

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
19th DAY OF SEPTEMBER 2000 AT 5:00 P. M.**

On the 19th 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
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
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works

being present, and

Bob Bowman	Councilmember, Ward 4
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Being absent when the following business was transacted.

1. Rev. Eddie Ballard, Pastor, Kelty's First Baptist 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 Regular Meeting of September 5, 2000 be approved as presented. A unanimous affirmative vote was recorded.

**4. ORDINANCE – APPROVED – SECOND READING – HISTORICALLY
UNDERUTILIZED ORDINANCE**

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

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the Historically Underutilized Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**5. ORDINANCE – TABLED – ZONE CHANGE – RESIDENTIAL LARGE TO
COMMERCIAL – TRACTS 60 & 61 – J. L. QUINALTY SURVEY – ATKINSON DRIVE
AND HEMLOCK ROAD**

Mayor Bronaugh stated that the next item for consideration was the request of Robert A. Massingill to change the zoning from "Residential Large" to "Commercial" on approximately 8.85 acres of land described as Tracts 60 & 61 of the J. L. Quinalty Survey (Abstract No. 40) and located at the southwest corner of Atkinson Drive and Hemlock Road.

City Manager Maclin stated that this item was tabled at the request of the applicant at the Planning & Zoning Commission meeting last Monday, and therefore it needs to be tabled by Council until such time as they have a recommendation forwarded to them by the Planning & Zoning Commission.

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Jack Gorden, Jr. that Ordinance to change the zoning from "Residential Large" to "Commercial" on approximately 8.85 acres of land described as Tracts 60 & 61 out of the J. L. Quinault Survey (Abstract No. 40) and located at the southwest corner of Atkinson Drive and Hemlock Road as requested by Robert A. Massingill be tabled. A unanimous affirmative vote was recorded.

6. RESOLUTION – APPROVED – GUY N. GOODSON – PRESIDENT-ELECT – TEXAS MUNICIPAL LEAGUE

Mayor Bronaugh stated that the next item for consideration was a Resolution endorsing the candidacy of Guy N. Goodson as President-elect of the Texas Municipal League.

Mayor Bronaugh stated that Guy Goodson is a City Council member of Beaumont and was the representative from Region 16, which is the Region that the City of Lufkin is in. Mayor Bronaugh stated that Councilmember Don Boyd replaced Mr. Goodson as the Region 16 representative at the last regional meeting in Beaumont.

In response to question by Councilmember Torres, Mr. Maclin stated that it is not very often that we have a President-elect from our Region and that is why they were trying to seek support from our Region.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Jack Gorden, Jr. that the Resolution endorsing Guy N. Goodson as President-elect of the Texas Municipal League be approved as presented. The following vote was recorded:

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

Motion carried with four affirmative votes.

Mayor Bronaugh stated that the Council would probably make a formal endorsement of the other candidate if the request came before the Council.

7. RESOLUTION – APPROVED – INTERLOCAL AGREEMENT – STATEWIDE PURCHASING COOPERATIVE

Mayor Bronaugh stated that the next item for consideration was a Resolution for an Interlocal Agreement for the Statewide Purchasing Cooperative.

City Manager Maclin stated that included in the Council packet is a copy of the Interlocal participation agreement that allows the City to be a part of the State purchasing contract and gives the City access to bids that have been procured through the State of Texas giving us better prices on goods and services. Mr. Maclin stated that it is staff's recommendation that Council approve this agreement.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that the Resolution for an Interlocal Agreement for the Statewide Purchasing Cooperative be approved as presented and that the Agreement be renewed annually until the City wishes to withdraw. A unanimous affirmative vote was recorded.

8. CONTRACT – APPROVED – CITY OF LUFKIN/TXDOT – WHITEHOUSE DRIVE IMPROVEMENTS – U. S. 59 TO TULANE DRIVE

Mayor Bronaugh stated that the next item for consideration was approval of a Contract between the City of Lufkin and TxDOT for improvements to Whitehouse Drive from U S 59 to Tulane Drive.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the City Engineer and a copy of the TxDOT Advance Funding Agreement. Mr. Maclin stated that the improvements to Whitehouse Drive is something that staff and Council has discussed all the way back to the 1993 bond election and now that we have the improvements to Tulane it increases the need even greater. Mr.

