

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF**  
**LUFKIN, TEXAS, HELD ON THE**  
**6TH DAY OF OCTOBER, 1998 AT 5:00 P. M.**

On the 6th day of October, 1998 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 Bronaugh   | Mayor                     |
| Jack Gorden, Jr. | Mayor pro tem             |
| R. L. Kuykendall | Councilmember, Ward No. 1 |
| Don Boyd         | Councilmember, Ward No. 2 |
| Betty Jones      | Councilmember, Ward No. 3 |
| Bob Bowman       | Councilmember, Ward No. 4 |
| Tucker Weems     | Councilmember, Ward No. 6 |
| C. G. Maclin     | City Manager              |
| Bob Flournoy     | City Attorney             |
| Atha Stokes      | City Secretary            |
| Keith Wright     | City Engineer             |
| Stephen Abraham  | Director of Planning      |
| Kenneth Williams | Director of Public Works  |

being present, and

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|-------------|--------------------|
| James Hager | Asst. City Manager |
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Charles Roberts, Pastor, Denman Avenue Baptist Church.
2. Mayor Bronaugh welcomed visitors present.

**3. APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Betty Jones that the minutes of the Called Meeting of August 11, 1998 and the Regular Meeting of September 15, 1998 be approved as presented. A unanimous affirmative vote was recorded.

**4. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL MEDIUM SINGLE FAMILY TO LOCAL BUSINESS - EASTWOOD ADDITION - ANDREWS AVENUE AND ARENA STREET - RONNY DUPREE - MARTHA WINDSOR-VANSAU**

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 "LB" Local Business on Lots 1 and 2, Block 2 of the Eastwood Addition and generally located at the southwest corner of the intersection of Andrews Avenue and Arena Street as requested by Ronny Dupree on behalf of Martha Windsor-Vansau.

City Manager Maclin stated that there was a delay on the second reading since this item was brought back from the Planning & Zoning Commission and City Council for a review of the Comprehensive Plan, and the Comprehensive Plan was modified prior to this request coming back to the Council.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that Ordinance to change the zoning from "RM" Residential Medium Single Family to "LB" Local Business on Lots 1 and 2, Block 2 of the Eastwood Addition and generally located at the southwest corner of the

intersection of Andrews Avenue and Arena Street as requested by Ronny Dupree on behalf of Martha Windsor-Vansau be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - "RS" RESIDENTIAL SMALL SINGLE FAMILY TO "LM" LIGHT MANUFACTURING - CLARK ADDITION - N. RAGUET AND AUSTIN STREET - TOM BILLINGSLEY - GENCO INDUSTRIES OF LUFKIN**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "RS" Residential Small Single Family to "LM" Light Manufacturing on Lots 14 through 16, Block 5 of the Clark Addition and Tract 19, Abstract A-40 of the J. L. Quinalty Survey located at the southeast corner of N. Raguet and Austin Street as requested by Tom Billingsley on behalf of Genco Industries of Lufkin.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that Ordinance to change the zoning from "RS" Residential Small Single Family to "LM" Light Manufacturing on Lots 14 through 16, Block 5 of the Clark Addition and Tract 19, Abstract A-40 of the J. L. Quinalty Survey located at the southeast corner of N. Raguet and Austin Street as requested by Tom Billingsley on behalf of Genco Industries of Lufkin be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - APARTMENT TO RESIDENTIAL SMALL SINGLE FAMILY - OLD UNION ROAD AND LIVE OAK LANE - RICK AINSWORTH - R. H. DUNCAN CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "A" Apartment to "RS" Residential Small Single Family on approximately 2.774 acres of land located at the southeast corner of the intersection of Old Union Road and Live Oak Lane as requested by Rick Ainsworth of R.H. Duncan Construction.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Don Boyd that Ordinance to change the zoning from "A" Apartment to "RS" Residential Small Single Family on approximately 2.774 acres of land located at the southeast corner of the intersection of Old Union Road and Live Oak Lane as requested by Rick Ainsworth of R. H. Duncan Construction be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**7. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY TO LOCAL BUSINESS - MCKINNEY AND WILLIAMS SURVEY - WHITE HOUSE DRIVE - RODNEY MOORE - DAVID SHELTON - GARY LETNEY - LEONARD AVERY - CHERYL TEUTCH**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "RL" Residential Large Single Family to "LB" Local Business on Tracts 106, 107, 127 and 128, Abstract A-463 of the McKinney & Williams Survey and generally located at 118, 120, 128 and 130 White House Drive as requested by Rodney Moore on behalf of David Shelton, Gary Letney, Leonard Avery and Cheryl Teutch.

