

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

On the 5th day of September 2000 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
R. L. Kuykendall	Mayor pro tem
Don Boyd	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Dennis Robertson	Councilmember, Ward No. 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Atha Stokes Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works

being present, and

Jack Gorden, Jr. Councilmember, Ward No. 5

Being absent when the following business was transacted.

1. Rev. Rick Williams, Pastor, Carpenter's Way Church, opened meeting with prayer.
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 Called Meeting of August 9, 2000 and the Regular Meeting of August 15, 2000 be approved as presented. A unanimous affirmative vote was recorded.

4. TAX LEVYING ORDINANCE – APPROVED – SECOND READING

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Tax Levying Ordinance.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Tax Levying Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. APPROPRIATIONS ORDINANCE – APPROVED – SECOND READING

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Appropriations Ordinance.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Appropriations Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - SECOND READING - COMMERCIAL WATER RATES REVISED

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to revise residential and commercial water rates.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance to revise residential and commercial water rates be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE – APPROVED – SECOND READING – SEWER RATES REVISED

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to revise sewer rates.

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

8. ORDINANCE – APPROVED – SECOND READING – SOLID WASTE RATES REVISED

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to revise solid waste rates.

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

9. ORDINANCE – APPROVED – FIRST READING – HISTORICALLY UNDERUTILIZED BUSINESSES

Mayor Bronaugh stated that the next item for consideration was First Reading of a Historically Underutilized Business Ordinance.

City Manager Maclin stated that included in the Council packet is a proposed Ordinance to ask for the City to have on record a Historically Underutilized Business program. Mr. Maclin stated that this program calls for a goal of 10% minority participation for all contractors. Mr. Maclin stated that this is an element of the HOME program that is a requirement that cities that receive funds through the HOME program would have a Historically Underutilized Business Ordinance in place. Mr. Maclin stated that several years ago, David Cochran who is the Director of Purchasing, designated Betty Sidney in his office to be the City's Historically Underutilized Coordinator. Mr. Maclin stated that it is Mrs. Sidney's responsibility to maintain current certified businesses as certified by the State of Texas and to send out bid notices and advertisement to the HUB's that are State certified. Mr. Maclin stated that this Ordinance is an additional documentation of that program that the City began several years ago, and is also a requirement in order to be a recipient of HOME program funds. Mr. Maclin stated that the City's grant consultant, Gary Traylor & Associates, provided this particular draft.

In response to question by Councilmember Robertson, City Manager Maclin stated that bids received from HUB's would be considered as being on a level playing field in that the consideration is still for the low bid. Mr. Maclin stated that the intent here is to make an extra effort for notification to those businesses to make certain they had the opportunity to bid. Mr. Maclin stated that through the notification, identification and submission of bid notices to the HUBS, it is hopeful that your desired net would be a 10% HUB recipient.

In response to question by Councilmember Robertson, David Cochran, Director of Purchasing stated that there is a list of HUBs on the GSC website which can be searched by County. Mr. Cochran stated that there are probably a dozen HUBs in Angelina County. Mr. Cochran stated that State law says that the City is to notify those HUBs in Angelina County. Mr. Cochran stated that the City is probably not at 10% at this time simply because a lot of the HUBs are small businesses and on some of the City's contracts we are required to have insurance and Workers Comp, and a lot of the small businesses do not carry these.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Dennis Robertson that the Historically Underutilized Business Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. RESOLUTION – APPROVED – FIRST READING - HIPAA

Mayor Bronaugh stated that the next item for consideration was a Resolution for the election by the City of Lufkin to be exempt from the requirement of the Health Insurance Portability and Accountability Act of 1996.

City Manager Maclin stated that this is an item that Council has considered each year since 1996, which allows the City as a self-funded health insurance trust for our employees to be exempt from certain requirements included in that 1996 Federal law. Mr. Maclin stated that it is in the best interest of the City and our City employees that we continue to exercise our exemption in order to continue to have the controls that we have with our self-funded program and the ability to keep down our costs. Mr. Maclin stated that staff would again recommend that we exercise our exemption rights under the Federal law.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that Resolution for the election by the City of Lufkin to be exempt from the requirement of the Health Insurance Portability and Accountability Act of 1996 be approved as presented. A unanimous affirmative vote was recorded.

