MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 17th OF SEPTEMBER 2002

On the 17th day of September 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:

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
Atha Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works
Stephen Abraham	Director of Planning

being present, and

Louis A. Bronaugh	Mayor

Being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Tom Anglin, Pastor, Victory Assembly of God Church.

2. Mayor pro tem Torres welcomed visitors present and recognized LHS government students.

3. APPROVAL OF MINUTES

Minutes of the Called Meeting of August 29, 2002 and the Regular Meeting of September 3, 2002 were approved on a motion by Councilmember R. L. Kuykendall and seconded by Councilmember Bob Bowman. A unanimous affirmative vote was recorded.

4. ORDINANCE – APPROVED – FIRST READING – TAX LEVYING ORDINANCE

Mayor pro tem Torres stated that the first item for consideration was First Reading of the Tax Levying Ordinance.

City Manager Maclin stated that staff and Council have completed most of the process related to the budget for next year and the last step is approval of the Tax Levying Ordinance which includes the interest and sinking as well as the general maintenance and operations. Mr. Maclin stated that this tax rate reflects the 2 cents included from the approval by the voters for the street bond election at a total of 53.85.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember R. L. Kuykendall that First Reading of the Tax Levying Ordinance be approved as presented. A unanimous affirmative vote was recorded.

5. PRESENTATION BY WALTER DIGGLES – EXECUTIVE DIRECTOR – DEEP EAST TEXAS COUNCIL OF GOVERNMENTS – HAZARD MITIGATION GRANT PROGRAM

Mayor pro tem Torres stated that Walter Diggles, Executive Director of the Deep East Texas Council of Governments would address the Council on the Hazard Mitigation Grant Program.

Walter Diggles stated that Council has a summary of the proposal before them, which is a regional hazard mitigation action plan that FEMA has authorized for all 24 Councils of Government in the State to create a hazard mitigation action plan but also to come to each of the 12 counties and ask them for their authority to create a regional hazard mitigation action plan. Mr. Diggles stated that the purpose of this plan is to do a study of all of those hazards in those areas within each community within the region that are prone to flooding or prone to some type of damage that might be affected by a natural disaster (hurricanes, tornadoes, or other acts of God). Mr. Diggles stated that this plan would identify those hazards and also provide each community that participates in this plan access to FEMA funds to correct those actions. Mr. Diggles stated that he had left an application with staff. Mr. Diggles stated that there is a $100,000 grant for the 12 counties with a 25% match that goes along with the grant. Mr. Diggles stated that they have identified in-kind resources that would be used to cover the cities match. Mr. Diggles stated that it is his understanding that the City's Public Works Director is the City's Emergency Coordinator and his time, certified by the City Secretary, could be used for the in-kind match.

In response to question by Councilmember Robertson, Mr. Diggles stated that once they complete the plan, all of the areas that are identified in the hazard mitigation action plan that are prone to flooding or storms or whatever hazard become eligible for funding. Mr. Diggles stated that the only way they become eligible is that they are identified in the plan.

Mr. Williams stated that this plan is an area plan and the City of Lufkin will have to do a local plan that will be due by November 1, 2003, which will be more in detail for our city. Mr. Williams stated that he would be putting together a committee of local officials and the public to form a local hazard mitigation plan, which would identify flood planes and those type situations.

In response to question by Councilmember Bowman, Mr. Diggles stated that they would hire a consultant to identify the areas for the hazard mitigation plan because it's a large area. Mr. Diggles stated that they would also be working with local officials because there are certain local ordinances that they would have to collect and review and possibly working very closely with the Public Works Departments in order to get that accomplished.

In response to question by Councilmember Bowman, Mr. Diggles stated that they would make every effort not to duplicate what the local governments are doing.

In response to question by Councilmember Gorden, Mr. Diggles stated that the total match for Angelina County, which is a population of 80,130 is $5,675, and that comes up to $25,000 when you add it all up for all the rest of those entities. In response to question by Councilmember Gorden, Mr. Diggles stated that the City of Lufkin would split the $5,000 with the County. Mr. Diggles stated that they had asked for $100,000 because all of the counties in this region were declared a disaster by the President after Tropical Storm Allison, and most of the counties were involved in the ice storm also.