City Manager Maclin stated that the Comprehensive Plan was reviewed and revised prior to the First Reading of this Ordinance.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Betty Jones that Ordinance to change the zoning from "RL" Residential Large Single Family to "LB" Local Business on Tracts 106, 107, 127 and 128, Abstract A-463 of the McKinney & Williams Survey and generally located at

118, 120, 128 and 130 White House Drive as requested by Rodney Moore on behalf of David Shelton, Gary Letney, Leonard Avery and Cheryl Teutch be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**8. ORDINANCE - APPROVED - FIRST READING - HEALTH BENEFITS COVERAGE - CITY RETIREES**

Mayor Bronaugh stated that the next item for consideration was an Ordinance authorizing the offering of health benefits coverage to City retirees; repealing all Ordinances in conflict; providing an open meetings clause; and providing an effective date.

City Manager Maclin stated that this Ordinance was requested by Texas Municipal League, the City's third party administrator for health insurance, and reflects a practice that the City has had in place for a number of years. City Manager Maclin stated that Federal law requires that the City has some enabling legislation for the continuance of this benefit.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Ordinance authorizing the offering of health benefits coverage to City retirees; repealing all Ordinances in conflict; providing an open meetings clause; and providing an effective date be approved on First Reading as presented. A unanimous affirmative vote was recorded.

**9. RESOLUTION - APPROVED - AMENDMENT TO 1998-'99 BUDGET - CARRY OVER PROJECTS**

Mayor Bronaugh stated that the next item for consideration was a Resolution amending the 1998-'99 budget to fund carry over projects from the previous budget year.

City Manager Maclin stated that included in the Council packet is a memo from Asst. City Manager James Hager, an itemization of projects in the General Fund and the Waste Water Fund. City Manager Maclin stated that these items were budgeted in the 1997-'98 budget, but were not completed in their entirety and the funds need to be designated as designated fund balance through this Resolution which will provide the necessary paper trail at audit time.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Resolution amending the 1998-'99 budget to fund carry over projects from the previous budget year be approved as presented. A unanimous affirmative vote was recorded.

**10. CONTRACT - APPROVED - GRANT MANAGEMENT SERVICES - 1998 HOME PROGRAM GRANT - GARY R. TRAYLOR AND ASSOCIATES, INC.**

Mayor Bronaugh stated that the next item for consideration was a contract with Gary R. Traylor and Associates, Inc. for grant management services for the City's 1998 HOME Program Grant.

City Manager Maclin stated that this Contract reflects an application the City made earlier in the year in the amount of \$208,000 (\$200,000 for rehabilitation and \$8,000 for grant administration). City Manager Maclin stated that the City has not received the formal documentation, but since it was reported in the newspaper, the State agencies have sent out the information confirming that the City has been awarded the grant.

City Manager Maclin stated that the proposal before Council is a Grant Management Services Contract for Gary Traylor & Associates to act as the administrator for this grant. City Manager Maclin stated that their total fee would be \$25,000, \$8,000

would be covered by the grant, so that the City would have a \$17,000 balance to be utilized from the General Fund. City Manager Maclin stated that this amount has not been specifically budgeted because at the time staff did not know whether the City would be receiving the grant. City Manager Maclin stated that for \$17,000 the City will receive \$208,000 worth of benefits to the citizens.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that contract with Gary R. Traylor and Associates, Inc. for grant management services for the City's 1998 HOME Program Grant be approved as presented. A unanimous affirmative vote was recorded.

**11. ORDINANCE - APPROVED - FIRST READING - STREET CLOSURE - BOWLES STREET FROM CLARK TO EDITH STREET - GOODWILL MISSIONARY BAPTIST CHURCH**

Mayor Bronaugh stated that the next item for consideration was a request of Goodwill Missionary Baptist Church to close Bowles Street from Clark Street to Edith Street.

City Manager Maclin stated that included in the Council packet is a letter of request from the Goodwill Missionary Baptist Church signed by the Pastor, a deacon, a trustee and a clerk, along with a copy of a petition with several names listed on it. City Manager Maclin stated that this street is located off of Lufkin Avenue where it runs into Chestnut, and is a one block street. City Manager Maclin stated that it is anticipated that the Church wants to do some expansion.