11. REVISIONS – APPROVED – CITY OF LUFKIN 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 list of about 10 items that are proposed updates or minor revisions to the City Employee Handbook. Mr. Maclin stated that typically this time of year staff tries to bring to Council items that reflect changes in Federal or State law, items that have been addressed through the year for clarification purposes to make the personnel policy of the Employee Handbook more easily understood and interpreted, and that is what most all of these revisions represent.

City Manager Maclin stated that a few months ago the Administrative staff got into several meetings and discussions and ultimately research, both through the City Attorney's office and through the Texas Municipal Leagues Risk Pool's lead attorney David Reagan. Mr. Maclin stated that staff considered some issues related to professional dress and what is interpreted as professional dress by the Courts and by the City's insurance carrier from the standpoint of if we were having to defend a particular policy were they comfortable with it. Mr. Maclin stated that they did address the City's concerns with some specific wording and recommendations for this policy. Mr. Maclin stated that specifically what staff was trying to do was identify what could and could not be done in terms of earrings, by both male and female, and tattoos. Mr. Maclin stated that basically this policy would restrict the wearing of earrings by males or females that would be dangling type earrings out in the field, something that could have a risk from the standpoint of an on-the-job injury. Mr. Maclin stated that that is one of the issues that were addressed to clearly define the City's policy. Mr. Maclin stated that the second issue is in tattoos and basically it reflects the fact that if an employee has a tattoo and has wording that could be vulgar or racist or offensive, it would be the responsibility of the employee to keep that tattoo covered at all times while they are at work, through a long sleeved shirt or Band-Aid.

David Koonce, Director of Human Resources, stated that the City tried to maintain a policy to keep the employees safe.

In response to question by Councilmember Robertson, Mr. Koonce stated that employees could wear earrings or rings anywhere they want to as long as they are covered.

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Don Boyd that revisions to the City of Lufkin Employee Handbook be approved as presented. A unanimous affirmative vote was recorded.

12. ENGAGEMENT LETTER – APPROVED – ALEXANDER LANGFORD & HIERS FISCAL 2000 AUDIT

Mayor Bronaugh stated that the next item for consideration was an engagement letter from Alexander Langford & Hiers regarding the fiscal year 2000 audit.

City Manager Maclin stated that included in the Council packet is a memo of explanation from the Assistant City Manager along with the actual proposed letter of engagement. Mr. Maclin stated that basically the City and the Lufkin Independent School District over the last decade have gotten on a rotational basis for the benefit of both of the two taxing entities as well as the benefit of the two largest and most qualified CPA firms in town, Alexander Langford & Hiers and Axley & Rode. Mr. Maclin stated that an agreement had been made before he came to work for the City that the City would rotate on a three-year basis between the two major accounting firms. Mr. Maclin stated that Axley & Rode has already engaged their services with LISD for the next three years and likewise staff is seeking Council's authorization to continue the program and rotate to Alexander Langford & Hiers for the next three years. Mr. Maclin stated that the proposal is within the budgeted amounts for the next three years.

In response to question by Councilmember Robertson, City Manager Maclin stated that if there are other firms who would come up to the same standard as Alexander Langford & Hiers and Axley & Rode, we could consider them, but at the current time it is his opinion that these are the only two firms capable of handling a government audit the size of the City with the volume of dollars that the City and the school have. Mr. Maclin stated that none of the other accounting firms have expressed an interest over the last few years to participate in a proposal process, basically because none of them have the manpower that is required to handle an audit of this magnitude. Mr. Maclin stated that the City could go out for proposals from some of the bigger accounting firms in Houston and Dallas but because they are out of the area their price would probably be double what we are currently paying the two local firms.

Councilmember Robertson stated that Axle & Rode had some recommendations regarding the audit and asked if those recommendations would be passed along to Alexander Langford & Hiers. Mr. Maclin stated that Mr. Hager has staff that has already had meetings with Alexander Langford & Hiers and those recommendations would be monitored.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that the Engagement Letter from Alexander Langford & Hiers regarding the Fiscal Year 2000 audit be approved as presented. A unanimous affirmative vote was recorded.

