MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5th DAY OF JUNE 2001 AT 5:00 P. M.

On the 5th day of June 2001 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
Dennis Robertson	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
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
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 when the following business was transacted.

1. Rev. Mike Hunter, First Christian 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 Dennis Robertson that the minutes of the Called Meeting of May 8, 2001 and the Regular Meeting of May 15, 2001 be approved as presented. A unanimous affirmative vote was recorded.

4. **PUBLIC HEARING – APPLICATION FOR THE EXTENSION OF AZALEA TRAIL**

Mayor Bronaugh opened Public Hearing for citizen's involvement for application to the Statewide Transportation Enhancement Program (TEA-21) for the extension of the Azalea Trail.

There was no one present to speak for or against the application.

Mayor Bronaugh closed Public Hearing.

5. **ORDINANCE – APPROVED – SECOND READING – DESIGNATION OF AN ENTERPRISE ZONE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance designating an Enterprise Zone.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance designating an Enterprise Zone be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. **ORDINANCE – APPROVED – SECOND READING – ZONE CHANGE – RESIDENTIAL LARGE TO RESTRICTIVE PROFESSIONAL OFFICE – ALLENDALE DRIVE – LOOP 287 – KEITH L. GREEN – BILLIE SUE BROOKS**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "Residential Large" to "Restrictive Professional Office" on approximately 3.0 acres of land located on the inside of Loop 287, approximately 475 feet north of Allendale Drive and has approximately 600 feet of frontage along the Loop 287 as requested by Keith L. Green on behalf of Billie Sue Brooks.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Ordinance to change the zoning from "Residential Large" to "Restrictive Professional Office" on approximately 3.0 acres of land located on the inside of Loop 287, approximately 475 feet north of Allendale Drive and has approximately 600 feet of frontage along Loop 287 as requested by Keith L. Green on behalf of Billie Sue Brooks be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. **ORDINANCE – APPROVED – SECOND READING – ZONE CHANGE – RESIDENTIAL LARGE TO COMMERCIAL – 3908 ELLEN TROUT DRIVE (LOOP 287) – FIESER DEVELOPMENT – JANICE MILLIGAN**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "Residential Large" to "Commercial" on approximately 7.41 acres of land described as a part of Tract 125 of the A. Barela Survey (Abstract No. 49) and more commonly known as 3908 Ellen Trout Drive (Loop 287) as requested by Fieser Development, Inc. on behalf of Janice Milligan.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance to change the zoning from "Residential Large" to "Commercial" on approximately 7.41 acres of land described as a part of Tract 125 of the A. Barela Survey (Abstract No. 49) and more commonly known as 3908 Ellen Trout Drive (Loop 287) as requested by Fieser Development, Inc. on behalf of Janice Milligan be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

8. **AMENDMENT – APPROVED – SECOND READING – PRE-TREATMENT ORDINANCE – COPPER PARAMETERS**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Amendment to the Pre-Treatment Ordinance changing the copper parameters.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that Amendment to the Pre-Treatment Ordinance changing the copper parameters be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

9. **AMENDMENT – APPROVED – FIRST READING – TRAFFIC ORDINANCE – CHAMBERS PARK SPEED LIMIT**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Amendment to the Traffic Ordinance changing the speed limit in Chambers Park.

City Manager Maclin stated that this would be a First Reading of an Amendment to the Traffic Ordinance that would authorize the Police Department to enforce a 20 mph speed limit through Chambers Park on Pershing. Mr. Maclin stated that in the Council packet it was originally denoted as Angelina to Turner Street and it should be Angelina to Raguet Street. Mr. Maclin stated that staff feels that this is appropriate because of the increased utilization of Chambers Park since the implementation of the spray/play equipment. Mr. Maclin stated that this Amendment would help minimize risk and create a safer environment for the users of the park.

In response to question by Councilmember Bowman, Mr. Maclin stated that the installation of speed humps in this area would be an exception or waiver to the Council's current policy because current policy does not allow staff to put a speed hump in an area of through traffic. Mr. Maclin stated that if the speed limit is lowered to 20 mph then the Traffic Enforcement Task Force can be used and utilize the portable speed limit sign. Mr. Maclin stated that anytime you have a street running through the middle of a park it is a difficult situation.

In response to question by Councilmember Robertson, Mr. Maclin stated that he would recommend going the remainder of summer at 20 mph for evaluation and then look to the Police Department for feedback as to whether or not it would be appropriate to change the speed limit to 30 mph. Mr. Maclin stated that if the City gets complaints or if there are issues, then consideration of the speed limit could be placed on an agenda for further discussion at a later date.