Pastor Sessions stated that the Church is going to expand and is in need of some extra room for parking. Pastor Sessions stated that the Church will purchase the land on the other side of the street. Pastor Sessions asked that those supporting this request stand.

A representative of the Church stated that a traffic count had been made of the street and it was determined that closing the street would not impose a hardship on the public.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Ordinance to close Bowles Street from Clark Street to Edith Street as requested by the Goodwill Missionary Baptist Church be approved on First Reading as presented. A unanimous affirmative vote was recorded.

In response to question, City Attorney Flournoy stated that the property would have to be appraised and sold at fair market value.

**12. WATER CONTRACT - APPROVED - CITY OF HUNTINGTON**

Mayor Bronaugh stated that the next item for consideration was a water contract with the City of Huntington.

City Manager Maclin stated that included in the Council packet is a proposed contract that is similar to previous type contract of this nature that the City has utilized for the sale of water outside the City limits, and is very similar to the contract the City had for years with the City of Burke. City Manager Maclin stated that also included in the packet is a copy of the minutes from the June 21, 1994 City Council meeting when the City of Huntington originally brought this request to the City and was approved by the City at that time. City Manager Maclin stated that it was staff's understanding that when the City of Huntington wanted to exercise that approval from 1994 it would require a contract and that is what has prompted this item being placed on the agenda today.

In response to question by Councilmember Gorden, City Manager Maclin stated that staff had left the amount the City of Huntington would pay up to the Council. City

Manager Maclin stated that historically the City has charged 1 1/2 times the commercial rate, that being delivered at the gates of the City limits, and metered and then billed on a monthly basis as a single bill, and then it is up to the entity to collect whatever additional costs for distribution they would require once it leaves the City limits of the City of Lufkin.

Councilmember Jones asked if the City had the capacity to furnish water to the City of Huntington. City Manager Maclin stated that 400,000 gallons per day would be the maximum, and their initial indication would be half of that amount, but the City put a maximum amount in the Contract that would reflect the future so that this wouldn't be something to bring back to Council repetitively. City Manager Maclin stated that this was the recommendation of the City Attorney.

Keith Wright, City Engineer, stated that as long as the City of Lufkin is not in a drought condition like last year, there should not be any type of problem. Mr. Wright stated that the contract addresses drought conditions and addresses low pressures where the citizens of Lufkin come first. Mr. Wright stated that this is actually not a lot of water compared to what the City uses, which is 10 MGD. Mr. Wright stated that their peak is around 350, but they want to use half ground water from their own wells. Mr. Wright stated that he had spoken with the City Manager and Public Works Director about setting up an alternating system where it would alternate from their ground water to the City's water every time they fill the tanks - a half and half split.

In response to question from Mayor Bronaugh, Mr. Wright stated that any time you activate your drought contingency plan you can go under General Provisions, Section 1, Force Majeure and activate the plan, or any time you have less than 45 pounds per square inch on your line serving the system. Mr. Wright stated that the City monitors pressures and any time that there would be complaints about pressure levels and it falls below that area we would notify the City of Huntington that there are problems servicing our customers and we would activate Section 1 of the General Provisions as far as the drought conditions, or any type of mechanical failure.

In response to question by Councilmember Gorden, Mr. Wright stated that we would supply the City of Huntington with a six inch line. Mr. Wright stated that the City of Huntington has an eight inch line that comes from the old Fuller Springs Water Plant, and that is where we will tie in at, and will pump from there to Huntington through their eight inch line.

In response to question by Councilmember Gorden, Mr. Wright stated that it would take a 36 inch line to bring the lake water to the City of Lufkin.

In response to question by Councilmember Gorden, Mr. Wright stated that he is looking for property at this time for the new well.

City Manager Maclin stated that under General Provisions, this is a five year contract with an option for renewal of a five year period.

Mr. Wright stated that during this drought, an extreme condition the City faced this past summer, as long as there were no mechanical failures we were able to meet the demand. Mr. Wright stated that as far as the capacity of our system, we were able to keep up this summer. Mr. Wright stated that with the addition of the new well this will give the City two wells as back up.

Mr. Wright stated that the contract allows for adjustments in price based on what the City of Lufkin does for its own customers, so when we adjust prices due to any type of construction or things we do to provide our water, it will automatically adjust the prices of any entities purchasing water from the City.