13. AUTHORIZATION – APPROVED – EXPENDITURES FOR EMERGENCY REPAIRS – BOOSTER PUMP #4 – WATER PRODUCTION PLANT – WARREN ELECTRIC COMPANY

Mayor Bronaugh stated that the next item for consideration was authorization of expenditures for emergency repairs to booster pump #4 at the Water Production Plant.

City Manager Maclin stated that included in the Council packet is a letter from the Director of Public Works addressing this item. Mr. Maclin stated that several weeks ago booster pump #4 went out and this is an element that was critical to our ability to maintain adequate water supplies to the citizens so it was addressed under the emergency provisions of State law and the repairs were made. Mr. Maclin stated that staff is seeking an amendment to the budget of the Utility Fund in the amount of \$13,207.13 to address this repair that was made to booster pump #4. Mr. Maclin stated that this would be from our contingency in the Utility Fund.

Kenneth Williams, Director of Public Works, stated that staff had actually performed the work and this bid is just for the equipment.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that the bid of Warren Electric Company in the amount of \$13,207.13 for emergency repairs to booster pump #4 at the Water Production Plant be approved as submitted and that the amendment to the contingency fund of the Utility Fund be approved as requested. A unanimous affirmative vote was recorded.

14. BID – APPROVED – TRAFFIC DISPLAY MONITORING DEVICE – POLICE DEPARTMENT – E. L. KURTH FOUNDATION

Mayor Brionaugh stated that the next item for consideration was bids for a traffic display-monitoring device for the Police Department.

City Manager Maclin stated that included in the Council packet is a bid sheet and recommendation from the Director of Purchasing along with a notice from Sgt. Cottle of the Police Department that the City did receive the funding from the grant application that was submitted to the E. L. Kurth Foundation. Mr. Maclin stated that staff is seeking Council's approval for the bid of Traffic Display Monitoring in the amount of \$14,270.

City Manager Maclin stated that one additional feature of this device is that it also has a traffic counter built into it. Mr. Maclin stated that the month or two that the Police Department leased the other monitoring device seemed to have a positive impact and the Department felt like it was an additional asset in helping keep people at the appropriate speeds in various locations.

In response to question by Councilmember Boyd, Mr. Maclin stated that a second monitoring device could be considered if the Police Department felt like it would be an enhancement and it would be something that could be looked at in next year's budget or we could see if there were other charitable organizations who would be willing to participate as the Kurth Foundation has in this particular case.

In response to question by Councilmember Robertson, Mr. Maclin stated that this device has a memory that will record the high and low speeds and will average them and will produce a few other statistics.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that the bid of Traffic Display Monitoring in the amount of \$14,270 be approved as submitted. A unanimous affirmative vote was recorded.

15. GARBAGE BAGS – APPROVED – H-GAC

Mayor Brionaugh stated that the next item for consideration was authorization to purchase garbage bags through H-GAC.

City Manager Maclin stated that this is an item that is normally taken care of this time of the year for next year's budget. Mr. Maclin stated that staff has utilized the Houston-Galveston Area Counsel Purchasing Cooperative the last several years and have found it to be the most financially advantageous for our citizens. Mr. Maclin stated that this year staff is recommending again going with the H-GAC price of \$2.18 per roll for black bags and \$3.50 per roll for blue bags.

In response to question by Councilmember Robertson, Mr. Maclin stated that at a future Retreat Council needs to revisit and take a look at the bag situation evaluating the cost savings versus the benefit, and could take citizen polls to see what the citizens think about the City supplying garbage bags.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember R. L. Kuykendall that authorization be given to purchase garbage bags through the H-GAC Cooperative Purchasing Plan. A unanimous affirmative vote was recorded.

16. PAYMENT – APPROVED – AIR CONDITIONER REPLACEMENT – OLD CITY HALL – ANRA

Mayor Bronaugh stated that the next item for consideration was payment for air conditioner replacement at the Old City Hall currently leased by ANRA.