In response to question by Councilmember Robertson, Mr. Diggles stated that chemicals and anything that would come under the jurisdiction of the hazard mitigation action plan that they would consider as a hazard would have to be identified in the action plan. Councilmember Robertson stated that he had read that the chlorine that is used in the City water system should be identified as a potential hazard if terrorists wanted to try and attack where those chemicals are stored.

Mr. Diggles stated that he did not want Council to confuse this plan with the Emergency Preparedness Action Plan that DETCOG just completed.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Rose Faine Boyd that DETCOG be approved as the agency to administer the Hazard Mitigation Grant Program. A unanimous affirmative vote was recorded.

6. ORDINANCE – APPROVED – FIRST READING – ZONE CHANGE – LARGE SINGLE FAMILY DWELLING TO NEIGHBORHOOD RETAIL ZONING DISTRICT – LEWIS HOLLOWAY SURVEY – 2306 LUFKIN AVENUE – VANCE OLGLESBEE – AMENDMENT TO COMPREHENSIVE PLAN FUTURE LAND USE MAP

Mayor pro tem Torres stated that the next item for consideration was the request of Vance Oglesbee to change the zoning from "Large Single Family Dwelling" to a "Neighborhood Retail" zoning district on approximately 0.356 acres of land described as Tract 61 of the Lewis Holloway Survey (Abstract No. 310) and more commonly known as 2306 Lufkin Avenue.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department regarding this process and also dealing with the Comprehensive Plan. Mr. Maclin stated that the recommendation of the Planning & Zoning Commission by unanimous vote is that the Future Land Use map be amended as shown in attachment 5 in the packet, and the request to change the zoning to a Neighborhood Retail zoning classification be approved.

In response to question by Councilmember Robertson, Mr. Abraham stated that he was not sure that the entire area would transform now that the Lufkin Law Enforcement Center has been developed. Mr. Abraham stated that the greatest influence in the area would be Alexander Electric, which is right next to this property.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember R. L. Kuykendall that Ordinance to change the zoning from "Large Single Family Dwelling" to a "Neighborhood Retail" zoning district on approximately 0.356 acres of land described as Tract 1 of the Lewis Holloway Survey (Abstract No. 310) and more commonly known as 2306 Lufkin Avenue requested by Vance Oglesbee and Amendment to the Comprehensive Plan Future Land Use Map as shown on Attachment #5 be approved as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE – APPROVED – FIRST READING – AMENDMENT TO TEMPORARY MOBILE HOME PERMITS

Mayor pro tem Torres stated that the next item for consideration was an Ordinance amending the fees for Temporary Mobile Home Permits.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department. Mr. Maclin stated that previously the original application was $25, the renewal for security purposes for two years was $25 and renewal for any other purpose for nine months was $10. Mr. Maclin stated that staff is proposing that the fees be upgraded to the original application of $100, renewal for security purposes $100 and renewal for any other purpose $25. Mr. Maclin stated that it is staff's opinion that the changes in costs since April of 1992, which was when this fee schedule was established, justifies reconsideration of the fees that are charged in regards to the fact that the advertising notification that we do to the area property owners.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember Dennis Robertson that First Reading of an Ordinance to amend the Temporary Mobile Home Permits be approved as presented. A unanimous affirmative vote was recorded.

8. **RESOLUTION - APPROVED- BUDGET AMENDMENT #2 - 2001/2002 OPERATING BUDGET**

Mayor pro tem Torres stated that the next item for consideration was Budget Amendment #2 of the 2001/2002 Operating Budget.

City Manager Maclin stated that included in the Council packet is a memorandum from the Assistant City Manager Mr. Hager that delineates each department and the changes and why the change is necessary. Mr. Maclin stated that in many cases the change involves grants or other receipt of funds or other expenses previously approved by Council in a Council meeting. Mr. Maclin stated that this is an opportunity to do some house cleaning to establish these changes in line items to better prepare the City for the audit that will begin shortly.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that Resolution for budget amendment #2 of the 2001/2002 operating budget be approved as presented. A unanimous affirmative vote was recorded.

