Mayor Bronaugh stated that this will be discussed when the City Manager returns.

Mr. Wright stated that on the Council table there is a publication from the American Public Works Association that has some alarming statistics regarding the failure of the infrastructure of America.

Councilmember Simond stated that it was his understanding that Judge Holley will not be imposing the new fines and he should be commended for that.

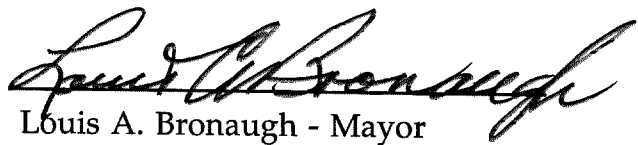
Mayor Bronaugh stated that this Thursday at 6:30 p.m. at the Moore Farm the AGC will be holding a dinner meeting to discuss the transportation programs throughout the East Texas area and Councilmembers are invited to attend.

13. There being no further business for consideration, meeting adjourned at 5:50 p.m.

ATTEST:

A handwritten signature in cursive script, reading "Atha Stokes", written over a horizontal line.

Atha Stokes - City Secretary

A handwritten signature in cursive script, reading "Louis A. Bronaugh", written over a horizontal line.

Louis A. Bronaugh - Mayor