

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
1st DAY OF AUGUST 2000 AT 5:00 P. M.

On the 1st day of August 2000 the City Council of the City of Lufkin, Texas, convened in a regular meeting the Council Chamber of City Hall with the following members thereof, to wit:

Louis Bronaugh	Mayor
R. L. Kuykendall	Mayor pro tem
Don Boyd	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Dennis Robertson	Councilmember, Ward No. 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Atha Stokes Martin	City Secretary
Tommy Deaton	Asst. City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Michael Murphy, Pastor, Parkview Baptist Church.
2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Motion was made by Councilmember Don Boyd and seconded by Councilmember Lynn Torres that the minutes of the regular meeting of July 18, 2000 be approved as presented. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING – FISCAL YEAR BUDGET 2000-2001

Mayor Bronaugh opened Public Hearing to consider the budget for fiscal year 2000-2001.

There was no one present to speak for or against the 2000-2001 Fiscal Year Budget.

Mayor Bronaugh closed Public Hearing.

5. ORDINANCE – APPROVED – FIRST READING - SPECIAL USE PERMIT – BED AND BREAKFAST FACILITY – RESIDENTIAL SMALL ZONING DISTRICT – BROOKSHIRE POND SUBDIVISION – 2000 PAUL AVENUE – DELETING EXISTING SPECIAL USE PERMIT – MACHINE AND MOTORCYCLE REPAIRS – JOHNNY FUTCH

Mayor Bronaugh stated that the next item for consideration was the request of Johnny Futch for a Special Use Permit for a Bed and Breakfast Facility within a “Residential Small” zoning district on 5.305 acres of land described as Lot 1 of the Brookshire Pond Subdivision and more commonly known as 2000 Paul Avenue; and consider deleting an existing Special Use Permit for Machine and Motorcycle Repairs on the referenced property.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department which gives the background on this request along with maps showing the location of the subject property, some photographs, as well as a zoning map, sight plan and floor plan for this request. Mr. Maclin stated that this request comes to Council from the Planning & Zoning Commission with a

unanimous vote that the Special Use Permit for a Bed and Breakfast facility is approved as submitted and that the Special Use Permit for a Machine and Motorcycle Repairs be deleted.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Lynn Torres that Ordinance for a Special Use Permit for a Bed and Breakfast Facility within a "Residential Small" zoning district on 5.305 acres of land described as Lot 1 of the Brookshire Pond Subdivision and more commonly known as 2000 Paul Avenue and the deletion of an existing Special Use Permit for Machine and Motorcycle Repairs on the referenced property as requested by Johnny Futch be approved on First Reading as presented. A unanimous affirmative vote was recorded.

6. ANNUAL REPORT – ANGELINA BEAUTIFUL/CLEAN – MELINDA KARTYE

Mayor Bronaugh stated that the next item for consideration was an annual report by Melinda Kartye of Angelina Beautiful/Clean.

Ms. Kartye thanked Council on behalf of the Angelina Beautiful/Clean Board of Directors for their continued support to the AB/C \$1 water bill donation. Ms. Kartye stated that Angelina Beautiful/Clean is a non-profit organization who's mission is to educate and to empower East Texans to keep Lufkin and all of Angelina County the cleanest, most beautiful place to live, work and play. Ms. Kartye stated that AB/C is determined more than ever to keep environmental education on the front lines in the areas of litter prevention, solid waste management, and beautification and public awareness.

Ms. Kartye stated that according to their last cost benefit ratio analysis, for every one dollar donated to the AB/C, Inc. they returned \$38 worth of goods and services back into the community. Ms. Kartye stated that although they work with communities throughout the county, they are very careful in making sure that the \$1 donation money is only spent within the City of Lufkin.

Ms. Kartye stated that at the close of their fiscal year end in April, a total of \$30,454 had been donated through the \$1 donations. Ms. Kartye stated that the 1999-2000 budget was: Awards and Photos - \$3,000; Miscellaneous beautification - \$15,000; Promotional items - \$500; School landscaping - \$1,000; and, Transfer to Administration - \$10,000.