City Manager Maclin stated that based on the A/C pipe replacement program, the

citizens are assured a 2% increase over the next four years, each year to pay off the debt for the \$15 million that will be issued to replace 25% of the distribution system.

In response to question by Councilmember Bowman, Mr. Wright stated that the City of Lufkin currently supplies water to Burke and the Angelina Fresh Water District, with emergency connections to most of the other districts that are adjacent to the City of Lufkin (Redland, Angelina, Woodland, and Central). Mayor Bronaugh asked Mr. Wright to review the contracts with the other water districts.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember R. L. Kuykendall that water contract with the City of Huntington be approved as presented with the rate being 1.5 times the commercial rate. A unanimous affirmative vote was recorded.

### **13. EMERGENCY PROJECT - APPROVED - UTILITY FUND**

Mayor Bronaugh stated that the next item for consideration was expenditures from the Utility Fund for an emergency project.

City Manager Maclin stated that included in the Council packet is a memorandum from the City Engineer describing a sewer line problem that is based on an aging line that has had several problems at numerous locations. City Manager Maclin stated that also included in the packet information is a cost estimate for all of the items that need to be replaced around Loop 287 including bores, pipe line replacement, materials, etc. City Manager Maclin stated that this has become a real serious problem in that we have had some sewer overflows that can put the City in a serious position with TNRCC. City Manager Maclin stated that what staff is seeking from Council tonight is formal approval to pursue the itemized list that is on the second page. City Manager Maclin stated that the total amount for this project is \$284,848. City Manager Maclin stated that this will be going from an area from Ford Chapel all the way around to the IBM building on the southeast Loop, making some repairs that had already been projected in that vicinity, but including them total into this project on an emergency basis. City Manager Maclin stated that these are not budgeted funds, but there are adequate reserves in the Utility Fund to cover this and still meet the budget requirements in terms of operating fund balance. City Manager Maclin stated that staff is seeking Council's approval of this complete project.

In response to question by Councilmember Jones as to whether this is the most problematic area the City has right now, Mr. Wright stated that this line is one of the major trunk lines. Mr. Wright stated that the force main that was emptying into this line is part of what we replaced last time, and the remainder of that force main will still continue to be a problem. Mr. Wright stated that there were some leaks last week and he was able to fix that under existing budget, because it was not a major problem. Mr. Wright stated that eventually down the road as the age of the collection system continues to grow and continues to deteriorate we will experience more problems like this, and will have to face continuously. Mr. Wright stated that there is concrete pipe that is collapsing, the clay tile joints are beginning to deteriorate, and on the major trunk lines you cannot afford to have any problems.

Councilmember Jones stated that since this is going to be a recurring situation perhaps it should be something that is budgeted for. Mr. Wright stated that he budgeted \$350,000 this year for sewer rehab and he is looking at purchasing some pipe bursting equipment to begin a systematic replacement of this line every year.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Don Boyd that expenditures for an emergency project be taken from the Utility Fund in the amount of \$284,848.00 be approved as presented. A unanimous affirmative vote was recorded.

**14. EMPLOYEE COMPUTER PURCHASE - APPROVED - DESIGNATED FUND BALANCE**

Mayor Bronaugh stated that the next item for consideration was employee computer purchase with designated fund balance.

City Manager Maclin stated that this item was discussed at the September 1 meeting when staff provided a proposal for allowing employees to purchase computers to assist them in their computer skills. City Manager Maclin stated that Council had some concerns and questions, which were (1) Concern about the use of public funds for this purpose (2) Concern about the risk of loss and comments about reduction of the risk (3) A comment that no printer was included (4) A suggestion about establishing an annual funding limit and (5) A question regarding an estimate of how many employees might be interested in participating in the program. City Manager Maclin stated that staff took a survey and there were 109 employees who expressed interest in the program. City Manager Maclin stated that the City Attorney has provided additional items in specific language regarding qualifications for participation in the program and additional requirements regarding security instruments to be signed. City Manager Maclin stated that a 10% down payment would be required, and that the computer and printer be placed as collateral. City Manager Maclin stated that there is an annual funding limit as shown on the reserve balance as \$50,000 from General Fund, \$10,000 from Water and Sewer, \$10,000 from Solid Waste, and \$6,000 from the Civic Center Fund. City Manager Maclin stated that recognizing the large number of employees that expressed an interest it would obviously be on a first come, first serve basis on who signs the paperwork and puts their 10% down payment down first would be the ones to participate until the funding ran out for that fiscal year. City Manager Maclin stated that he would then come back to Council and ask their consideration for this program the following year if there was still interest in the program.