In response to question by Councilmember Robertson, Mr. Maclin stated that the Ordinance could be enforced 10 days after the Second Reading.

Councilmember Robertson stated that if the parking lot, which is scheduled to be discussed further down on the agenda, is approved by Council, he would like to see"No Parking" sign erected on the south side of the park. Mr. Maclin stated that staff would come back to Council at that time for further consideration.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman that Amendment to the Traffic Ordinance changing the speed limit to 20 mph in Chambers Park be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. **ORDINANCE – APPROVED – FIRST READING - ZONE CHANGE – RESIDENTIAL MEDIUM AND NEIGHBORHOOD RETAIL TO NEIGHBORHOOD RETAIL – 509 BYNUM STREET**

Mayor Bronaugh stated that the next item for consideration was the request of Robert Mitchell to change the zoning from "Residential Medium & Neighborhood Retail" to a single "Neighborhood Retail" zoning district on approximately 0.7 acres of land described as Tract 145 of the J. L. Quinalty Survey (A-40) and more commonly known as 509 Bynum Street.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department. Mr. Maclin stated that this request comes to Council from the Planning & Zoning Commission with a unanimous vote of approval of the zone change as requested.

In response to question by Councilmember Bowman, Mr. Abraham stated that there are no immediate plans for anyone to build on the property. Mr. Abraham stated that the same property owner owns this land where a previous beauty shop was burned and they are trying to consolidate it for sale.

In response to question by Councilmember Gorden, Mr. Abraham stated that this is one of those marginal cases and the back portion of this existing lot is already zoned "Neighborhood Retail". Mr. Abraham stated that this is an oddly configured lot and this scenario made the most logical boundaries because it is a straight extension of the backs of those streets onto Bynum. Mr. Abraham stated that it is right on the boundary of where the Comprehensive Plan changes from residential to non-residential. Mr. Abraham stated that as recently as a week ago he had looked at it with the Comprehensive Planning consultant and they both agreed that it made some logic to zone it Neighborhood Retail.

In response to question by Councilmember Robertson, Mr. Abraham stated that the "white strip" shown on the map is an easement. Mr. Grant Mitchell stated that years ago this was an easement for a street that was never developed, which belonged to his grandfather and now belongs to Russell Cummings.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman that Ordinance changing the zone from "Residential Medium & Neighborhood Retail" to a single "Neighborhood Retail" zoning district on approximately 0.7 acres of land described as Tract 145 out of the J. L. Quinalty Survey (A-40) and more commonly known as 509 Bynum Street be approved on First Reading as presented. A unanimous affirmative vote was recorded.

11. **RESOLUTION – APPROVED – CERTIFICATE OF FUNDING – TEA-21 APPLICATION – AZALEA TRAIL**

Mayor Bronaugh stated that the next item for consideration was a Resolution for approval of a Certificate of Funding in support of the TEA-21 application for the extension of the Azalea Trail.

City Manager Maclin stated that this is an item that has been discussed on a couple of other occasions. Mr. Maclin stated that staff has discussed this item with TxDOT officials both here and in Austin and feel like it is a project that meets a lot of the criteria and points of emphasis that TxDOT likes to use TEA-21 funds to fund projects of this nature. Mr. Maclin stated that this would be an extension of our existing Azalea Trail that would connect Kiwanis Park to the north to the Middle School and then connect the south end of the current Azalea Trail at Grace Dunne Richardson down to the College. Mr. Maclin stated that it would accomplish several things that TxDOT likes you to accomplish in terms of connection with parks, school facilities and retail areas. Mr. Maclin stated that what staff needs at this point is approval of this Resolution and a commitment of 20% of matching local funds, which would be spread out over two fiscal years and based on previous experience with TEA-21 projects, possibly three fiscal years.

In response to question by Councilmember Bowman, Mr. Maclin stated that the City's 20% would be $400,000 on a $2 million project. Mr. Maclin stated that the City has no guarantees that we would be funded just by making the application. Mr. Maclin stated that there are an awful lot of people applying for limited dollars, which is typical of TEA-21.

In response to question by Councilmember Gorden, Pat Oates stated that it would probably be December before the City would know if the application was approved. Mr. Maclin stated that it would then take 12 to 18 months to get all the paperwork processed.

