

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF LUFKIN, TEXAS
HELD ON THE 2ND DAY OF NOVEMBER, 1999 AT 5:00 P. M.

On the 2nd day of November, 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 A. Bronaugh	Mayor
Bob Bowman	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward 1
Don Boyd	Councilmember, Ward 2
Lynn Torres	Councilmember, Ward 3
Jack Gorden, Jr.	Councilmember, Ward 5
Dennis Robertson	Councilmember, Ward 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager
Atha Stokes Martin	City Secretary
Bob Flourney	City Attorney
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 Chaplain Bob Bush, Pastor, First Nazarene Church.

2. Mayor Bronaugh welcomed visitors present and recognized members of the Weeblo Pack and the Wolf Pack of Troop 138, Boy Scouts of America, and their adult leaders. Also in attendance were members of the Government class of Lufkin High School.

3. **APPROVAL OF MINUTES**

Minutes of the regular meeting of October 19, 1999 were approved on a motion by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. A unanimous affirmative vote was recorded.

4. **PROCLAMATION - SMALL BUSINESS APPRECIATION WEEK**

Mayor Bronaugh stated that the first item for consideration was a Proclamation, which he had signed, and said in effect, that the week beginning November 1, 1999 be proclaimed as Small Business Appreciation Week. Tom Manskey recognized Angela Marcott, representing the Small Business Development Council, Al Deloro, Matt McCormick and Georgia Hunt. Mr. Manskey stated that he appreciated the Proclamation and the strong support that the City and the Chamber provide each other. Mr. Manskey invited Councilmembers to attend the first business showcase at the Civic Center on Thursday between 3 and 7 p.m.

5. **ORDINANCE – APPROVED – SECOND READING - ZONE CHANGE – RESIDENTIAL LARGE AND COMMERCIAL TO COMMERCIAL – A. VARILLA SURVEY (ABSTRACT No. 49) – 2120 NORTH RAQUET STREET – VANNOY & ASSOCIATES**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "Residential Large and Commercial" to a "Commercial" Zoning District on approximately 2.176 acres of land described as Tracts 624 through 628 out of the A. Varilla Survey (Abstract No. 49) and more commonly known as 2120 North Raguet Street as requested by Vannoy & Associates.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that Ordinance to change the zoning from "Residential Large and Commercial" to a "Commercial" Zoning District on approximately 2.176 acres of land described as Tracts 624 through 628 out of the A. Varilla Survey (Abstract No. 49) and more commonly known as 2120 North Raguet Street be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. **ORDINANCE – APPROVED – SECOND READING - AMENDMENT – SOLID WASTE RATES**

Mayor Bronaugh stated that the next item for consideration was an Ordinance amending the Solid Waste rates.

City Manager Maclin stated that this Ordinance was discussed at last meeting in order to improve efficiencies of operations in the Solid Waste Department.

In response to question by Councilmember Gorden, Dennis Webster, Director of Solid Waste, stated that all the feedback he had received was very positive.

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

7. **ORDINANCE – APPROVED – SECOND READING – AMENDMENT – WATER CONNECTION FEES**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance amending the Water Connection fees.

City Manager Maclin stated that Council asked staff to include an additional clause that would have a lower rate for senior citizens over age 65, and that has been provided in Section I-(b). Mr. Maclin stated that for senior citizens 65 and over there is a \$10 reconnect fee and \$15 for the after hour charge as opposed to \$30 and \$20.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Ordinance to amend the Water Connection fees be approved on Second and Final Reading, with revisions to Section I (b) to reflect a \$10 reconnect fee and a \$15 after hour reconnect fee for citizens over the age of 65. A unanimous affirmative vote was recorded.

8. **ANNEXATION PLAN - APPROVED**

Mayor Bronaugh stated that the next item for consideration was adoption of an Annexation Plan for the City of Lufkin.

City Manager Maclin stated that basically the State legislature made some changes in annexation law, which prescribes a definitive plan for annexations that take place where there are over a hundred residences. Mr. Maclin stated that since all of the

City's annexations during recent years have impacted less than 100 residences, staff does not see a need or requirement to develop a plan. Mr. Maclin stated that as the City continues to grow, with the acquisition of the Burke Water Supply, staff will continue to monitor this for the future. Mr. Maclin stated that if Council gets to the point in the future where they think it is in the community's best interest to develop an annexation plan for those areas, then a plan can be updated and placed on the books. Mr. Maclin stated that currently the City's annexations that are taking place, and what staff anticipates in the coming months, would all be exempt based on the 100 residence criteria.

