

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF**  
**LUFKIN, TEXAS, HELD ON THE**  
**6TH DAY OF JULY, 1999 AT 5:00 P. M.**

On the 6th day of July, 1999 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
Bob Bowman	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Don Boyd	Councilmember, Ward No. 2
Betty Jones	Councilmember, Ward No. 3
Dennis Robertson	Councilmember, Ward No. 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes Martin	City Secretary
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works
Stephen Abraham	Director of Planning

being present when the following business was transacted.

1. Meeting was opened with prayer by Billy Dunn, Chaplain, Lufkin State School.
2. Mayor Bronaugh welcomed visitors present.

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 June 15, 1999, and Called Meeting of June 21, 1999 be approved as presented. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT (PARKING LOT) - 3600-3700 OLD UNION ROAD - TRAVIS FULLER**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to grant a Special Use Permit for a parking lot within a "Residential Large" zoning district and located between 3600 and 3700 Old Union Road as requested by Travis Fuller.

City Manager Maclin stated that because of the 20% rule of opposition by the neighborhood, this request would require an affirmative vote of six out of seven Councilmembers.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Don Boyd that Ordinance to grant a Special Use Permit for a parking lot within a "Residential Large" zoning district and located between 3600 and 3700 Old Union Road as requested by Travis Fuller be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

5. **ORDINANCE - APPROVED - SECOND READING - AMENDMENT - 1997 STANDARD PLUMBING CODE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to amend the 1997 Standard Plumbing Code.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance to amend the 1997 Standard Plumbing Code be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**6. ORDINANCE - APPROVED - SECOND READING - CONTRACTOR'S BOND AND LICENSE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the Contractor's Bond and License as recommended by the Building Inspection Department.

City Attorney Flournoy stated that there are two minor changes that have been made to the Ordinance. Mr. Flournoy stated that after talking with Beauford Chapman, Director of Inspection Services, it was his opinion that it would not be workable to exempt contractors where the work is less than \$5,000. Mr. Flournoy stated that it would not be fair to the contractor whose work only cost \$4,000 or less than \$5,000. Mr. Flournoy stated that the original Ordinance made reference to making the bond accumulative, but that does not work either. Mr. Flournoy stated that, in his opinion, it would take 60 days to implement this Ordinance rather than the 30 days as previously stated.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that Ordinance to change the Contractor's Bond and License as recommended by the Building Inspection Department be approved on Second and Final Reading, with changes as presented. A unanimous affirmative vote was recorded.

**7. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE TO PLANNED UNIT DEVELOPMENT - OLD UNION ROAD - RPT ASSOCIATES**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from Residential Large to a Planned Unit Development on 4.265 acres having approximately 360 feet of frontage on Old Union Road and an average depth of 528 feet and abutting the western boundary line of the Trailwood Townhouses as requested by RPT Associates.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Don Boyd that Ordinance to change the zoning from Residential Large to a Planned Unit Development on 4.265 acres having approximately 360 feet of frontage on Old Union Road and an average depth of 528 feet and abutting the western boundary line of the Trailwood Townhouses as requested by RPT Associates be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**8. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT (RESTAURANT WITH A PRIVATE CLUB) - COMMERCIAL ZONING DISTRICT - BRENTWOOD CROSSING SUBDIVISION - HIGHWAY 59 - DANIEL McCALL - OUTBACK STEAKHOUSE OF FLORIDA, INC. - M. JACK MARTIN III**

Mayor Bronaugh stated that the next item for consideration was a request of M. Jack Martin III on behalf of Outback Steakhouse of Florida, Inc. to consider granting a Special Use Permit for a "Restaurant with a Private Club" within a Commercial zoning district on approximately a 1.593 acre portion of Lot 2 of the Brentwood Crossing Subdivision and located on the west frontage of U. S. Highway 59 and north of the Daniel McCall intersection.

City Manager Maclin stated that this item comes to Council from the Planning & Zoning Commission with a unanimous recommendation of approval for the Special Use Permit with the following condition: That the Special Use Permit shall

be for the sale of alcoholic beverages in conjunction with a full service restaurant facility; and shall not be construed as allowing the structure to be used in a manner which constitutes a night club, tavern, lounge, dance hall or commercial amusement establishment.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd Ordinance to grant a Special Use Permit for a "Restaurant with a Private Club" within a Commercial zoning district on approximately a 1.593 acre portion of Lot 2 of the Brentwood Crossing Subdivision and located on the west frontage of U. S. Highway 59 and north of the Daniel McCall intersection as requested by M. Jack Martin III on behalf of Outback Steakhouse of Florida, Inc. be approved on First Reading with the following condition: That the Special Use Permit shall be for the sale of alcoholic beverages in conjunction with a full service restaurant facility; and shall not be construed as allowing the structure to be used in a manner which constitutes a night club, tavern, lounge, dance hall or commercial amusement establishment. A unanimous affirmative vote was recorded.