Maclin stated that TxDOT has come to the City with an opportunity to access some transportation funds to assist the City in this project from Highway 59 east to Tulane. Mr. Maclin stated that the total estimated cost of the improvements, which will be to widen the street to a three-lane street with curb and gutter drainage is \$1,200,140. Mr. Maclin stated that the City's participation in the engineering would be approximately 35% and participation in the construction would be approximately 20% - the estimated cost to the City would be \$258,710. Mr. Maclin stated that this is an excellent opportunity for the City to be able to access State funds.

In response to question by Councilmember Boyd, Mr. Maclin stated that staff has talked to TxDOT about extending these improvements over to FM 58 but currently they would not be eligible for the funds, but staff will continue to talk with them. Mr. Maclin stated that the Bond Election Committee could consider the FM 58 improvements.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Lynn Torres that Contract between the City of Lufkin and TxDOT for improvements to Whitehouse Drive from U. S. 59 to Tulane Drive be approved as presented. A unanimous affirmative vote was recorded.

9. FUNDING REQUEST – APPROVED – CHAMBER OF COMMERCE – CENSUS 2000 – EDUCATION AND AWARENESS PROMOTION

Mayor Bronaugh stated that the next item for consideration was a request for funding from the Chamber of Commerce for education and awareness promotion for Census 2000.

City Manager Maclin stated that included in the Council packet is a letter from Tom Manskey, one of the co-chairs of the Complete Count Committee for Census 2000, and in his letter he itemizes the expenses that they incurred this last spring in some of the education efforts to get a complete count. Mr. Maclin stated that total expenditures were \$10,298. Mr. Maclin stated that the Committee received about \$1,250 in local business contributions, which left a balance of \$9,048.52 and they are seeking the City to participate in 50% of the cost, which should be \$4,524.26.

Councilmember Robertson asked if the City was made aware at the beginning of this promotion that they would be subject to a percentage of the cost. Mr. Maclin stated that staff was made aware that there would be some costs but didn't know at the time that this was talked about what the budget was or exactly what the expenses were or how much money would be received from the business community. Mr. Maclin stated that it had been mentioned at previous meetings that they would be coming to the City for whatever the shortfall was.

In response to question by Councilmember Boyd, Mr. Manskey stated that he is going to approach the County for expenses and he has talked to the County Judge. Mr. Manskey stated that he would like to say that the expenses are higher than he would have wanted to incur for this Committee. Mr. Manskey stated that after he had gotten involved in the Census he was told by the Census Bureau that the items that he needed for promotion were given to the major metropolitan areas and that communities like Lufkin would be left out. Mr. Manskey stated that the education subcommittee felt that it was important to have these items for the rally so a number of materials were ordered. Mr. Manskey stated that he wanted to applaud the efforts of the people who sat on the committee, and, in his opinion, the local media did an outstanding job. Mr. Manskey stated that he did not include in his letter the value of the commercials, PSA's, or ads in the newspaper, but he would estimate the amount would be around \$25,000-30,000.

Councilmember Robertson asked where the funds would come from if the City and County do not contribute. Mr. Manskey stated that this is a great community and he felt like it would be taken care of. Mr. Maclin stated that this only happens once every ten years and is a critical issue in terms of future funding for the City from a grant standpoint. Mr. Manskey stated that the reason he had waited so long to bring this to the City is that three weeks before the close of the Census he was made aware of a grant the Census Bureau gives to a Complete Count Committee of \$2,900. Mr. Manskey stated that he sent in a grant request through the County, and even though he

submitted the grant request three weeks after the due date, he was still encouraged to submit it. Mr. Manskey stated that at this time he has not heard from them and they are not returning his phone calls.

Councilmember Robertson stated that this appears to be like an unfunded mandate from the Federal Government.

Mr. Manskey stated that Lela Simmons from the Neighborhood Associations and Joe Douglass from the Education Committee did an outstanding job in promoting the Census. Mr. Manskey stated that from the first meeting the Census promoters led him to believe that they would be supplying all sorts of promotional materials, and they were the ones who promoted the 4th grade rally. Mr. Manskey stated that they were forced to go out for bids on the materials they needed for the 4th grade rally, and these were the lowest bids received.

In response to question by Mayor Bronaugh, Mr. Manskey stated that the other two co-chairmen were Inos Reyes and Andro Branch.

Mr. Manskey stated that he had brought tickets and some posters for the Texas Forest Festival for the Councilmembers.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Jack Gorden, Jr. that the funding request from the Chamber of Commerce for education and awareness promotion for Census 2000 be approved as presented. A unanimous affirmative vote was recorded.