Ms. Kartye stated that some of their accomplishments from the last two years were: Planted over 1000 trees to help maintain and support urban forests within the City; Covered the costs of the Governor's Community Achievement Award applications to Keep Texas Beautiful, which in turn will bring \$95,000 worth of landscaping into the City; Recognized 24 local businesses who have made a special effort to keep their businesses looking great; Sixteen clean-up events to rid Lufkin of over 2,000 bags of trash and 842 bags of recyclables; The Lufkin Arbor Day ceremonies with the Mayor and other City officials; Funded beautification grants which include nine school improvement projects, back yard gardens at the Salvation Army Adult Day Center, annual flower planting at six esplanades, the Texas Forestry Museum Urban Wildscape Trail, Timberland Drive Beautification, Winston Park, the Girl Scout House at Chambers Parks, and median irrigation and maintenance; Aided the City and area business sponsors in collecting 3.4 tons of phone books, 5,500 Christmas trees, 15,000 Christmas cards; educated citizens on the importance of recycling during Texas Recycles day through information booths set up at local grocery stores and at local schools; and, educated every student with Lufkin grades K-12 on some type of environmental subject.

Ms. Kartye stated that these are just a few of the accomplishments that AB/C has made because of the City's support. Ms. Kartye stated that as they enter into a new era, they look forward to building their partnership with Lufkin. Ms. Kartye stated that at a recent Board retreat it was discussed that AB/C would make more effort in bringing exposure and attention to each individual community within the County. Ms. Kartye stated that AB/C asks that each Councilmember represented here today help them to do that, to encourage the City's input and involvement to attain the goal that we all have and that is to keep Lufkin Beautiful.

Ms. Kartye presented a "Star of Texas" to Mayor Bronaugh that was presented to Lufkin at the AB/C Keep Texas Beautiful Convention in El Paso. Ms. Kartye stated that this award is for 10 years of sustained excellence in the Keep Texas Beautiful system. Ms. Kartye stated that she would like for the Mayor to display the award in his office as a reminder that Lufkin is a Keep Texas Beautiful proud community.

Mayor Bronaugh stated that the dedication of the AB/C Board and the volunteers have put the City of Lufkin where they are today in this Program.

In response to question by Councilmember Bowman, Ms. Kartye stated that the \$1 donation has stayed fairly stable through the years, although it did increase this past year by approximately \$1,000, averaging about \$30,000 per year.

In response to question by Councilmember Gorden, Ms. Kartye stated that AB/C's total budget is around \$120,000.

7. PURCHASE OF PROPERTY – APPROVED – IMPLEMENTATION OF DETENTION POND – CAIN STREET

Mayor Bronaugh stated that the next item for consideration was the purchase of property for implementation of a detention pond near Cain Street.

City Manager Maclin stated that included in the Council packet is a memorandum from the City Engineer regarding the need for this particular location of a detention pond. Mr. Maclin stated that also included in the packet information is a letter from the New Zion Baptist Church signed by the Pastor and some of the Trustees stating their willingness to sell the church property they own, which is about 1.22 acres. Mr. Maclin stated that also included is an appraisal from Jake Lyons to verify the appraised value.

Keith Wright, City Engineer, stated that back in February the City approved a storm sewer project that would help an area of about 40 acres that included property on North Street where there were some deep ditches and narrow streets that were dangerous. Mr. Wright stated that there were also some flooding conditions across two or three blocks in this area and due to the amount of water and lack of discharge point for this water a storm sewer was designed to handle the water. Mr. Wright stated that he had asked the engineers to look at the impact of these improvements down stream. Mr. Wright stated that before the bids came in he received the results of the down stream impact and discovered that there was a potential to create additional flooding down stream. Mr. Wright stated that staff felt that they could not move forward with the project unless they mitigated the down stream effects. Mr. Wright stated that there was one particular house that was real low that was in danger of impacting with the improvements. Mr. Wright stated that they located this lot, which was owned by the Church and was of sufficient size for mitigation for the project and investigated their willingness to sell and got an appraisal. Mr. Wright stated that it is being brought to Council tonight for approval for staff to move forward with the drainage project. Mr. Wright stated that without the detention pond he doesn't feel like he could move forward with the storm sewer due to the impacts that would occur from increased faster time of concentrations of the flow, which will increase the flow rate down stream.