**9. ORDINANCE - TABLED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE TO COMMERCIAL - TRACTS 1 AND 11 - RICE R. TURNER SURVEY - LOOP 287 BETWEEN SOUTH CHESTNUT AND PONDEROSA DRIVE - ALAN WADE**

Mayor Bronaugh stated that the next item for consideration was the request of Alan Wade to change the zoning from "Residential Large" to "Commercial" on approximately 8.7 acres of land described as a part of Tracts 1 and 11 of the Rice R. Turner Survey (Abstract No. 718) and located south of Loop 287 between South Chestnut Street and Ponderosa Drive and approximately 400 feet east of Sybil Drive.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department that describes this request. Mr. Maclin stated that the recommendation comes to Council from the Planning & Zoning Commission on a 4 - 2 vote that the zone change request to Commercial be approved.

Alan Wade stated that, in his opinion, this zone change would just be a carry over of Commercial zoning around the Loop. Mr. Wade stated that his original plan was for 14 acres to be changed, which would carry through to Ponderosa and Sandybrook, but after visiting with Mr. Abraham he understood the domino effect of taking out the residential area. Mr. Wade stated that there is residential property on Ponderosa and Sandybrook and he had drawn in the houses on maps he had provided to Councilmembers. Mr. Wade stated that he tried to configure the property included in the zone change to where it would not produce a domino effect and would not effect the residential area. Mr. Wade stated that this property is located behind the Earth and Stone Company, and will be used to expand their business. Mr. Wade stated that Earth and Stone had been at this location for three years and had now run out of room. Mr. Wade stated that the Earth and Stone property wraps around behind the Chrysler dealership located on the Loop.

In response to question by Councilmember Boyd, Mr. Wade stated that the man who owns the Earth & Stone business is mainly in the dirt business at this time but is hoping to expand to rock and stone and wants to move the dirt to rear of the property with a rock showroom at the front of the property. Mr. Wade stated that the man who owns Earth & Stone will only use about half of the property at this time, and that he was not sure of future plans.

In response to question by Mr. Kuykendall, Mr. Abraham stated that he did not know if stone cutting would be part of the new operation and if it would be permitted, but that it was proper to look beyond the use that is being proposed because uses do change. Mr. Abraham stated that looking at the Earth & Stone operation, there are not many fixed structures or what could be termed as "holding

use of the land" in planning terms. Mr. Abraham stated that these places can be easily picked up and moved to a more densely populated sight when the land values tend to increase. Mr. Abraham stated that permanency of the Earth & Stone business is something to be questioned.

In response to question by Mayor Bronaugh if the Comprehensive Plan would have to be amended, Mr. Abraham stated that that is a pretty subjective question. Mr. Abraham stated that in his mind this request is inconsistent with the Comprehensive Plan. Mr. Abraham stated that since this request actually triples the depth of the commercial area south of the Loop it is certainly something that needs to be considered. Mr. Abraham stated that just because this property goes a little beyond the red lines in the Comprehensive Plan, it did not necessarily require that Council change the Comprehensive Plan, but Council needs to look at the impact on future requests.

In response to question by Mr. Kuykendall, Mr. Abraham stated that he believed that the operation on this property tended to take some of the enjoyment of the residential property next to it, they would feel inclined to come in and ask for exactly what their neighbor got. Mr. Abraham stated that this is what is meant by the "domino effect". Mr. Abraham stated that you have basically broken a line and made a much bigger area suitable in this instance for a non-residential use, it is hard to tell a neighbor who you have just impacted that we've gone as far as we can when you have broken away the boundaries that were previously established. Mr. Abraham stated that the minutes from the Planning & Zoning Commission meeting reflect that a citizen indicated that they wanted to know which way this request was going because they would be more than happy to sell their property.

Mr. Bowman asked if there was any discussion with the applicant about a sight-bearing fence. Mr. Abraham stated that because a Commercial designation does not require a sight bearing fence, there was no discussion about a sight bearing fence. Mr. Abraham stated that if the property owner chose to put in a sight bearing fence it would be a nice gesture to the residents, but it is not something that the City could enforce at any point in the future. Mr. Bowman asked if any of the neighbors had asked for a sight bearing fence. Mr. Abraham stated that the three abutting neighbors to the south that face Sandybrook have protested the zone change and he would assume that if the request were approved they would appreciate any relief that the applicant chooses. Mr. Robertson asked if Council could require a sight bearing fence as part of the zone change request. Mr. Abraham stated that Council could request it, but if the applicant chooses not to do it the City has no grounds on which to force them to put in a sight bearing fence. Mr. Abraham stated that staff and Council had talked about where Commercial is appropriate and where Local Business is, and it is his belief that the reason why the requirement for a sight bearing fence drops off between Local Business and Commercial is because as a general rule Commercial is not appropriate abutting an established residential neighborhood.