Councilmember Robertson stated that he would like to register a protest based on the Census Bureau.

10. RENEWAL AGREEMENTS – APPROVED – ANIMAL CONTROL SERVICES – GROVETON – HEMPHILL – HUNTINGTON – HUDSON – DIBOLL

Mayor Bronaugh stated that the next item for consideration was renewal agreements with the Cities of Groveton, Hemphill, Huntington, Hudson and Diboll for animal control services.

City Manager Maclin stated that included in the Council packet is a letter of review from the Director of Animal Protection Services, Cathy Clark, as well as the agreement for the City of Groveton, which is the same for the other cities. Mr. Maclin stated that the City Attorney has redrafted the agreement from last year and this agreement will have a clause where it is automatically renewed.

Councilmember Gorden stated that he would like for Councilmembers to receive a reminder from time to time that we do have this agreement with these cities and what the rates are. Mr. Maclin stated that this information could be disseminated through the newsletter, and if a fee upgrade is needed it can be brought forward during the department budget presentations.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that renewal agreements for animal control services with the Cities of Groveton, Hemphill, Huntington, Hudson and Diboll be approved as presented. A unanimous affirmative vote was recorded.

11. BID – APPROVED – BRENTWOOD SEWER IMPROVEMENTS - J & D CONSTRUCTION

Mayor Bronaugh stated that the next item for consideration was award of bid for the Brentwood sewer improvements.

City Manager Maclin stated that included in the Council packet is a memo from the City Engineer and a copy of the one bid we received. Mr. Maclin stated that staff recommendation is the bid of J & D Construction in the amount of \$203,130.41. Mr. Maclin stated that this is an area that the City annexed in 1997 and it is a requirement that the City moves forward at this time with the extension of the sewer service.

In response to question by Councilmember Robertson, Mr. Wright stated that 10 requests for bids were sent out, however, this is a busy time of the year for contractors and this will not be an easy project.

In response to question by Mayor Bronaugh, Mr. Wright stated that the engineer's estimate was \$182,000. Mr. Wright stated that some changes were made to the plans since this was his first experience where he changed the bedding requirements to meet TNRCC requirements. Mr. Wright stated that he did not know how to reflect the bedding requirements in his cost estimates and this should give some idea of how it will impact the City in the future.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember R. L. Kuykendall that the bid of J & D Construction in the amount of \$203,130.41 for the Brentwood sewer improvements be approved as submitted. A unanimous affirmative vote was recorded.

12. BID – APPROVED – NORTH LUFKIN DRAINAGE IMPROVEMENTS – TIMBERLINE CONSTRUCTION

Mayor Bronaugh stated that the next item for consideration was award of bid for the North Lufkin drainage improvements.

City Manager Maclin stated that the bid tabulation was included in the Council packet and staff recommendation is to award the low bid of Timberline Construction in the amount of \$177,515.59. Mr. Wright stated that the budget estimate was approximately \$160,000. Mr. Wright stated that this project was awarded once before and staff ended up delaying the project due to the requirement for detention down stream to prevent flooding down stream, and the contractor at that time withdrew his bid.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that the bid of Timberline Construction in the amount of \$177,515.59 for the North Lufkin Drainage Improvements be approved as submitted. A unanimous affirmative vote was recorded.

13. BID – APPROVED – FM 58 WATERLINE EXTENSION IN BURKE – CRAWFORD CONSTRUCTION

Mayor Bronaugh stated that the next item for consideration was award of bid for the FM58 waterline extension in Burke.

City Manager Maclin stated that staff recommendation is the low bid of Crawford Construction in the amount of \$215,230.

In response to question by Councilmember Robertson, Mr. Wright stated that the first phase of this 12" waterline would be extended from Airport Road to Brentwood Road. Mr. Maclin stated that this is part of the five-year capital improvements program. Mr. Maclin stated that when the City took over the Burke Water Supply staff knew that there were numerous locations that had less than adequate pressure and this is an element of the five-year plan.

Councilmember Gorden stated that he wanted staff to work harder at securing more than one bid. Councilmember Gorden stated that he would also like to see an Engineer's estimate on all the bids.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember R. L. Kuykendall that the bid of Crawford Construction in the amount of \$215,230 for the FM 58 waterline extension in Burke be approved as submitted. A unanimous affirmative vote was recorded.

