

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
16th OF JULY 2002**

On the 16th day of July 2002 the City Council of the City of Lufkin, Texas, convened in a Regular Meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Lynn Torres	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Rose Faine Boyd	Councilmember, Ward No. 2
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
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works
Stephen Abraham	Director of Planning

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Bettie Kennedy, Pastor, Collins Chapel CME Church.
2. Mayor Bronaugh welcomed visitors present and recognized the following Boy Scouts from Troop 140 sponsored by the First Presbyterian Church: Eldon Fuller, Levi Fuller, Loyd Callahan, Chethan Bachiredy, Wayne Ramsey, Ashwin Premkomar, Jacob Fuller, Chris Smith, Chris Callahan, Derek Smith, Jamie Hannan and Kenneth Corbett.

3. APPROVAL OF MINUTES

Minutes of the Regular Meeting of July 2, 2002 were approved on a motion by Councilmember R. L. Kuykendall and seconded by Councilmember Rose Faine Boyd. A unanimous affirmative vote was recorded.

4. PROCLAMATION – AMERICANS WITH DISABILITIES ACT

Mayor Bronaugh stated that the next item is a Proclamation for Americans with Disabilities Act. Mayor Bronaugh read the Proclamation and presented it to Billy Feltman, Chairman of the Mayor's Committee on Disabilities. Mayor Bronaugh recognized members of the Mayor's Committee who were present: Joe Havard, Clare Dutton and Cedric Buckley.

**5. ORDINANCE – APPROVED - SECOND READING – ZONE CHANGE –
PLANNED UNIT DEVELOPMENT (NO. 3109) TO LOCAL BUSINESS – LAWRENCE
A. CATES AND ASSOCIATES, INC. – TULANE DRIVE BETWEEN LOOP 287 AND
HARMONY HILL DRIVE**

Mayor Bronaugh stated that the next item for consideration was the request of Lawrence A. Cates and Associates, Inc. to change the zoning classification on approximately 28.75 acres of land located on the east side of Tulane Drive between Loop 287 and Harmony Hill Drive from "Planned Unit Development (No. 3109)" zoning district to a "Local Business" zoning district.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Rose Faine Boyd that request of Lawrence A. Cates and Associates, Inc. to change the zoning classification on approximately 28.75 acres of land located on the east side of Tulane Drive between Loop 287 and Harmony Hill Drive from "Planned Unit Development (No. 3109)" zoning district to a "Local Business" zoning district be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE – APPROVED – FIRST READING – ZONE CHANGE – HEAVY MANUFACTURING TO COMMERCIAL ZONING DISTRICT – DONEL AND VELMA AYERS – SPENCE STREET

Mayor Bronaugh stated that the next item for consideration was request of Donel and Velma Ayers to change the zoning on approximately 5.88 acres of land located on the west side of Spence Street and described as Tracts 22, 23, 24 and 25 out of the A. Varilla Survey (Abstract No. 49) from "Heavy Manufacturing" to a "Commercial" zoning district.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the City Planner. Mr. Maclin stated that the Planning & Zoning Commission is recommending approval of this zone change request.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember R. L. Kuykendall that request of Donel and Velma Ayers to change the zoning on approximately 5.88 acres of land located on the west side of Spence Street and described as Tracts 22, 23, 24 and 25 out of the A. Varilla Survey (Abstract No. 3109) from "Heavy Manufacturing" to a "Commercial" zoning district be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. APPOINTMENTS – APPROVED – KURTH MEMORIAL LIBRARY BOARD OF TRUSTEES

Mayor Bronaugh stated that the next item for consideration was appointments to the Kurth Memorial Library Board of Trustees.

City Manager Maclin stated that included in the Council packet is a letter from Walter Borgfeld, President of the Library Board of Trustees, seeking re-appointment of the current Board members whose terms expire this fall. Mr. Maclin stated that these members are Jane D. Ainsworth, E. G. (Rod) Pittman, and Lynn Torres.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that Jane D. Ainsworth, E. G. (Rod) Pittman and Lynn Torres be reappointed to the Kurth Memorial Board of Directors. A unanimous affirmative vote was recorded.