Councilmember Bowman stated that since the trail extension runs all the way to the College, he would like for staff to talk to them about assisting in the cash match.

Mr. Oates stated that the total for the project that the City's match is based on is $2.3 million and the City's match would be $460,000.

Councilmember Gorden stated that he was in favor of the project but wondered where the matching funds would come from. Mr. Gorden stated that his thoughts were that we should take care of what we've already got first before extending ourselves further.

Councilmember Robertson stated that, in his opinion, we should have a better trail system throughout the City and he did not want to miss the opportunity if we are able to get this much enhancement money.

City Manager Maclin stated that we would be making a commitment of $150,000 a year over three fiscal years. Mr. Maclin stated that the City could make applications to foundations and other locations that might be interested. Mr. Maclin stated that, although it would not be large funding, there were groups like the Pineywoods Pacers who might try to assist with the funding. Mr. Maclin stated that staff has received over two dozen letters of support for this project both from individual property owners and groups (Boy Scouts, clubs, Kiwanis, Rotary and our elected officials).

City Manager Maclin stated that the question is, do we have more parks than we can afford, that might be a legitimate consideration. Mr. Maclin stated that staff talked about this briefly with the Parks Board on Monday that there might come a time when we need to have a joint meeting of the Council and the Parks Board and prioritize which of the parks that we want to maintain at a higher level and which parks we want to moth bag and hold these for the future and just meet Code requirements, but not develop those parks. Mr. Maclin stated that perhaps what is justifiable for this project is if you look at all the park facilities that are used on a daily basis by local people, the Azalea Trail probably wins the prize for local use on a regular basis. Mr. Maclin stated that in his mind he could justify this investment while at the same time to help make budget available for the maintenance of this new facility discontinuing other areas that have very poor participation. Mr. Maclin stated that the Trail is very popular from a health standpoint. Mr. Maclin stated that he could make a very good case based on popularity and utilization by the public of Lufkin that this is a good project even if it meant we had to discontinue some of the other parks to be able to afford the maintenance of the Trail extension.

Councilmember Bowman stated that if this expense could be spread out over a three-year period corporate and foundation money could be brought in and, in his opinion, this is doable.

Councilmember Gorden stated that even as good as the existing Azalea Trail is he is not too sure that we have done our best from the original vision.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Resolution for approval of a Certificate of Funding in support of the TEA-21 application for the extension of the Azalea Trail be approved as presented. A unanimous affirmative vote was recorded.

12. PROPOSAL – APPROVED – REDISTRICTING OF CITY VOTING WARDS – 2000 CENSUS DATA

Mayor Bronaugh stated that the next item for consideration was a proposal for redistricting of City voting wards based on 2000 census data.

City Manager Maclin stated that included in the Council packet are two proposals staff received in regard to meeting this need of the City. Mr. Maclin stated that the proposals are from Allison, Bass & Associates out of Austin, and Leon C. Hallman. Mr. Maclin stated that the firm of Allison, Bass & Associates has been retained by the County for their redistricting. Dr. Hallman is the one who performed our redistricting efforts in 1991 with the assistance of Dr. Claunch, a fellow professor at SFA. Mr. Maclin stated that Council seemed to be satisfied with Dr. Hallman and Dr. Claunch's work in 1991-92. Mr. Maclin stated that the Hallman proposal is about half of the Allison, Bass proposal. Mr. Maclin stated the City has to be able to assure the Justice Department in compliance with the Federal Voting Rights Act, that there is not a variance of greater than plus or minus 5% between each of the wards. Mr. Maclin stated that there are six wards and in the last ten years a significant portion of the growth has taken place in Wards 4 and 5 due to the development of Brookhollow and Crown Colony and other subdivisions in those areas. Mr. Maclin stated that it is obvious that the City will need some redistricting to maintain the appropriate plus or minus 5% population equitable distribution. Mr. Maclin stated that the question is up to Council now as to whom they would like to engage to provide these services.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that proposal of Leon C. Hallman (Hallman & Claunch) for redistricting of City voting wards based on the 2000 census data be approved as presented. A unanimous affirmative vote was recorded.

13. **BID – APPROVED – ASBESTOS WATERLINE REPLACEMENT PROJECT NO. 1 - J & D CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was award of construction bids for the Asbestos Waterline Replacement Project No. 1.