Councilmember Robertson stated that detention ponds of this size make excellent opportunities for parks. Mr. Robertson stated that he would like to see, in the future, this area designed into a park for the neighborhood area. Mr. Wright stated that it was discussed regarding this particular sight providing something in the lower portion of the detention pond that would allow for some type of recreation. Mr. Wright stated that a half court basketball goal setup with a concrete slab and steps going down to the court, with tables set up on the higher end was discussed. Mr. Wright stated that the concrete slab was discussed as being part of the project.

Mayor Bronaugh stated that two Councilmembers are trustees of the Church.

City Manager Maclin stated that the Pastor and other members of the Church were present tonight. Mr. Maclin stated that the letter in the Council packet indicates that the Church is in agreement with this purchase, and it would be the staff's

recommendation that Council authorize the City staff to move forward with the purchase of this property from the Church.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that property near Cain Street be approved for purchase for the implementation of a detention pond. The following vote was recorded:

Aye: Councilmembers Torres, Gorden, Bowman, Robertson and Mayor Bronaugh
Councilmembers Kuykendall and Boyd recused themselves from voting.

Motion carried with five affirmative votes.

In response to question by Councilmember Robertson, Mr. Wright stated that City crews would be doing most of the construction work of the detention facility. Mr. Wright stated that the only increase in the price would be if the concrete slab is poured and the City purchased the materials for that out of the Street Department budget.

Councilmember Gorden asked if the detention pond would be deep enough that it would require fencing. Mr. Wright stated that at this time there are no plan for fencing the pond. Mr. Wright stated that there are always issues of liability, and warning signs could be placed around the pond. Councilmember Gorden stated that a factor would be how deep the ponds are with some of them sloping gradually and some of them going straight down. Mr. Wright stated that the pond would have a drain.

8. NOMINATION – APPROVED – BOARD REPRESENTATIVE – TML RISK POOL – COUNCILMEMBER JACK GORDEN, JR.

Mayor Bronaugh stated that the next item for consideration was nomination for Board representative to the TML Risk Pool.

City Manager Maclin stated that included in the Council packet is a memorandum from the Texas Municipal League Intergovernmental Benefits Pool for the members of Region 16, which is our Region. Mr. Maclin stated that this is a call for nominations for a Board of Trustee election. Mr. Maclin stated that the letter gives the definition of an elected official or a municipal employee in terms of eligibility and the guidelines for the election policy. Mr. Maclin stated that also included in the packet information is a list of the incorporated cities within Region 16 who utilize the Texas Municipal League Intergovernmental Benefits Pool as their insurance provider. Mr. Maclin stated that they have called for nominations and staff wanted to see if there was anyone on the City Council who was interested in being nominated as a Board representative. Mr. Maclin stated that if there were no elected officials who were interested in being elected, staff would propose that David Koonce, the Director of Human Resources, could perhaps be nominated for this position.

Councilmember Gorden stated that he had a vague interest in being nominated. Mr. Maclin stated that the fact that the City received a nomination in a little more prominent fashion than they have in the past was an indication that they were trying to get an East Texas representative to be on the ballot.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Councilmember Jack Gorden, Jr.'s name be submitted for nomination for the TML Risk Pool Board. A unanimous affirmative vote was recorded.

9. RED TAG PROGRAM – APPROVED – RECYCLING DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was the Red Tag Program for the Recycling Department.