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Jack Gorden, Jr. that the Annexation Plan for the City of Lufkin be approved as presented. A unanimous affirmative vote was recorded.

**9. LETTER OF REQUEST - APPROVED - FIRST SOUTHWEST COMPANY-
PERMISSION TO BID - CITY'S CERTIFICATES OF OBLIGATION**

Mayor Bronaugh stated that the next item for consideration was a letter of request from First Southwest Company seeking permission to bid on the City's Certificates of Obligation.

City Manager Maclin stated that included in the Council packet is a letter from First Southwest Company signed by Mike Byrd. Mr. Maclin stated that this is an annual request anytime the City is issuing debt. Mr. Maclin stated that since First Southwest Company serves as the City's bond counsel they need to request this letter of permission from the City Council.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that letter of request from First Southwest Company seeking permission to bid on the City's Certificates of Obligation be approved as Presented. A unanimous affirmative vote was recorded.

10. ORDINANCE - APPROVED - ISSUANCE OF CERTIFICATES OF OBLIGATION

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance of all matters incident and related to the issuance of \$4,400,000 "City of Lufkin, Texas, Tax and Waterworks and Sewer System Surplus Revenue Certificates of Obligation, Series 1999", dated December 1, issuance of such Certificates of Obligation.

City Manager Maclin stated that on the Council table is the actual Ordinance sent to staff by Ed Esquivel of Fulbright & Jaworski's office. Mr. Maclin stated that these are general fund obligations in terms of debt issuance for the capital improvement program, and the header mentions waterworks and sewer system and that is another requirement by State law. Mr. Maclin stated that the requirement is that the City basically commits whatever resources to make sure that the debtor is repaid.

Mr. Maclin stated that this is the first step in the issuance of the \$4.4 million towards the City's \$12 capital improvement program.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that First Reading of an Ordinance of all matters incident and related to the issuance of \$4,400,000 "City of Lufkin, Texas, Tax and Waterworks and Sewer System Surplus Revenue Certificates of Obligation, Series 1999, dated December 1, issuance of such Certificates of Obligation be approved as presented. A unanimous affirmative vote was recorded.

11. REVISION AND UPDATE – APPROVED – CITY OF LUFKIN INVESTMENT POLICY – INVESTMENT STRATEGY POLICY

Mayor Bronaugh stated that the next item for consideration was recommendation from the Finance Committee for revision and update to the City of Lufkin Investment Policy and Investment Strategy Policy.

City Manager Maclin stated that this is something that staff typically tries to do each year to review the policy. Mr. Maclin stated that there were a few changes in State law this past summer and this revisions reflects those changes and a few other grammatical corrections. Mr. Maclin stated that this comes to the City Council as a recommendation from the Finance Committee to update the City's policy.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that revisions to the City of Lufkin Investment Policy and the Investment Strategy Policy be approved as presented. A unanimous affirmative vote was recorded.

12. CONTRACT – APPROVED – KIT McCONNICO PARK DESIGN – EHLEH & ASSOCIATES

Mayor Bronaugh stated that the next item for consideration was entering into a contract with Ehler & Associates for Kit McConnico Park design. City Manager Maclin stated that this item comes to Council as a recommendation from the Parks Board. Mr. Maclin stated that Ehler & Associates was the firm selected to do the site master plan for Kit McConnico Park several months ago. Mr. Maclin stated that the Parks Board would like to continue the relationship that had been started with Mr. Ehler and ask him to do the plans and specifications for the Capital Improvements approved portion of the Kit McConnico Park development. Mr. Maclin stated that a finalized contract will be brought to Council at a future date, but this authorizes the City of enter into a negotiation with Mr. Ehler to come up with a fee structure necessary to establish a contract. Mr. Maclin stated that, if for some reason staff and Mr. Ehler were unable to agree on those fees, then staff could go with a second choice. Mr. Maclin stated that this will also include the application for the Texas Parks & Wildlife grant.

In response to question by Councilmember Robertson, Mr. Flournoy stated that architects and engineers are prohibited from bidding.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Don Boyd that contract with Ehler & Associates for the Kit McConnico Park design be approved as presented. A unanimous affirmative vote was recorded.