City Manager Maclin stated that included in the Council packet is a letter from Kenneth Reneau the General Manager of the Angelina/Neches River Authority. Mr. Maclin stated that Mr. Reneau had visited with the City Administration several weeks ago indicating that they had some needs to be addressed which included depreciation of the building and they were planning on coming to the City to make those requests. Mr. Maclin stated that the air conditioner went out before they could come and make those requests and since it was so warm they went ahead and took bids and replaced the unit. Mr. Maclin stated that they are now asking that the City reimburse them for the replacement unit.

Mr. Maclin stated that the City leased this building to ANRA back in the early '90's. Mr. Maclin stated that basically the City did not charge them any rent but required them to make any improvements that were required for their laboratory and some of the other improvements they made to the building at that time. Mr. Maclin stated that ANRA invested several thousand dollars back in the early '90's, which the City felt was a fair trade out in return for not charging them a lease, but having them to make the expense to bring the building up to Code and standards that would be usable as an Angelina/Neches River Authority.

In response to question by Mayor Bronaugh, Mr. Maclin stated that this is the first expense that the City has incurred in the 10 years he has been with the City. Mr. Maclin stated that when Gary Neighbors was the General Manager in 1992-93 they made several thousand dollars worth of expenditures to put their lab in, update the offices, to paint and wallpaper, to repair plaster, to repair the roof, put in lighting, etc. Mr. Maclin stated that none of that existed prior to that time and the City Council's position at that time was that they were making an investment in our building that will make it better for use in the future. Mr. Maclin stated that as Council is well aware in recent years when the discussion of ANRA to be consolidated possibly with the Upper Neches Authority or Lower Neches Authority, there was a concern by both Angelina County and Nacogdoches County about minimization of the voice of East Texas if we did not have a River Authority. Mr. Maclin stated that there was some merit to consolidation of all three River Authorities as it relates to being a larger voice in the State legislature. Mr. Maclin stated that two years ago ANRA's Board set up a committee to investigate in essence dissolving ANRA, and it was about that time that Senate Bill 1 came about and Region I was set up that if the City did not have ANRA we would lose some of our voice in water issues, particularly as it relates to Sam Rayburn and potential future construction of other dams like Rockland, Weches and Ponte. Mr. Maclin stated that staff felt like it was worth helping ANRA retain as an entity and furthermore, provided some additional political benefit for the City of Lufkin that they be located here as opposed to some other city within the region.

Mayor Bronaugh asked what the dollar figure was that the City is in effect contributing to ANRA. Mr. Maclin stated that we would have to take a current real estate market appraisal of what the value of the building is downtown, which we could get from Main Street, and come back to Council and say, "If we were leasing this building on the open market in downtown Lufkin, here is what the annual lease would be", and this could then be compared to the value of having a River Authority located here in Lufkin, the jobs it creates, and the services it provides to our local industry in terms of water testing, etc.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that reimbursement in the amount of \$9,264.45 for replacement of air conditioning unit for the old City Hall be approved as requested by ANRA. A unanimous affirmative vote was recorded.

17. BID – APPROVED – CONSTRUCTION OF DETENTION POND #7 – OLD UNION ROAD – ALLEN LOGGINS & SONS

Mayor Bronaugh stated that the next item for consideration was award of bid for the construction of Detention Pond #7 on Old Union Road.

City Manager Maclin stated that included in the Council packet is a letter from the City Engineer denoting the ten bids that were received on this project. Mr. Maclin stated that the bids were very competitive and the low bid was below the original Engineer's estimates. Mr. Maclin stated that staff recommendation is the low bid of Allen Loggins & Sons in the amount of \$782,700.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that the bid of Allen Loggins & Sons in the amount of \$782,700 for the construction of Detention Pond #7 on Old Union Road be approved as submitted. A unanimous affirmative vote was recorded.

Councilmember Robertson asked if staff would be putting more long-term vegetation on the embankment at the Detention Pond on Lotus Lane. Mr. Wright stated that there is a mixture of grass seed, annual rye grass mixed with Bahia and Bermuda and it should be taking hold, but due to the water problems it may have to be reseeded.

18. BID - APPROVED – STREAM AND RAIN GAUGE STATIONS – CEDAR CREEK – HURRICANE CREEK – HIGH SIERRA ELECTRONICS

Mayor Bronaugh stated that the next item for consideration was the award of bid for stream and rain gauge stations for Cedar Creek and Hurricane Creek water sheds.