City Manager Maclin stated that included in the Council packet is an overview summary of the Red Tag Program, what's included in the program in terms of educational and informational opportunities, and there's also a sheet whereby if a citizen is red tagged three times for placing garbage (non-recyclables) in their blue container, and the City were to pick up their blue container and they decide later on that they would like to be

re-instated and they fill out this form and turn it back in, then the blue container will be returned to them.

City Manager Maclin stated that staff brought this item to Council several months ago and there were some questions. Mr. Maclin stated that staff now feels like they have addressed each and every one of the questions, one of the most important dealt with magazines and staff has confirmed with Donohue that they will take our bundles of magazines and slicks. Mr. Maclin stated that, if in the future, they would no longer take our bundles of magazines and slicks, then we would recycle them through the tub grinder so that we don't have to be inconsistent in what we tell the public.

Dennis Webster, Director of Recycling, stated that Council has a packet before them that is just a visual aid put together by the Recycling Department. Mr. Webster stated that this packet of information was also handed out to the media a few weeks ago at the Media Appreciation luncheon. Mr. Webster stated that the brochure is what is passed out every year when bags are handed out instructing the citizens what is not recyclable. Mr. Webster stated that also included in the information is a red tag.

Paula Metzinger, Recycling Coordinator, stated that recycling has been around a long time. Ms. Metzinger stated that Lufkin started recycling in the early '90's and was one of the first cities in Texas to begin a citywide recycling program. Ms. Metzinger stated that today our program is still one of the most successful and unique in the State. Ms. Metzinger stated that our co-mingled curbside recycling is user friendly and economical to use. Ms. Metzinger stated that in the beginning drop-off sites were provided and neighborhood curbside pickup was gradually phased in. Ms. Metzinger stated that early in the program the City also initiated a cardboard collection for businesses providing dumpsters to businesses for cardboard only. Ms. Metzinger stated that today all of those programs are still in operation and have expanded. Ms. Metzinger stated that the City initiated the curbside recycling program with drop-off sites and in the 1990's our first recycling center at 901 Ellen Drive opened, and the current facility on College Drive opened in 1995. The 20,000 SF building is located on a nine-acre site and houses a material recovery facility and an automatic bailer. Ms. Metzinger stated that the centerpiece of the City's composting operation is a Duratec 14 tub grinder that is capable of turning an eight-foot tree stump into tiny pieces of wood in 6 to 8 minutes. Ms. Metzinger stated that the recycling center has eight full time employees plus a 15-man crew from the Diboll Correctional Facility to sort commodities five days a week. In addition, residents assigned to community service work the evening shift at the recycling center from 6 – 10 p.m. Monday thru Friday. Ms. Metzinger stated that use of the inmates and adult probationers help to keep the operation costs low, and keeps the recycling center a viable City operation. Ms. Metzinger stated that labor costs for that 15-man crew would be over \$300,000. Ms. Metzinger stated that in addition the recycling center has a drop-off site that is accessible 24 hours a day, seven days a week and can be used by anyone who wishes to recycle. Ms. Metzinger stated that separate containers are provided for all items accepted through the curbside program. Accepted through the City's curbside program are plastics #1 and #2, aluminum and steel, cardboard, glass food and beverage containers, magazines and newspapers. Ms. Metzinger stated that instead of a separate container at your house for each of these commodities where you have to sort plastic, newspapers and glass, you could place everything in a blue bag, put it in one container and roll it out to the street. Ms. Metzinger stated that staff does ask that newspapers and magazines be bagged separately before they are placed in with the other recyclables. Ms. Metzinger stated that when recycling food and beverage containers they ask that citizens practice the New Three R's – you remove the lid, rinse, and then recycle. Ms. Metzinger stated that a used oil receptacle is also located at the back of the facility for those who still change their own oil.

Ms. Metzinger stated that the other side of the City's recycling program is the commercial cardboard program. Businesses who participate in the program are provided a blue dumpster for cardboard collection only. The cardboard is picked up at a rate of \$2.64 per cubic yard compared to the \$5.94 cents charged for trash. Ms. Metzinger gave examples of savings on cardboard collection.