8. CONSULTANT – APPROVED – RE-NEGOTIATION OF CABLE FRANCHISE AGREEMENT - LLOYD, GOSSELINK, BLEVINS, ROCHELLE, BALDWIN & TOWNSEND

Mayor Bronaugh stated that the next item for consideration was a proposal for the utilization of a consultant for re-negotiation of the cable franchise agreement.

City Manager Maclin stated that the City's franchise agreement for cable provision would expire in October 2003. Mr. Maclin stated that recognizing that the last time the City negotiated their cable franchise was 25 years ago, it is staffs opinion that it is appropriate to utilize a specialist or legal consultant to assist us in making sure that we take advantage of all the aspects of the Telecommunications Act of 1996, as well as other potential benefits to the City of Lufkin as it relates to an area that is changing very rapidly. Mr. Maclin stated that the telecommunications arena is something that is very dynamic and is changing on a regular basis. Mr. Maclin stated that staff has submitted a request for proposals and a couple of responses were received. Mr. Maclin stated that staff is recommending the proposal from Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend with an estimated minimum cost of \$16,800 and a maximum cost of \$28,600. Mr. Maclin stated that the proposal listed the various services that would

be provided by the law firm, and staff feels that this will be money well invested for the City since this will be a long-term agreement that will impact many things in the future. Mr. Maclin stated that staff wants to utilize this legal expertise to protect the City from future changes in the law to the greatest extent possible.

Councilmember Bowman stated that he assumed that staff was looking at what cable could bring to the community other than just television. Mr. Maclin stated that that is one of the main reasons staff wants someone who has great skill and expertise, and this particular firm comes highly recommended through the Texas Municipal League.

Councilmember Gorden stated that he commended staff for trying to get somebody to help the City look at the cable television agreement.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman that the firm of Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend be approved as the consultants to re-negotiate the cable franchise agreement. A unanimous affirmative vote was recorded.

9. PROPOSAL – APPROVED – DICTAPHONE SYSTEM – POLICE DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was proposals for the Dictaphone system for the Police Department.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from Lt. Nowak of the Police Department along with a proposal submitted through the Dictaphone Company and area sales manager Chris Kennison. Mr. Maclin stated that it is staff's recommendation that Council approve this purchase, which will actually decrease our current cost over the next five (5) years with a savings of about \$3,044 per year in comparison to what the City has been paying over the last several years. Mr. Maclin stated that this is a lease of \$10,275 per year for five years.

In response to question by Councilmember Gorden, Mr. Maclin stated that there is not a lot of competition in this area.

Chief Brazil stated that this is the exact type system that the Police Department is using now and this will be an updated model, which will be a lot better and will save the Department money. Chief Brazil stated that this system records the Department's radio frequencies and the 9-1-1 lines. Chief Brazil stated that DETCOG pays part of the maintenance on the Police Department's system. Chief Brazil stated that this is part of the money collected by the telephone company.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Jack Gorden, Jr. that the bid of Dictaphone on a five-year lease at \$10,275 per year be approved as submitted. A unanimous affirmative vote was recorded.

10. TAX REFUND – APPROVED – SHRIMP BOAT MANNY'S, INC.

Mayor Bronaugh stated that the next item for consideration was a request for a refund by the Tax Assessor Collector authorized by the Appraisal District to Shrimp Boat Manny's, Inc.

City Manager Maclin stated that included in the Council packet is a letter of request from Bill Shanklin, the Tax Assessor-Collector for Angelina County. Mr. Maclin stated that the City's portion of the refund amount is \$1,076.44.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that tax refund in the amount of \$1,076.44 payable to Shrimp Boat Manny's, Inc. be approved as presented. A unanimous affirmative vote was recorded.

11. BID – APPROVED – SEWER SYSTEM REPLACEMENT AND EXTENSION – LUFKIN AVENUE – J & D CONSTRUCTION

Mayor Bronaugh stated that the next item for consideration was award of bid for Lufkin Avenue sewer system replacement and extension.

City Manager Maclin stated that this involves an upgrade and replacement for an area on Lufkin Avenue near the Loop. Mr. Maclin stated that this is an area that the City has had some problems with due to the size of the line and volume of flow that we were attempting to get through the line, plus now this is the new line for the Law Enforcement Center (the Angelina County jail.) Mr. Maclin stated that the City is upgrading the size of the line to be able to handle the capacity of the new jail. Mr. Maclin stated that it is a combination of taking care of the increased service capacity for the jail as well as some existing problems that the City has been having in this area for the past several years.