City Manager Maclin stated that included in the Council packet is a memorandum from the City Engineer along with the bid documentation.

Mr. Wright stated that there have been some requests in the past from citizens who have been flooded periodically about some type of monitoring system in order to provide some type of early warning. Mr. Wright stated that he has been looking into this and was looking at technology that was common that other authorities were using. Mr. Wright stated that the Harris County Flood Control and the Trinity River Authority are using this type of technology. Mr. Wright stated that on Highway 21 across the Trinity River there is one of these devices.

Mr. Wright stated that this device will provide an early warning system and will also provide documentation for rainfall for stream levels, and this data would be radioed back from these two locations to City Hall and could be displayed on the Internet where citizens can actually access it and view the data. Mr. Wright stated that it would also allow the City to calibrate the flood models that have been submitted to FEMA on Cedar Creek and Hurricane Creek, where staff could get an actual historical picture of what is occurring and compare that to computer models to see how realistic our projections are. Mr. Wright stated that it would be used as a tool for Mr. Williams as the Emergency Management Coordinator to provide some leadership capability during a storm event.

In response to question by Councilmember Robertson, Mr. Wright stated that what you have on any storm event is similar to a wave (a hydrograph, which is how a storm is measured as it moves down a creek or through a watershed). Mr. Wright stated that it could give some projections of what is happening up stream based on historical information. Mr. Wright stated that this will not be available the first week but after they have collected a year's worth of data they will be able to project what will occur. Mr. Wright stated that it will also give an idea of what kind of event we are going to have as far as how it will impact our sewer system (I&I) and we will be able to contact the Sewer Plant and warn them that we are having a significant storm event and be prepared for I & I problems that could impact the plant. Mr. Wright stated that this system is expandable and once we have the basic network down we could very cheaply add a new location.

In response to question by Councilmember Robertson, Mr. Wright stated that the official rain gauge is at the Water Plant that we report to the Federal Weather Service every

month. Mr. Robertson stated that if this system is designed just to notify people downstream from these locations about a flooding problem then we are missing 90% of the citizens. Mr. Wright stated that these two major watersheds cover 90% of the City.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Lynn Torres to award the bid of High Sierra Electronics in the amount of \$21,320 for stream and rain gauge stations for Cedar Creek and Hurricane Creek water sheds as submitted. The following vote was recorded:

Aye: Councilmembers Boyd, Torres, Kuykendall and Mayor Bronaugh
Nay: Councilmembers Robertson and Bowman

Motion carried with four affirmative votes.

19. **EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 5:48 p. m. and entered into Executive Session. Regular Session reconvened at 6:21 p. m. and Mayor Bronaugh stated that Council had discussed attorney/client matters and appointments to the Parks Advisory Board.

20. **APPOINTMENTS – APPROVED – PARKS ADVISORY BOARD – CATHY TODD – PAM FLETCHER – LELA SIMMONS**

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Dennis Robertson that Cathy Todd, Lela Simmons and Pam Fletcher be reappointed to the Parks Advisory Board. A unanimous affirmative vote was recorded.

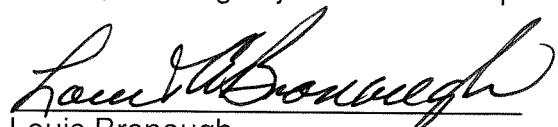
21. **COMMENTS**

Mayor Bronaugh stated that there had been a dedication of the spray/play equipment at Chambers Park earlier in the afternoon. Councilmember Robertson stated that this is a very nice, attractive piece of playground equipment for children and he would like to see this equipment expanded to other parks in the future. Mayor Bronaugh thanked the Pineywoods Foundation for their contribution to the Spray/play Park. Mayor Bronaugh requested that Chief Collins monitor the traffic in the park.

City Manager Maclin reminded Councilmembers of the called surface water study workshop on Monday, September 11th at 11 a.m.

City Manager Maclin stated that the First Friday's luncheon speaker would be George Christian who was the former press secretary for Lyndon Johnson.

22. There being no further business for consideration, meeting adjourned at 6:26 p.m.


Louis Bronaugh
Mayor

ATTEST:


Atha Stokes Martin

Atha Stokes Martin - City Secretary