City Manager Maclin stated that included in the Council packet is a bid tabulation from the Project Engineer Wayne Stolz. Mr. Maclin stated that the City received three bids on waterline replacement #1, the first of 15 projects the City will be doing to complete the removal of all asbestos/cement pipelines in the City distribution system. Mr. Maclin stated that staff recommendation is the low bid of J & D Construction in the amount of $1,354,125.90.

In response to question by Councilmember Bowman, Mr. Maclin stated that this bid amount is lower than the engineer's estimates for both items 13 and 14.

In response to question by Councilmember Boyd, Mr. Wright stated that this project would start along Gaslight Blvd., along Loop 287 and Southwood Drive, which, are the major streets. Mr. Maclin stated that there is a little bit of the line on Feagin and Rushwood, but the bulk of it is on Gaslight and Southwood.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that the bid of J & D Construction in the amount of $1,354,125.90 for the Asbestos Waterline Replacement Project No. 1 be approved as submitted. A unanimous affirmative vote was recorded.

14. BID – APPROVED – ASBESTOS WATERLINE REPLACEMENT PROJECT NO. 7 – D & J PLUMBING

Mayor Bronaugh stated that the next item for consideration was construction bids for Asbestos Waterline Replacement Project No. 7.

City Manager Maclin stated that included in the Council packet is the bid tabulation and the letter of recommendation from the Project Engineer Pat Oates. Mr. Maclin stated that staff is recommending the low bid of D & J Plumbing in the amount of $871,829.

Mr. Wright stated that the City has not worked with D & J Plumbing in the past but did ask Mr. Oates to do some research on the company and all the references came back positive.

In response to question by Councilmember Torres, Mr. Wright stated that both jobs would be going on simultaneously.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Don Boyd that the bid of D & J Plumbing in the amount of $871,829 for Asbestos Waterline Replacement Project No. 7 be approved as submitted. A unanimous affirmative vote was recorded.

15. **BID – APPROVED – EMERGENCY REPLACEMENT OF ANIMAL CONTROL TRUCK - HGAC**

Mayor Bronaugh stated that the next item for consideration was award of bid for emergency replacement of an Animal Control truck.

City Manager Maclin stated that included in the Council packet is a memorandum from the Assistant City Manager via the Director of Animal Control about the need for this diesel truck that was a victim of a fire. Mr. Maclin stated that this was a 1992 diesel with 140,000 miles on it. Mr. Maclin stated that on the Council table is a quote through the Houston-Galveston Area Council Purchasing Cooperative of $26,756.16.

In response to question from City Manager Maclin, David Cochran stated that he contacted dealers who had contracts with various cooperative purchasing. Mr. Cochran stated that last year he went through the bid process for nearly this same project. Mr. Cochran stated that the company that bid last year did not deliver until October. Mr. Cochran stated that this particular truck is on the lot so there will not be any delay in delivery time.

In response to question from Councilmember Bowman, Mr. Maclin stated that there is a $10,000 deductible on the insurance for this vehicle.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that bid from HGAC for emergency replacement of an Animal Control truck in the amount of $26,756.16 be approved as submitted. A unanimous affirmative vote was recorded.

16. **BID – APPROVED – STREET CONSTRUCTION – DARLINGTON STREET – B & J CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was bid for construction on Darlington Street.

City Manager Maclin stated that included in the Council packet is a letter from the Director of Public Works along with a bid from B & J Construction Company in the amount of $12,196. Mr. Maclin stated that this is that portion of street that connects Tulane on the south end back to the neighborhood behind Wal-Mart. Mr. Maclin stated that this is to replace some of the access that citizens on that end of the old Tulane lost when the City relocated the old Tulane to line up with David Street.

Mr. Wright stated that this is part of the CIP and will come in well below the budgeted amount.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that bid of B & J Construction in the amount of $12,196 for street construction on Darlington Street be approved as submitted. A unanimous affirmative vote was recorded.

17. **BID – APPROVED – TIRE RECLAMATION SERVICE COMPANY – SAFE TIRE DISPOSAL**

Mayor Bronaugh stated that the next item for consideration was bids for the selection of a tire reclamation service company.

City Manager Maclin stated that Council has a recommendation through the Purchasing Director for this project that we use a company named Safe Tire Disposal. Mr. Maclin stated that the charges are per item and on a car or light truck it would be $1.00, semi truck tires would be $4.00. Mr. Maclin stated that the price is listed by the trailer load and by the ton. Mr. Maclin stated that there used to be numerous companies when the TNRCC was encouraging and subsidizing tire reclamation and using chip tires for recycling purposes but now there are very few companies left that are in this business.