Ms. Metzinger stated that all materials collected for recycling are sold to vendors and prices for recycling commodities fluctuate, but currently the City is receiving \$95 a ton

for newspapers and magazines and \$135 a ton for cardboard. Clear plastics are at \$315 a ton and mixed plastics are bringing \$195 a ton. Ms. Metzinger stated that last year the Recycling Center generated \$127,181 in revenue. Ms. Metzinger stated that an added benefit of the recycling program is what is known in government terms as avoided costs. By collecting recyclables the City saved \$247,250 in landfill tipping fees and an additional \$15,125 in fuel costs. Ms. Metzinger stated that recycling is also an environmental factor. Ms. Metzinger stated that recycling one aluminum can could save enough energy to run a television for three hours.

Ms. Metzinger stated that today the biggest challenges facing the recycling program are education and apathy. Lufkin is a growing community and folks are moving in from all areas and many have never participated in a recycling program, so the City faces the challenge of getting the message out to the public. Ms. Metzinger stated that then there is apathy, the enemy of many good well-intentioned programs. Ms. Metzinger stated that some residents think a co-mingled recycling program means that trash is co-mingled with recyclables. Contaminated recyclables end up at the landfill, the very process the City is trying to avoid.

Ms. Metzinger stated that the Recycling Department is asking Council to consider the red tag program with the "three strikes you're out component". If the program is approved the containers will be inspected prior to being emptied and if the contents are contaminated, but they are still recyclable, then the container would be emptied but tagged. If the container were contaminated with food or other particles that make the contents unrecyclable, the container would be tagged and not emptied. Once a container has been tagged three times, the container will be removed and the resident will no longer be able to participate in the recycling program. That resident would have only one container that would be emptied once a week. While the tagging program is only a proposal at this time, the recycling is a reality.

Councilmember Robertson asked if a resident who did not want to participate could call in before this program is started and tell staff that they did not want a blue can. Mr. Webster stated that he has already had one customer call and said they do not recycle and wanted their blue can picked up. Mr. Webster stated that he made sure that the customer knew that that would leave them with only one gray container.

Mr. Webster stated that if the Council allows the Recycling Department to move forward with the Red Tag Program, they are projecting a start date of October 1, which will give time to put out a media blitz about the program.

City Manager Maclin stated that Ms. Metzinger has already made the presentation that she made tonight to some of the service clubs, and is available to other service clubs. Mr. Maclin stated that staff would also be putting out a Lufkin Letter between now and October 1st and the major portion of it will be dedicated to recycling and mailed to each water and sewer customer. Mr. Maclin stated that there are a lot of improvements that have been made to the educational side of the program and it now has a better chance of being successful.

City Manager Maclin stated that staff wanted to see if Council would like to consider as a part of the budget process to provide an option for multiple gray containers. Mr. Maclin stated that there are some people who choose not to recycle but want more than one gray container and staff feels that we should be able to provide them with the additional gray container for an extra fee. Mr. Maclin stated that there are extra landfill fees involved. Mr. Maclin stated that this would not be a second day pickup but the customer would put out two gray containers on their pickup day. Mr. Webster stated that he had calculated that it costs \$2.50 per 30 gallons to deposit the garbage in the landfill, so the second container would be charged what it costs us to dispose of the garbage, which is \$2.30 per 30 gallons. A 65-gallon container would increase the cost to \$5.00 per month. Mr. Wright stated that staff should also consider the additional time it will take and the more frequent trips to the landfill. Mr. Wright stated that before we get locked into this price he would like to see a little more time for discussion.

Mr. Webster stated that having two gray containers means that the garbage truck will get full faster and will require a trip to the landfill and then back to the route to continue

picking up household garbage. Mr. Webster stated that fuel and the time going back and forth to the landfill would have to be factored into the cost.