13. REVISIONS – APPROVED – CITY EMPLOYEE HANDBOOK

Mayor Bronaugh stated that the next item for consideration was revisions to the City of Lufkin Employee Handbook.

City Manager Maclin stated that included in the Council packet is a letter from the Director of Human Resources with recommendations for revisions to the Handbook. Mr. Maclin stated that staff would like to recommend that Council approval the revisions and updates to the Lufkin Employee Handbook.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that revisions to the City of Lufkin Employee Handbook be approved as presented. A unanimous affirmative vote was recorded.

14. AGREEMENT – APPROVED – BRIDGE REPLACEMENT – ELLIS STREET AT CEDAR CREEK - TXDOT

Mayor Bronaugh stated that the next item for consideration was an Agreement with TxDOT for replacement of the bridge on Ellis Street at Cedar Creek. City Manager Maclin stated that included in the Councilmembers packet is a letter from Cheryl Flood, the Lufkin area engineer from the Department of Transportation, along with a Construction Maintenance Agreement for the bridge replacement program. Mr. Maclin stated that this is a program the City has participated in in recent years and provides the majority of funding from the Texas Department of Transportation. Mr. Maclin stated that at this point the City would be required to put up \$4,940 in the planning phase. Mr. Maclin stated that it will probably be 2001 before the bridge is built, and it is a great opportunity for the City to apply for State funds to assist in the replacement/rehabilitation of this bridge. Councilmember Gorden stated that he had asked the City Manager earlier to see if there is a way to preserve the rock that has been used as an abutment to the bridge, or perhaps use the rock in another location, since it has some historical significance. Mr. Maclin stated that he would discuss this with Mr. Wright.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that the Agreement with TxDOT for the replacement of a bridge on Ellis Street at Cedar Creek be approved as presented. A unanimous affirmative vote was recorded.

15. BID – APPROVED – DRAINAGE IMPROVEMENTS – SPANISH MOSS DRIVE – J & D CONSTRUCTION

Mayor Bronaugh stated that the next item for consideration was award of bid for Spanish Moss Drive drainage improvements. City Manager Maclin stated that included in the Council packet is a memorandum from the Engineering Department detailing the bids received for this project. Mr. Maclin stated that this is a project that came to the Engineering Department from the property owners in this neighborhood and under the City's policy, the citizens or property owners will be responsible for the major cost of the materials with the City providing the cost of installation and labor. Mr. Maclin stated that the material costs is about \$57,491, which will be reimbursed to the City. Mr. Maclin stated that the staff recommendation is the low bid of J & D Construction in the amount of \$120,731.

In response to question by Councilmember Robertson, Mr. Wright stated that in some instances there are channels coming across the front yards of these property owners and in some areas they are putting in culverts to eliminate the channels, and in some areas they are putting channel improvements and putting in some slope protection. Mr. Wright stated that he has talked to the property owners and they have agreed to wait until after Christmas to do the actual construction. Mr. Gorden stated that this is in his Ward and he and C. G. and Keith have visited with these property owners in an attempt to work out their problem.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Jack Gorden, Jr. that the bid of J & D Construction in the amount of \$120,731 be approved as submitted. A unanimous affirmative vote was recorded.

16. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:30 p.m. Regular Session reconvened at 6:24 p.m. and Mayor Bronaugh stated that Council had discussed attorney/client matters and appointments to Commissions.

**17. APPOINTMENTS - APPROVED - PLANNING & ZONING COMMISSION -
DEBBIE JOHNSTON - DR. ODIS RHODES - RONNIE ROBINSON**


Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that Debbie Johnston, Dr. Otis Rhodes, and Ronnie Robinson be reappointed to the Planning & Zoning Commission. A unanimous affirmative vote was recorded.

18. COMMENTS

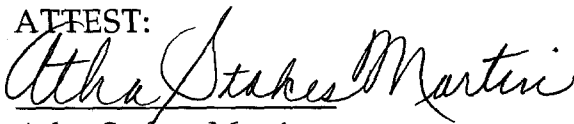
Councilmember Bowman stated that he attended a Region I water meeting in Nacogdoches today, and had brought some information back to share with Mr. Maclin.

Mr. Maclin stated that the City will observe next Thursday, November 11th, as Veteran's Day, and the Thursday garbage routes will be picked up on Wednesday, November 10th.

19. There being no further business for consideration, meeting adjourned at 6:27 p.m.


Louis A. Bronaugh
Mayor

ATTEST:


Atha Stokes Martin
City Secretary