In response to question by Mr. Boyd regarding leaving a timber buffer similar to the buffer left at Target, Mr. Abraham stated that in that case it was a shopping center and there was some discussion of whether a shopping center of three acres or more required a Special Use Permit. Mr. Abraham stated that the very least it would require is a site plan and the sight bearing fence was a condition that the Planning Department felt was necessary in order to get a positive recommendation from their Department. Mr. Abraham stated that once the sight bearing fence was approved on the site plan, it becomes enforceable.

Mr. Robertson stated that the Planning & Zoning Commission minutes indicate that there is a possibility that if all the property goes Commercial they could have access to Ponderosa and Sandybrook Drive. Mr. Robertson asked if there were any restrictions the Council could place on the request that would keep the property owner from having this access. Mr. Abraham stated that the Planning Department does not regulate driveways and if a property owner were to grant them an

easement or allow them to drive across their property the Planning Department does not regulate access to public streets. Mr. Gorden asked if Ponderosa was a truck route. Mr. Abraham stated that Ponderosa was not on the truck route, but looking at the long run, and if the property was ultimately changed to Commercial and there was property that fronted on Ponderosa, then there would be the exception that you could go from point to point staying on the truck route as long as possible. Mr. Abraham stated that if the property owner had their access point on Sandybrook or Ponderosa at some point they would have to be allowed to get to their place of business.

In response to question by Mr. Gorden whether it takes the Commercial designation for the owners of Earth & Stone to do their business, Mr. Abraham stated that the Commercial designation is the most restrictive and it is the category they would fall under. Mr. Abraham stated that the Local Business classification is more service and retail oriented uses, not the outdoor type of uses which are relegated to Commercial uses. Mr. Gorden stated that, in his opinion, the original depth for commercial property on the Loop is too shallow, and this bothers him that this might be a little too much. In response to question by Mr. Gorden, Mr. Wade stated that he was selling the property to the owners of the Earth & Stone business. Mr. Wade stated that this property belonged to the late L. J. Conner. Mr. Wade stated that looking at the map beneath the words "subject property", that house is the Conner's house. Mr. Wade stated that there will be no passage from that property onto Ponderosa. Mr. Wade stated that there is frontage on Sandybrook. Mr. Wade stated that he thought that the request had been configured to where it would not have a domino effect.

In response to question by Mr. Gorden, Mr. Wade stated that the six acres on the corner of Ponderosa and Sandybrook is for sale and the owners hoped to sell it as Commercial. Mr. Abraham stated that when he talked about non-residential on one side of Sandybrook what he was saying is that what needs to be avoided is the back of a business to a residence on Sandybrook. Mr. Abraham stated that, in his opinion, Sandybrook should not be a non-residential district at this point. Mr. Abraham stated that since this business does not have any structures, only storage, it might not have a great impact, but typically you do not want the back of commercial buildings right across the street from residential structures.

In response to question by Mr. Bowman, Mr. Abraham stated that whether the request is consistent with the Comprehensive Plan is subjective. Mr. Abraham stated that if a request is just a matter of degrees the Comprehensive Plan would not need to be amended, but this request where the depth of the non-residential area is tripled is beyond that, that is consistent with the Comprehensive Plan. Mr. Abraham stated that 100' of depth in addition to what is there may not have such a great impact and would not be noticeable. Mr. Abraham stated that 100' would be consistent with the Comprehensive Plan and, in his opinion, the City needs to stay consistent with the Comprehensive Plan.

Mr. Robertson stated that if Council approves this zone change request, they would in essence be changing the Comprehensive Plan to some degree including Commercial into an area that is now Residential. Mr. Robertson asked for clarification as to the difference between this zone change request and a recent request on Atkinson where the Council changed the Comprehensive Plan to accommodate the request. Mr. Abraham stated that in a circumstance where it seems to be the desire of the Planning & Zoning Commission and the City Council, it is, in his opinion, appropriate to go back and look at the Comprehensive Plan. Mr. Abraham stated that if Council feels that this request is appropriate for Commercial zoning, before it is approved, it would be appropriate to send the Comprehensive Plan back and see what the ramifications are, what additional area should be added to this request. Mr. Abraham stated that he would caution that if Council felt that this lot, and only this lot, is appropriate for Commercial development it tends to argue against the Comprehensive planning aspect rather than a site-specific decision. Mr. Robertson stated that realizing that Loop 287 will

in the future have a wider commercial development than what we now have, and whether the timing is right now with the residential property there is his concern. Mr. Robertson stated that he, as a member of the Council, did not want to make a decision that would devalue the residential properties in the area. Mr. Robertson stated that if the residents have a chance to sell commercially rather than residential, it will probably command a higher value. Mr. Robertson stated that his concern is that maybe the Council does need to relook at the Comprehensive Plan and see whether or not, this area, in relationship to Jack in the Box at the end of Ponderosa Drive and these other developments along the Loop, we could accept a deeper zone in Commercial along this area. Mr. Abraham stated that he was in agreement with that suggestion because there was a potential need to increase the depth. Mr. Abraham stated that his concern was that tripling the depth would be beyond what is consistent with the Comprehensive Plan.