City Manager Maclin stated that staff is seeking a consensus of opinion from Council tonight as to whether they would like for staff to add that option and that rate, which will be brought back after a rate study has been done to cover all our costs, and if Council is agreeable it will be included in the Ordinance for Solid Waste at First Reading two weeks from today.

In response to question by Councilmember Kuykendall, Mr. Webster stated that the only recourse the City would have if individuals were illegally depositing in their neighbors containers would be to inspect the contents of the bag and try to find a name or address to help identify the offender. Mr. Webster stated that in cases like this it has always been the City's policy to give the customer the benefit of the doubt. Mr. Webster stated that the Red Tag Program is not to penalize but to protect those people who recycle and do it right.

Mr. Webster stated that in extenuating circumstances, such as a death in the family, where customers have filled both their blue and gray containers, the driver has picked up both containers.

Councilmember Robertson stated that when the recycling program was started it was recommended that the containers be removed from the curbside by 8 p.m. in the evening. Mr. Webster stated that it is still a recommended practice – out by 7 a.m. and in by 8 p. m., but at this particular time the Department does not have any way to enforce this. Mr. Webster stated that he would like for Council to consider the idea that specific containers have been assigned to a particular address and if that container is destroyed or stolen due to the person leaving the container on the street, they will have to replace it. Councilmember Robertson stated that leaving the containers on the street detracts from the appearance of the neighborhood and he would hope that some kind of leverage system could be used to get citizens to move their containers off of the street. Councilmember Robertson stated that Lufkin had received an award for beautification and it all goes together, including the containers on the streets.

Councilmember Torres stated that her only concern is that if the City makes the second gray container too attractive then a lot of people may decide not to recycle. Mrs. Torres stated that the whole purpose is to encourage people to recycle and we should not make it easier for them to not recycle.

In response to question by Mayor Bronaugh, Mr. Webster stated that revenues generated from January of 2000 until now have already surpassed what the City sold materials for last year.

In response to question by Councilmember Robertson, Mr. Webster stated that this would be an on-going program.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Don Boyd that the Red Tag Program for the Recycling Program be approved as presented. A unanimous affirmative vote was recorded.

10. BID – APPROVED – GPS – WATER UTILITIES – WESTERN DATA SYSTEMS

Mayor Bronaugh stated that the next item for consideration was bids for a GPS for the Water Utilities Department.

City Manager Maclin stated that this is an item that is used in helping locate water lines in the City and staff recommendation is approval of the low bid of Western Data Systems in the amount of \$10,505.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that the bid of Western Data Systems in the amount of \$10,505 for a GPS for the Water Utilities Department be approved as submitted. A unanimous affirmative vote was recorded.

11. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:08 p. m. and entered into Executive Session. Regular Session reconvened at 6:21 p. m. and Mayor Bronaugh stated that Council had discussed attorney/clients matters and appointments to the Blue Ribbon Bond Committee.

12. COMMENTS

Councilmember Don Boyd stated that the next TML Region 16 meeting would take place on August 24th in Pt. Arthur.

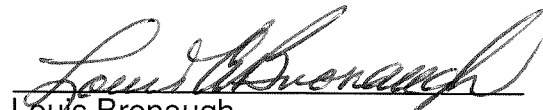
City Manager Maclin reminded Councilmembers of the First Friday luncheon at Crown Colony Country Club. The guest speaker will be David Perkins of Angelina & Neches River Railroad.

City Manager Maclin stated that there will be called meeting of the Council on August 9th at 1:30 p.m. for a discussion with TxDOT on the U S 59 near term improvements.

City Manager Maclin stated there will be a TML State of the Cities Symposium in Austin on September 21-22, and that reservations had already been made at the host hotel for Councilmembers.

City Engineer Keith Wright stated that the work on Tulane Drive has been completed and encouraged Councilmembers to take a test drive. Mr. Wright also stated that the spray/play at Chambers Park was completed.

13. There being no further business for consideration, meeting adjourned 6:24 at p.m.


Louis Bronaugh
Mayor

ATTEST:


Atha Stokes Martin - City Secretary