In response to question by Councilmember Bowman, Mr. Williams, Public Works Director, stated that the City does not collect many old tires but the ones that are picked up are taken to the landfill. Mr. Williams stated that most people take their old tires to the landfill themselves where they have a machine that quarters the tires and cuts them up. Mr. Williams stated that this has become a Code Enforcement issue since people are just stacking the tires up and this effort will help clean up the City as a whole. Mr. Williams stated that there are plans to have another designated reclamation day in April of next year.

Councilmember Gorden asked that Mr. Williams find out how this company disposes of the tires they collect since there have been some reports of tires being collected and sent to Mexico.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that bid of Safe Tire Disposal be approved as the tire reclamation service company for the June 23rd Tire Reclamation Day in the City of Lufkin. A unanimous affirmative vote was recorded.

18. **EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 5:50 p. m. and entered into Executive Session. Regular Session reconvened at 6:25 p. m. and Mayor Bronaugh stated that Council had discussed real estate and attorney/client matters.

19. **PURCHASE OF PROPERTY – APPROVED – CHAMBERS PARK PARKING**

City Manager Maclin stated that at the Council retreat one of the items that were discussed as part of the planning process and needs identification of the City was the fact that the Chambers Park has increased in popularity immensely since the completion of the spray/play. Mr. Maclin stated that this popularity has created a problem or difficulty as it relates to adequate parking space for the number of visitors who are now enjoying taking their children and grandchildren to enjoy the spray/play facility. Mr. Maclin stated that there is a piece of property adjacent to the spray/play area of Chambers Park that has frontage on Feagin and is contiguous to Chambers

Park property that is for sale. Mr. Maclin stated that this property has been appraised at $30,000 and it is his understanding from the real estate agent that the owners would be willing to sell for appraised value. Mr. Maclin stated that we would then use City force account and would need approximately $15,000 to build a parking lot for material costs. Mr. Maclin stated that with that approximately 74 parking spaces could be added and minimize some of the congestion and hazards we have with people having to cross the street to park on the north side of the park and cross Pershing to go to the spray/play area and other activities that are on the south side of the park.

City Manager Maclin stated that if Council is willing they can authorize the City Attorney to draw up the closing papers and develop the necessary papers for the purchase of this property and then amend the budget to allow staff to make these parking improvements thereby minimizing risks and improving a situation that has been accentuated by increased park use due to the new spray/play.

Councilmember Bowman stated that he was assuming that there would be no parking on Pershing once the new parking lot was completed. Mr. Maclin stated that staff would come back to Council for an Ordinance once the parking lot is complete.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that staff be authorized to purchase property at the fair market value of $30,000 for park improvements at Chambers Park. A unanimous affirmative vote was recorded.

20. **CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER**

City Manager Maclin stated that a project he had mentioned to Council in the past that he was wanting to kick off his summer was for the City of Lufkin to participate in a program adopted by the National League of Cities a year or two ago called "Undoing Racism". Mr. Maclin stated that one of the activities that would be appropriate for participation is the Juneteenth celebration that is held in Brandon Park each year. Mr. Maclin stated that the Friendship Social Club has been putting on a celebration for Juneteenth in Brandon Park for the past 12 or 13 years and the City is joining in partnership with the Friendship Social Club by providing some activities for kids like snow cones and popcorn and Moonwalk, and the Council is invited to participate. Mr. Maclin stated that the activities for the kids would begin at 11:00 a.m., a program will be held at 2:00 p.m. and then bar-b-que is served at 3:00 p.m. Mr. Maclin stated that there is also a parade on the Saturday preceding the Juneteenth celebration – June 16th. Mr. Maclin stated that the parade begins at Brandon Park and goes down to Abney, up to MLK, down Kurth, and back to Brandon. Mr. Maclin stated that the City has been invited to participate in that parade.

Mr. Maclin stated that staff had discussed the dates for the possibility of kicking off the Undoing Racism Program working together with the Concerned Black Men of Lufkin as a joint effort on the City's part and the Concerned Black Men to implement the "Undoing Racism Program". It was the consensus of opinion that the date for the film "Remember the Titans" was July 31st. Sandwiches and drinks would be served prior to the movie, and comments and feedback would follow the movie.

21. There being no further business for consideration, meeting adjourned at 6:35 p.m.

Louis Bronaugh

Louis Bronaugh
Mayor

ATTEST:

Atha Stokes Martin

Atha Stokes Martin - City Secretary