Mayor Bronaugh stated that he had to agree with Mr. Wade in that he had found a solution expanding the Commercial area along this section of Loop 287, but apparently the Planning & Zoning Commission looked at his solution as being unacceptable.

In response to question by Mr. Gorden, Mr. Abraham stated that if the Planning Department reevaluated this section of the Comprehensive Plan, they would probably make it consistent depths.

Mrs. Jones stated that Council is aware that the Comprehensive Plan is badly out of date, and Council is getting these requests that are logical to request because the City is growing and we are doing a patchwork on it to make it all fit. Mrs. Jones stated that she would add her emphasis to Mr. Abraham's request for a new Comprehensive Plan update.

Mr. Wade stated that he would like to address a comment by Mr. Abraham about the owner of the business picking up and moving. Mr. Wade stated that this gentleman has been around for many years and at this location for the past three and one half years. Mr. Wade stated that the way the Loop has the big curve in it at this location puts the property in a landlocked area.

In response to question by Mr. Robertson, Mr. Wade stated that at the deepest point the zone change request goes back 800'. Mr. Wade stated that the timber on the Loop next to the IBM building is for sale, the timber at the dead end of Sybil Drive is for sale, and numerous people in this area have spoken to the Planning & Zoning Department about their property.

Jonnie Lawrence, who resides at 2101 S. Chestnut, stated that she was present to observe what happens with this zone change. Mrs. Lawrence stated that the property that is being considered for a zone change is almost at their back door. Mrs. Lawrence stated that there is a piece of property between her property and the property being zoned. Mrs. Lawrence stated that she is the second house next to Sybil Drive, which is a dead end street, which could easily be made to go to the subject property. Mrs. Lawrence stated that she is the fourth house from Sandybrook, and that also would be a possibility of getting an easement for a drive to the south side of this property. Mrs. Lawrence stated that puts her in between Sybil Street and Sandybrook and the eight acres to the back of her. Mrs. Lawrence stated that this is the center point from Ponderosa Drive, Sandybrook, Chestnut Drive and Sybil. Mrs. Lawrence stated that Chestnut Baptist Church is for sale, six acres on Ponderosa at Sandybrook is for sale, which will leave six houses that will face Chestnut. Mrs. Lawrence stated that dump trucks will be going on both sides of her, and stone cutting going on behind her, and all the beautiful trees will be cut. Mrs. Lawrence stated that under these conditions the only way they could live is to sell their property and move because it would be unbearable to stay there. Mrs. Lawrence stated that there are zones that are better than Commercial for this property, which she could live with. Mrs. Lawrence stated that she is speaking for herself and her husband, and that they would like to live where they are for the rest

of their lives.

In response to question by Mr. Robertson, Mrs. Lawrence stated that her property has the main drainage creek and the City is very aware of that. Mrs. Lawrence gave a description of how the drainage in the area works and connects with Cedar Creek at the Mall. Mr. Robertson stated that he would be concerned about the residential neighborhood if a drainage plan with silt fences is not required for this property.

Mr. Wade stated that there is a major creek between the IBM building and the Earth & Stone property line, and the City just reworked the whole creek area. Mr. Wade stated that there is another creek that runs south and before it gets to Sandybrook it turns and goes westward. Mr. Wade stated that the subject property is fairly level. Mr. Wright stated that any commercial development will increase runoff in this area. Mr. Wright stated that anyone developing more than five acres will be required to have a storm water permit, which would address any runoff of silt and soil. Mr. Wade stated that it was his understanding that the owner of Earth & Stone would have a showroom and in that case he would have to pull a permit.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember R. L. Kuykendall that Ordinance to change the zoning from "Residential Large" to "Commercial" on approximately 8.7 acres of land described as a part of Tracts 1 and 11 of the Rice R. Turner Survey (Abstract No. 718) and located south of Loop 287 between South Chestnut Street and Ponderosa Drive and approximately 400 feet east of Sybil Drive as requested by Alan Wade be tabled and that the Planning Department take a look at the Comprehensive Plan for a reasonable solution to Commercial zoning along this area of Loop 287 and Ponderosa Drive between Sandybrook and the Loop.

Mr. Wade invited Councilmembers to come out and look at the property because, in his opinion, he had found the best use for the land.

The following vote was recorded:

Aye: Councilmembers Robertson, Kuykendall, Boyd, Jones, Gorden & Bowman  
Nay: Mayor Bronaugh

Motion carried with six affirmative votes.

#### **10. APPROVAL OF SPEED LIMIT - FM HIGHWAY 819 - TxDOT**

Mayor Bronaugh stated that the next item for consideration was approval of setting the speed on the recently completed portion of FM Highway 819 as requested by the Texas Department of Transportation.