**14. BID – APPROVED – U S HIGHWAY 69 LIFT STATION REHABILITATION –
TIMBERLINE CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was bids for the U. S. Highway 69 lift station rehabilitation.

City Manager Maclin stated that the staff recommendation is the low bid of Oscar Crawford Construction in the amount of \$118,140.

In response to question by Councilmember Torres, Stephen Dorman of KSA stated that the other bidders were from Jacksonville and Beaumont.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Lynn Torres that the bid of Oscar Crawford Construction in the amount of \$118,140 for the U. S. Highway 69 lift station rehabilitation be approved as submitted. A unanimous affirmative vote was recorded.

**15. BID – APPROVED – DAFT WASTE WATER TREATMENT PLANT REPAIRS –
PLACO**

Mayor Bronaugh stated that the next item for consideration was bids for DAFT wastewater treatment plant repairs.

City Manager Maclin stated that the bid opening on this item was yesterday and the bid tabulation from Goodwin-Lasiter is on the Council table. Mr. Maclin stated that the low bid was from Placo out of Lumberton in the amount of \$194,372. Mr. Wright stated that \$240,000 was budgeted for this item in the Depreciation Fund.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Lynn Torres that the bid of Placo in the amount of \$194,372 for the DAFT wastewater treatment plant repairs be approved as submitted. A unanimous affirmative vote was recorded.

16. STEP 1 IMPLEMENTATION – SURFACE WATER STUDY – APPROVED

Mayor Bronaugh stated that the next item for consideration was approval of Step 1 implementation of the Surface Water Study.

City Manager Maclin stated that last Monday at a special called meeting the engineering firms consultants on this project made their final report. Mr. Maclin stated that basically this Step 1 implementation would provide for a rate analysis, consultant to study the impact of rates caused by the debt issuance for the project, it would also begin and complete the permitting process, the acquisition of property for the treatment plant and the acquisition of right-of-way needed for the transmission line. Mr. Maclin stated that the estimated total cost would be approximately \$1 million and the estimated time would be four to five years, spread out over four or five fiscal years in the Utility Fund Depreciation line item account as a method of funding this project. Mr. Maclin stated that as staff looks to the future when ground water will not continue to meet the City's needs based on current growth rates it would appear that now is the appropriate time to seek alternatives sources. Mr. Maclin stated that the fact that the City has been paying surface water rights on Rayburn since 1967 make it logical that this would be our source. Mr. Maclin stated that unlike Lake Eastex or other lakes under consideration, Rayburn is already built and ready to take water from.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Step 1 implementation of the Surface Water Study be approved as presented. A unanimous affirmative vote was recorded.

17. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:53 p. m. and entered into Executive Session. Regular Session reconvened at 6:38 p. m. and Mayor Bronaugh stated that Council had discussed attorney/clients matters.

18. CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS & CITY MANAGER

Mayor Bronaugh stated that there would be a reception for Lt. Governor Rick Perry at the Texas Forest Service tomorrow at 3:30 p.m.

City Manager Maclin stated that Thursday evening, September 21 at 5:00 p.m. would be the next meeting of the City's Comprehensive Plan Steering Committee. Also, at 7:00 p.m. on Monday, September 25 the Bond Election Committee will be meeting and having an orientation laying out their groundwork of activities and responsibilities. Mr. Maclin stated that on Tuesday, September 26, beginning at 9:00 a.m. the Texas Commission on Human Rights would be holding an EEOC Compliance Seminar at the Civic Center. Mr. Maclin stated that on Tuesday, September 27, the Commission would hold their meeting in the Council Chambers.

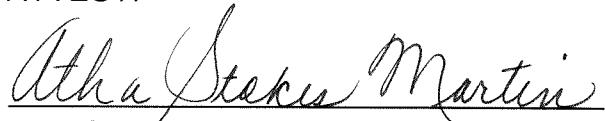
Mr. Maclin stated that on September 27 at 6:00 p.m. at the Holiday Inn in Nacogdoches the Region I Committee will hold their Public Hearing on their report and the City staff will be present to add input and make some comments regarding their potential desire for being a regional water supplier via Sam Rayburn Reservoir.

Mr. Maclin stated that on September 28 the DETCOG meeting would be in Woodville.

19. There being no further business for consideration, meeting adjourned at 6:40 p.m.


Louis Bronaugh
Mayor

ATTEST:


Atha Stokes Martin - City Secretary