Councilmember Jones stated that she was the one who asked about the legality of using public funds for this purpose, and she still has a question on that. City Attorney Flournoy stated that the program has to be tailored for the purpose of assisting our employees in being proficient and that is why it has to be limited to just employees that are either operating or will be operating computers. City Attorney Flournoy stated that this could not be an arbitrary loan basically to the employee. City Attorney Flournoy stated that it has to be for the City's purpose that we help employees get a computer so that they can do a better job. City Attorney Flournoy stated that he is satisfied that he has covered this from a legal standpoint.

City Manager Maclin stated that he had received additional quotes and proposals from Comp USA locally that are very competitive with the original quotes that were received. City Manager Maclin stated that because of the constantly changing technological world we will be looking on a quarterly basis minimally for an update in pricing. City Manager Maclin stated that Comp USA had faxed him an updated quote this afternoon that provides a pc based computer, almost identical to the specifications we have for a Dell machine, and they will provide local servicing and local training certificates for a part of their package.

In response to question by Councilmember Jones, City Manager Maclin stated that he did not envision replacement computers for the employees at this point.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that employee computer purchase program be approved as presented. The following vote was recorded:

Aye: Councilmembers Boyd, Kuykendall, Gorden, Bowman, Weems, and Mayor Bronaugh

Nay: Councilmember Jones

Motion carried with six affirmative votes.

**15. LEASE PURCHASE AGREEMENT - APPROVED - FIRE TRUCK - CASCO INDUSTRIES - GOVERNMENT CAPITAL CORPORATION**

Mayor Bronaugh stated that the next item for consideration was a lease purchase agreement for a new fire truck.

City Manager Maclin stated that included in the Council packet is a memo from the Purchasing Agent, Mr. Cochran, regarding the purchase of a pumper for the Fire Department as was approved in this year's budget. City Manager Maclin stated that this equipment can be purchased through the Houston-Galveston Area Council Cooperative Purchasing Program in the amount of \$136,849.00 with additional equipment from Casco Industries in the amount of \$12,739.00, for a total of \$149,588.00. City Manager Maclin stated that staff also recommends the low bid for the lease purchase financing of this equipment from Government Capital Corporation in the amount of 5.10%.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that lease purchase agreement with HGAC for a new fire truck in the amount of \$ 149,588.00 with financing through Government Capital Corporation at an interest rate of 5.10% be approved as submitted. A unanimous affirmative vote was recorded.

**16. EXECUTIVE SESSION**

Mayor Bronaugh recessed regular session to enter into Executive Session at 5:50 p.m. Regular session was reconvened at 7:12 p.m. and Mayor Bronaugh stated that legal matters, real estate and an appointment to the Tree Board had been discussed.

**17. APPOINTMENT - APPROVED - TREE BOARD - JOE PASE**

Motion was made by Councilmember Betty Jones and seconded by Councilmember Jack Gorden, Jr. that Joe Pase be appointed to the Tree Board. A unanimous affirmative vote was recorded.

**18. COMMENTS**

Councilmember Gorden stated that he would like to see the City present a plaque to Ron Billings for serving on the Tree Board.

City Manager Maclin reminded Councilmembers of the Leadership Lufkin Class next Wednesday at the Civic Center.

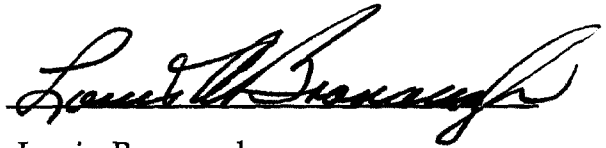
City Manager Maclin stated that the City will be co-hosting a fathering seminar at the Lufkin Middle School on Friday and Saturday, October 16 and 17, and that Councilmembers are invited to attend a reception on Friday night at 5:45 p.m.

City Manager Maclin stated that the Finance Committee will meet at 3:00 p.m. on October 20th, prior to the City Council meeting, and will review a new contract with Financial Advisor Dick Long.

City Manager Maclin stated that there will be a Region I water meeting next Wednesday in the City Hall Council Chambers.



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



Louis Bronaugh  
Mayor

ATTEST:



Atha Stokes - City Secretary