City Manager Maclin stated that included in the Council packet is a letter from Joe Pitman, Traffic Systems Supervisor, along with a sheet where they performed a survey and study of the area in terms of speed and driving traffic in that area. Mr. Maclin stated that this is under the jurisdiction of the State and they are seeking Council's concurrence and enforcement of a 50 mph speed limit on the area from U. S. 59 on the new portion of FM 819 as it extends towards the Fairview Community on our portion adjacent to the United Pentecostal Campgrounds.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Betty Jones that Ordinance setting the speed on the recently completed portion of FM Highway 819 as requested by the Texas Department of Transportation be approved on First Reading as presented. A unanimous affirmative vote was recorded.

#### **11. ANNUAL MUNICIPAL COURT REPORT - JUDGE JOHN SLOAN**

Mayor Bronaugh stated that the next item for consideration was an annual



Municipal Court report given by Judge John Sloan.

Judge John Sloan stated that he appreciated the opportunity of speaking before the Council tonight. Judge Sloan stated that he would first like to report on the activities of the City Marshal Rhonda McLendon. Judge Sloan stated that she had done an excellent job as Council would be able to see by the receipts from Municipal Court. Judge Sloan stated that not only is she doing an excellent job as City Marshal and collection efforts, she is also able to help the Municipal Court clerks when they are short handed or during peak periods. Judge Sloan stated that Rhonda is also helping setup the new computer system. Judge Sloan stated that the Department is very proud of Rhonda.

Judge Sloan stated that the Director of Human Resources had called him some time ago seeking a job description for his position. Judge Sloan stated that he gives personal attention to thousands of people in trying to resolve their problems. He tries to do this with consistency and with fairness as much as possible. Being Municipal Judge is being cost effective, being on call 24 hours a day, seven days a week. It is feeling inadequate when talking or counseling with a parent who has lost control of their child. It is feeling inadequate when you have only a few minutes to talk to a young person to try to provide guidance that you hope will start a reversal of a life time of inappropriate conduct. It is a service business. It is similar to running a service business in a hostile environment; no one likes to receive a ticket. Judge Sloan states that they keep that in mind when they deal with people, and as a consequence they make every effort to be courteous to every person who comes to their Court to provide service efficiently so they won't have to wait regardless of the attitude they display. Judge Sloan stated that while they may be the only Municipal Court in town, they try not to act like that. Every effort is made to be efficient to serve the public even in such small ways that they have rearranged their office where each work station's predominant view is the service window so they can minimize the time people have to wait. Judge Sloan stated that their job is to diffuse sometime hostile situations. Judge Sloan stated that they make every effort to be courteous regardless of who they are talking to.

Judge Sloan stated that he tries to be as cost effective as possible. One of the ways of being cost effective in his estimation is that he maintains an open door policy. Judge Sloan stated that he will talk to anybody that wants to come in. Judge Sloan stated that he reported to Council over the years that his surveys indicate that he probably has somewhere between 7,500 and 10,000 personal contacts per year with citizens of the City of Lufkin. The advantage of this allows them to resolve many cases without formal trials, thus minimizing the amount of time our police officers spend in court and minimizes the amount of time of other City personnel who may be engaged in this process, such as the City Attorney. Judge Sloan stated that Lufkin is one of the few cities of our size that a defendant can talk to a Judge on an informal basis. In many cities the only way a person can see a Judge is by going to Court. As a consequence of the open door policy, he probably has fewer trials of any court our size in the State. Judge Sloan stated that the benefit of an open door policy is that it is cost effective. Judge Sloan stated that talking to a citizen can eliminate a lot of problems.

Judge Sloan stated that he thinks that courtesy and respect are important to our system. Judge Sloan stated that it is important that Municipal Court projects the proper image to the citizens of Lufkin.

Judge Sloan stated that when he took over as Municipal Court Judge he tried to install some consistent practices. The revenue increased approximately \$6,5000 a month without any increase in the fine schedule or the number of tickets written. Judge Sloan stated that a new practice he has implemented is that every time the Court has to send a reminder to a citizen they tack on a small fee to the ticket. As a result, they are sending out about 200 tickets a week, at \$5.00 a letter and ultimately that will result in revenue to the City of about \$4,000.



Judge Sloan stated that being a Municipal Court Judge is somewhat like being a bank loan officer, they have a very large portfolio of receivables. Judge Sloan stated that a lot of these receivables are involuntary. People, because of their economic status, are unable to pay an entire ticket at one time, so they are forced into having receivables for them. Judge Sloan stated that they process those as aggressively as possible trying to keep the collections coming in and yet at the same time not crossing the line where the City would incur a liability for the way those are handled.

Judge Sloan stated that he and members of his staff have occasionally been threatened by disgruntled defendants, and have doors slammed by disgruntled police officers.

Judge Sloan stated that the position of Municipal Court Judge requires a great deal of time. There are certain limits of when they have to arraign prisoners and see people, and as a consequence of that, probably most years he turns in most of his vacation time to the City.

## **12. APPLICATION SUBMISSION - APPROVED - TxDOT - TEA-21 PROGRAM - DOWNTOWN INFRASTRUCTURE IMPROVEMENTS**

Mayor Bronaugh stated that the next item for consideration was approval of an application submission to TxDOT for TEA-21 Program to make downtown infrastructure improvements.