City Manager Maclin stated that staff is recommending the low bid of J & D Construction in the amount of \$175,168.

In response to question by Mayor Bronaugh, Mr. Wright stated that the estimated completion time is 90 days. Mr. Wright stated that the replacement and extension of the line should be finished before the construction of the jail is completed.

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 \$175,168 for the sewer system replacement and extension on Lufkin Avenue be approved as submitted. A unanimous affirmative vote was recorded.

12. RESOLUTION – APPROVED – CITY OFFICIALS SIGNATURES AND BANK DEPOSITORY INFORMATION – TEXAS COMMUNITY DEVELOPMENT PROGRAM INFRASTRUCTURE GRANT

Mayor Bronaugh stated that the next item for consideration was approval of a Resolution designating City officials' signatures and bank depository information for the Texas Community Development Program infrastructure grant.

City Manager Maclin stated that this is a required Resolution that designates the Mayor and the City Manager as authorized to sign the purchase vouchers and request for advances. Mr. Maclin stated that this is the City's project behind the Brookshire's Fresh Market on Chestnut that will provide the infrastructure for the Pineywoods HOME Team (water, sewer, storm drains and detention facilities) in order for them to expand that neighborhood with increased low-income family housing. Mr. Maclin stated that this is a grant that the City has already received from the Texas Department of Housing and Community Affairs and staff is seeking approval of this Resolution in compliance with State statutes.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember Bob Bowman that Resolution designating City officials' signatures and bank depository information for the Texas Community Development Program infrastructure grant be approved as presented. A unanimous affirmative vote was recorded.

13. FINANCE COMMITTEE REPORT – APPROVED

Mayor Bronaugh stated that the next item for consideration was a quarterly report from the Finance Committee.

Councilmember Dennis Robertson stated that the Finance Committee met this afternoon with the City's Financial Consultant, Dick Long, and went over the portfolio the City has with various investments. Mr. Robertson stated that the economic outlook with interest rates looks to improve and the City is holding very well with its investments at this time. Mr. Robertson stated that the Committee talked about the possibility of adding one more investment firm but will wait to deal with it at a later time.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that the quarterly report by the Finance Committee be approved as presented. A unanimous affirmative vote was recorded.

14. CONTINUATION OF BUDGET WORKSHOP

Mayor Bronaugh stated that the next item for consideration was a continuation of the Budget Workshop.

City Manager Maclin stated that this morning in about three hours and 45 minutes the Council covered the budget draft.

Councilmember Torres stated that she wanted to commend Assistant City Manager James Hager on his presentation this morning, especially his use of graphs, which made it easier to understand the budget.

City Manager Maclin stated that there were four or five items he would like to seek Council consensus today so that staff can go ahead and complete the budget draft preparation for presentation to Council at a future date. Mr. Maclin stated that the first question is to seek consensus that Council agrees with staff's request to utilize the excess funds in the fund balance to increase the employee health trust fund contribution from \$325 per month to \$400 per month in order to try to maintain our current health insurance benefits. Mr. Maclin stated that the second item was if Council wanted to allow the inclusion of the increase in Zoo admission fees as suggested by the Director of the Zoo that would begin in April of 2003. Mr. Maclin stated that the third question is if Council is comfortable with including the equipment replacements that were spelled out to them this morning both in the general fund and the renewal/replacement depreciation fund, which included vehicles, trucks, backhoes, street sweepers, etc. Mr. Maclin stated that the fourth item is no increase in garbage rates, but a four percent increase in water rates, and then the increase in sewer rates to accomplish the needs identified by the rate analysis performed by Reed & Stowe but utilizing the staff recommendation that spreads it out over a four-year period. Mr. Maclin stated that the last item is to set the date for staff to present the budget draft to them and it was the consensus of opinion that the meeting would be held at 11:00 a.m. with lunch following at 12 noon.

15. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:33 p. m. and Councilmembers entered into Executive Session. Regular Session reconvened at 6:13 p.m. and Mayor Bronaugh stated that the Council had discussed attorney/client matters, appointments to Boards and Commissions, and real estate matters.

16. AGREEMENT – APPROVED – EXCHANGE OF PROPERTY WITH LISD AND BOYS AND GIRLS CLUB

Mayor Bronaugh stated that the next item for consideration was the exchange of property with LISD and exchange of property with the Boys and Girls Club.