9. **BID - APPROVED - CHLORINE SULPHUR DIOXIDE - WATER TREATMENT PLANT - WASTE WATER TREATMENT PLANT - DPC INDUSTRIES**

Mayor pro tem Torres stated that the next item for consideration was a bid for the purchase of chlorine sulphur dioxide for the Water Treatment Plant and the Waste Water Treatment Plant.

City Manager Maclin stated that staff is recommending the low bid, which is the only bid received for this specialized product from DPC Industries in the amount of $140,320.

In response to question by Councilmember Boyd, Mr. Maclin stated that this bid actually represents about a 2 cent per pound decrease in what the City paid last year; a reduction of about $14,500.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember Bob Bowman that the bid of DPC Industries in the amount of $140,320 for the purchase of chlorine sulphur dioxide for the Water Treatment Plant and the Waste Water Treatment Plant be approved as submitted. A unanimous affirmative vote was recorded.

10. **BID - APPROVED - SCANNING OF RECORDS - UTILITY COLLECTIONS - DOCUMENT MANAGEMENT SYSTEMS**

Mayor pro tem Torres stated that the next item for consideration was bids on scanning of records for the Utility Collections Department.

City Manager Maclin stated that the bid tabulation was included in the Council packet. Mr. Maclin stated that four bids were received and staff is recommending the low bid from Document Management Systems at a cost of $125 per thousand documents based on approximately 100,000 records.

In response to question by Mayor pro tem Torres, Mr. Cochran stated that Utility Collections has been storing their records in boxes and file cabinets and in an effort to save space they are putting all their records on a CD-rom. Mr. Cochran stated that they are required to keep these records for a five-year period. Mr. Hager stated that the Utility Collections Department had budgeted $20,000 to purchase file cabinets for those records to be stored in the library and fortunately they began looking around and believe that this is a much more economical and reasonable way to store these records.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Rose Faine Boyd that the bid of Document Management Systems in the amount of $125 per thousand documents be approved as submitted. A unanimous affirmative vote was recorded.

11. **BID – APPROVED – WETLANDS FACILITY IMPROVEMENTS – COX CONTRACTORS**

Mayor pro tem Torres stated that the next item for consideration was bids for the Wetlands Facility improvements.

City Manager Maclin stated that this is the City's project that is being funded through the money given to us by Abitibi. Mr. Maclin stated that the materials were planted through the City Arborist earlier this year and this is to provide the boardwalk to get down close to the wetlands and view the plants, fauna and wildlife up close. Mr. Maclin stated that there is also a gazebo-type viewing area that is included within these plans and specifications. Mr. Maclin stated that the low bid is from Cox Contractors in the amount of $59,895.

City Manager Maclin stated that the City is allowed by law to make amendments to contracts up to 25% if change orders are necessary. Mr. Maclin stated that staff had talked with the project engineer on this project about adding a sealant on the posts that will be exposed to the water and that can be accomplished with $7,500.

In response to question by Mayor pro tem Torres, Mr. Wright stated that the contractor has 90 days to complete the project, which is a walkway with a pavilion type set-up with a dock out into the wetlands and an amphitheater for students to utilize.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that the bid of Cox Contractors in the amount of $59,895 for the Wetlands Facility improvements, and granting the City Engineer an additional $7,500 for seal coating for the posts, be approved as submitted. A unanimous affirmative vote was recorded.

12. **EXECUTIVE SESSION**

Mayor pro tem Torres recessed Regular Session at 5:34 p. m. and Councilmembers entered into Executive Session. Regular Session reconvened at 6:25 p.m. and Mayor pro tem Torres stated that the Council had discussed attorney/client matters.

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

City Manager Maclin stated that the DETCOG meeting would be held next Thursday in Woodville.

City Manager Maclin stated that on September 27th DETDA's meeting would have a special focus on Retirement Communities with Dinah O'Toole as the speaker.

14. There being no further business for consideration, meeting adjourned at 6:27 p. m.

Lynn Torres

Lynn Torres – Mayor pro tem

ATTEST:

Atha Martin

Atha Martin – City Secretary