City Manager Maclin stated that included in the Council packet is a memo from Main Street Director Diana Chatman, that gives an overview of the application, and a Resolution for Council's consideration for approval as part of the application process. Mr. Maclin stated that on the Council table is a packet of information titled "Projected Probable Project Costs, City of Lufkin Downtown Sidewalk Replacement Program". Mr. Maclin stated that the City has applied on several occasions for what used to be called the ISTEPA Program funds for downtown infrastructure improvements. Mr. Maclin stated that it is the concurrence of staff and the Main Street Advisory Board that the single greatest positive impact we could have to our downtown is to improve our infrastructure specifically as it relates to streets, sidewalks, lights and landscaping. Mr. Maclin stated that the new program has been funded by the Federal Government Transportation Department and instead of ISTEPA it is called TEA-21. Mr. Maclin stated that in addition to Ms. Chatman, Bob Thurber of KSA and another staff member were present to give a brief overview of what is included in this application, which is an approximate \$2.5 million downtown infrastructure improvements application and would require a 20% match on the part of the City (\$500,00). Mr. Maclin stated that in previous years we discussed the utilization of street department funds spread out over three or four years. Mr. Maclin stated that we could also consider issuance of long term debt through our Capital Improvements Program as a method of funding our match.

Mr. Thurber stated that the T-21 program is funded by the Federal Highway Administration and also administered by TxDOT. Mr. Thurber stated that he would like for each one of the Councilmembers to know that this is not a grant, it is a reimbursement program up to 80%. Mr. Thurber stated that his staff had done a rather detailed investigation of the downtown area; the targeted area as indicated by the staff. Mr. Thurber stated that his proposal is shown on the colored maps. The red line along the side of the street would indicate some type of pavers. Mr. Thurber stated that they also propose to do some historical period lighting. The other item they are suggesting is to put some planters in a four block area bounded by Frank Avenue, North First, North Third and Shepherd. Mr. Thurber stated that also as part of the program they are looking at adding some additional parking spaces downtown. Mr. Thurber stated that they looked at five different options as to what type of pavers or sidewalks they would like to try to recommend to the City, ranging in price from \$1.5 million to \$2.2 million. Mr. Thurber stated that the City staff, and his staff, liked the option of having a two foot strip of pavers adjacent to

the curb and the rest of the sidewalk being a concrete construction. Mr. Thurber stated that there would be four lights per street with one light at each corner. Mr. Thurber stated that the planters were placed at third points in between the lighting to set some type of symmetrical look. Mr. Thurber stated that some of the work might possibly be considered as in-kind work if the City chooses to do so. Mr. Thurber stated that some of the in-kind things he was thinking of would be the planters and people to plant the trees. Mr. Thurber stated that another consideration would be demolition of the existing sidewalks, but he had not visited with Mr. Wright about this. Mr. Thurber stated that another item is that the City could provide an inspector during the course of construction.

Mr. Thurber stated that he did provide some costs for storm sewers downtown at approximately \$385,000.

Mr. Maclin stated that the proposed site for parking could be eligible in terms of its purchase price for grant funds if we can get the property owner to indicate a willingness to sell.

In response to question by Mr. Gorden, Mr. Thurber stated that the application date is August 9, and goes into review by TxDOT in their October/November meeting.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that the Resolution and application submission to TxDOT for TEA-12 Program to make downtown infrastructure improvements be approved as presented. A unanimous affirmative vote was recorded.

#### **13. AUTHORIZATION - APPROVED - SALE OF SEIZED PROPERTY - 910 CARVER**

Mayor Bronaugh stated that the next item for consideration was authorization to sell seized property located at 910 Carver.

City Manager Maclin stated that included in the Council packet is a final judgment by the presiding Judge signed on the 22nd of April, 1999 as it relates to the property located at 910 Carver. Mr. Maclin stated that photographs of the house and property were being passed around to Council members. The house is valued at \$10,000 and the property is valued at \$2,000, for an approximate total value of \$12,000. Mr. Maclin stated that this property was acquired by the Police Department through a narcotics intervention. Mr. Maclin stated that as noted in the Judge's Order, the City obtained this property through seizure as forfeited assets. Mr. Maclin stated that what the Police Department is seeking today is Council's authorization to liquidate this property through auction or sale, and hopefully take the cash and put it into the seized assets account of the Narcotics Division.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that authorization be granted to sell seized property located at 910 Carver as requested by the Police Department. A unanimous affirmative vote was recorded.

#### **14. BID - APPROVED - BRIDGE EXTENSION - DANIEL McCALL DRIVE - RONSON CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was award of bid for the Daniel McCall Drive bridge extension.

City Manager Maclin stated that included in the Council packet is a bid tabulation for this item which was part of this year's Street Department budget. Mr. Maclin stated that this will continue that area north of the college where the City has already made some improvements to Daniel McCall and includes a bridge rehabilitation.