City Manager Maclin stated that he would first give an overview of this item for consideration and then the proposed action for consideration by Council tonight. Mr. Maclin stated that this is an item that has been discussed for several months whereby the LISD and the City of Lufkin would exchange, in the case of the City, the property at Morris Frank Park that includes the major league field (Garrison Field) as well as two softball fields immediately east of that complex and the property in between where the Lufkin high school girls softball also plays their games. Mr. Maclin stated that the City would then in return receive exchange of the property at Junior High West that was not sold in 1999 in the sale that Bruce Love participated in. Mr. Maclin stated that this would be the remainder of that property behind the City Public Library and behind the DP Solutions. Mr. Maclin stated that the exchange of the two properties between the City and the school would be a win-win beneficial situation for all parties. Mr. Maclin stated that it would give LISD the opportunity to own these properties where they could invest funds and improvements in property they own as opposed to just having a use agreement. Mr. Maclin stated that the Girls Softball Association and the Lufkin Youth

Baseball Association would continue to have the opportunity to use the facilities as they currently do. Mr. Maclin stated that the City Park Department would benefit in that LISD would be responsible for the mowing and maintenance of those fields year round. Mr. Maclin stated that the City would continue to provide the litter pickup for the Girls softball as we currently do now during the summer months through our contract with Goodwill. Mr. Maclin stated that once that exchange is completed, the City would then have a gymnasium to use for the Parks Department youth athletic leagues and adult athletic leagues. Mr. Maclin stated that the City has always been dependent on renting or using school or church facilities for the adult basketball leagues or youth basketball leagues, and this would give the Parks and Recreation Department the opportunity to have its own gymnasium facility. Mr. Maclin stated that it would also provide what is now a cafeteria facility that the City could consider utilization as a community center for educational/recreational classes.

City Manager Maclin stated that what staff is seeking tonight, initially, is Council's consideration of approval of an exchange between LISD and the City of Lufkin for like property values. Mr. Maclin stated that staff is also seeking for Council to authorize the City Attorney to move forward to posting in accordance with State law a proposed exchange of property then between the City of Lufkin and the Boys and Girls Club of Lufkin. Mr. Maclin stated that the property that the City would obtain through the school at Junior High West would be about 4.9 acres as the site of the newly constructed Boys and Girls Club facility. Mr. Maclin stated that staff is asking first of all for Council to approve the exchange between the City and the school for the Morris Frank property in exchange for the Junior High West property, and then for the Council to authorize the City Attorney to move forward with appropriate posting for a 14 day period in accordance with State law to consider then the exchange of the Junior High West property for the Boys and Girls Club in exchange for some acreage they own on US 69 north of like value.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Jack Gorden, Jr. to approve the exchange of property with the LISD and to authorize the City Attorney to move forward with the appropriate posting in accordance with State law for the exchange of property with the City of Lufkin and the Boys and Girls Club. A unanimous affirmative vote was recorded.

City Manager Maclin stated that this item would be brought back to Council at the August 6th meeting for final and formal approval of the exchange with the Boys and Girls Club pending the 14-day notice.

17. APPOINTMENT – APPROVED – PLANNING & ZONING COMMISSION - BRUCE LOVE

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman that Bruce Love be appointed to the Planning & Zoning Commission. A unanimous affirmative vote was recorded.

18. APPOINTMENT – TABLED – SIGN ORDINANCE COMMITTEE

Mayor Bronaugh stated that the next item for consideration was appointment of members to the Sign Ordinance Committee.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that the appointments to the Sign Ordinance Committee be tabled until the next meeting. A unanimous affirmative vote was recorded.

19. CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER


City Manager Maclin stated that the Wal-Mart opening would take place at 7:00 a.m. tomorrow morning. Mr. Maclin stated that Wal-Mart would be presenting the award of grants to the Fire Department, Police Department and Main Street.

City Manager Maclin stated that the next DETCOG meeting would be held in Hemphill on July 26.

City Manager Maclin stated that Council would meet for a Budget Workshop on July 31 at 11: a.m.

City Manager Maclin stated that the next TML Region 16 meeting would be held on August 8 at West Orange.

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


Louis A. Bronaugh – Mayor

ATTEST:


Atha Martin - City Secretary