Mr. Maclin stated that staff recommendation is to award the low bid of Ronson

Constructors of Lufkin, Texas in the amount of \$95,100.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that bid of Ronson Construction in the amount of \$95,100 for the Daniel McCall Drive bridge extension be approved as submitted. A unanimous affirmative vote was recorded.

**15. BID - APPROVED - PIPE BURSTING MACHINE - VERMEER EQUIPMENT - WATER UTILITIES DEPARTMENT**

Mayor Bronaugh stated that the next item for consideration was a pipe bursting machine for the Water Utilities Department.

City Manager Maclin stated that included in the Council packet is the information relating to the Vermeer piece of equipment. Mr. Maclin stated that they ended up being the only successful bidder in regard to the specifications the City submitted. Mr. Maclin stated that this is an item staff demonstrated through the budget process last summer through video clips and brochures. Mr. Maclin stated that this is a product staff feels will greatly enhance pipe replacement capabilities particularly as it relates to those areas where it is very difficult to dig the pipe up, but rather be able to use the pipe bursting machine to replace the pipe without major disturbance of businesses in the areas where the right-of-way is narrow. Mr. Maclin stated that this is part of a total package that had been budgeted at \$91,000 and there are a couple of other pieces of equipment that are related to this that will be a part of a future purchase. Mr. Maclin stated that staff recommendation is the low bid of Vermeer Equipment in the amount of \$75,978.56. The life expectancy of the equipment is eight years.

Motion was made by Councilmember Don Boyd seconded by Councilmember Betty Jones that the bid of Vermeer Construction in the amount of \$75,978.56 for a pipe bursting machine to be used in the Water Utilities Department be approved as submitted. A unanimous affirmative vote was recorded.

**16. BID - APPROVED - TWO MILLION GALLON GROUND WATER STORAGE TANK - SEFCO, INC.**

Mayor Bronaugh stated that the next item for consideration was award of bid for two million gallon ground water storage tank.

City Manager Maclin stated that this is actually an item from last year's budget that was delayed due to some engineering we needed to do relating to our distribution system. Mr. Maclin stated that staff recommendation is the low bid of Sefco, Inc. in the amount of \$404,534.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that bid of Sefco, Inc. in the amount of \$404,534 for a two million gallon ground water storage tank be approved as submitted. A unanimous affirmative vote was recorded.

**17. BID - APPROVED - CONSTRUCTION OF RESTROOM FACILITY - ELLEN TROUT ZOO - TIMBERLINE CONSTRUCTION, INC.**

Mayor Bronaugh stated that the next item for consideration was award of bid of the construction of restroom facility at Ellen Trout Zoo.

City Manager Maclin stated that this is another project that was part of the Zoo expansion program. Mr. Maclin stated that we had to make room for the giraffe and rhino exhibits, and therefore eliminated the restroom facilities. These will be new facilities to replace those across the street. Mr. Maclin stated that staff recommendation is the low bid of Timberline Construction with a deduction where the City would be doing the grading, site preparation, utilities to the building, and a

roof membrane that we can do through City force account reducing the total bid price by about 20%, therefore awarding a low bid in the amount of \$75,558.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that the bid of Timberline Construction, Inc. in the amount of \$72,558 for the construction of restroom facility at Ellen Trout Zoo be approved as submitted. A unanimous affirmative vote was recorded.

**18. BID - APPROVED - SEWER LINE CLEANING - 24" EAST LOOP TRUNK LINE - GROCE COMPANY**

Mayor Bronaugh stated that the next item for consideration was award of bid of sewer line cleaning of 24" East Loop trunk line.

City Manager Maclin stated that this is a project for cleaning on the southeast area of town between Loop 287 and the Highway 69 intersection. Mr. Maclin stated that the City has had some overflow problems in the vicinity towards Ford Chapel at some new businesses in the area. Mr. Maclin stated that this was a budgeted item and he is recommending the low bid of Groce Company in the amount of \$26,500.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Bob Bowman that the bid of Groce Company in the amount of \$26,500 for sewer line cleaning of the 24" East Loop trunk line be approved as submitted. A unanimous affirmative vote was recorded.

**19. BID - APPROVED - REPLACEMENT OF CIVIC CENTER ROOFING MATERIAL - CARNEY ROOFING**

Mayor Bronaugh stated that the next item for consideration was the award of bid for replacement of Civic Center roofing material.

City Manager Maclin stated that this was discussed a couple of meetings ago in regards to roofing the Civic Center facility and the leaks and problems they were experiencing. Mr. Maclin stated that staff recommendation is to award the low alternate bid of Carney Roofing in the amount of \$79,895.48. Mr. Maclin stated that the alternate bid allows for the material to be placed over the existing roof as opposed to the base bid that would remove the roofing materials. Mr. Maclin stated that the City Engineer has looked at the roof and stated that there may be some spots where the roofing materials would have to be replaced where there has been some damage.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that the low alternate bid of Carney Roofing in the amount of \$79,895.48 for replacement of the Civic Center roofing material be approved as submitted. A unanimous affirmative vote was recorded.

**20. BID - APPROVED - WIDE AREA NETWORK (WAN) - DATA PROCESSING SYSTEM -**

Mayor Bronaugh stated that the next item for consideration was a bid for the installation of (WAN) Wide Area Network to the City's Data Processing system.

City Manager Maclin stated that included in the Council packet is a memo from the Data Processing Director Bill Cameron. Mr. Maclin stated that by awarding this bid the City will be able to expand the wide area network which allows for the departments outside of City Hall to connect into the same network that is inside City Hall, and provides both Internet access and email, but also provides access to the City's new HTE software.

Bill Cameron, Data Processing Director, stated that this is a complex proposal with four companies bidding on the WAN. Mr. Cameron stated that the only company

that could provide the circuits is TXU through LCC. Mr. Cameron stated that in order for TXU to maintain and monitor the system, they wanted to lease the equipment to the City and not sell it to the City. Mr. Cameron stated this is the most expensive way to do this and is not the approach staff wanted to take. Mr. Cameron stated that two good, small companies bid on this system and their bids were actually lower than DP Solutions bid on the equipment and TXU's bid on the equipment, but this is a very complex system and he was concerned that the City not spend a lot of their efforts on maintenance. Mr. Cameron stated that he is recommending that TXU provide the circuits (digital phone lines), and that TXU provide the Internet access we need in order to terminate the T1 (the large connection to the Internet), and that DP Solutions provide the equipment (the lowest bid on the equipment that technically would do the job). Mr. Cameron stated that he also recommends that DP Solutions provide the remote monitoring of the equipment that is necessary in order to keep it up. Mr. Cameron stated that DP Solutions had the lowest bid on that part of the bid request. Mr. Cameron stated that his recommendation is that the City take the proposal, have a non-reoccurring charge of \$10,271 for the circuits required for this system (includes the Internet connectivity as well as the circuits for the WAN), that the City purchase the equipment from DP Solutions at a cost of \$52,505, that the City buy remote monitoring from DP Solutions at an annual cost of \$7,000 a year, and the monthly reoccurring charge to TXU for Internet access and the circuits in the amount of \$6,810.

City Manager Maclin stated that staff recommendation is a bid of TXU for the circuits and the Internet access for a total of \$17,081 including the recurring cost of \$6,810, and the total of \$59,505 from DP Solutions, including the \$7,000 for annual monitoring.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that bid of TXU for the circuits and the Internet access for a total amount of \$17,081 including the recurring cost of \$6,810, and the total of \$59,505 from DP Solutions, including the \$7,000 for annual monitoring for the installation of (WAN) the Wide Area Network to the City's Data Processing system be approved as submitted. A unanimous affirmative vote was recorded.

## **21. EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 6:51 p.m. to enter into Executive Session. Regular Session was reconvened at 7:30 p.m. and Mayor Bronaugh stated that Council had discussed attorney-client matters and appointments to Boards.

City Attorney Flournoy recommended that the following houses be demolished:

1. 1005 O'Quinn
2. 823 Walker Loop
3. 1914 West Williams
4. 413 MLK Blvd.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that houses located at 1005 O'Quinn, 823 Walker Loop, 1914 West Williams, and 413 MLK Blvd. be approved for demolition as recommended by the City Attorney. A unanimous affirmative vote was recorded.

## **22. APPOINTMENTS - APPROVED - ZONING BOARD OF ADJUSTMENT & APPEALS - LACEY CHIMNEY - JERRY BENSON - AL MEYER**

Motion was made by Councilmember Bob Bowman and seconded by Councilmember that Lacey Chimney, Jerry Benson and Al Meyer be reappointed to the Zoning Board of Adjustment & Appeals. A unanimous affirmative vote was recorded.

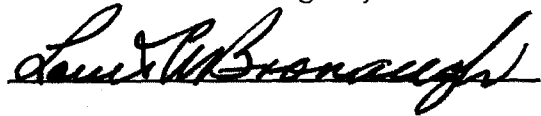
23. APPOINTMENT - APPROVED - CIVIL SERVICE COMMISSION - BENNY MOYE

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Benny Moya be appointed to the Civil Service Commission. A unanimous affirmative vote was recorded.

24. COMMENTS

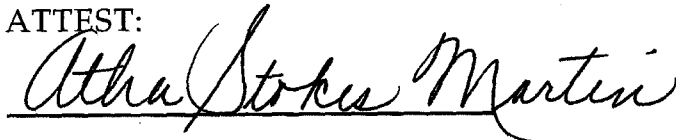
City Manager Maclin reminded Councilmembers of the budget workshop meeting tomorrow at 8:00 beginning with breakfast, and at 10:00 a.m. Thursday.

25. There being no further business for consideration, meeting adjourned at 7:37 p.m.



Louis Bronaugh  
Mayor

ATTEST:



Atha Stokes Martin - City Secretary