

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF**  
**LUFKIN, TEXAS, HELD ON THE**  
**19<sup>TH</sup> OF FEBRUARY 2002**

On the 19th day of February 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
Dennis Robertson	Mayor pro tem
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
Stephen Abraham	Director of Planning

being present, and

R. L. Kuykendall	Councilmember, Ward 1
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being absent when the following business was transacted.

1. Chaplain Kathy Norrod of Market Place Ministries opened meeting with prayer.
2. Mayor Bronaugh welcomed visitors present.

**3. APPROVAL OF MINUTES**

Minutes of the regular meeting of January 15, 2002 were approved on a motion by Councilmember Don Boyd and seconded by Councilmember Lynn Torres. A unanimous affirmative vote was recorded.

**4. VIDEO PRESENTATION – CURRENT UPDATES TO CAPITAL IMPROVEMENT PROJECTS**

Mayor Bronaugh stated that the first item for consideration was a video presentation to update current Capital Improvement Projects.

Kenneth Williams, Director of Public Works, stated that staff would present a brief presentation and video on the Capital Improvement Projects. Mr. Williams stated that on the Council table is a booklet listing the 45 Capital Improvement Projects. Mr. Williams stated that City Engineer Keith Wright would give a brief summary on some of the projects after the video.

Mr. Williams stated that Todd Alston of the IT Department filmed and narrated the video.

Projects shown on the video included: Hurricane Creek Detention Pond No. 1 in Englewood, Hurricane Creek Detention Pond No. 4, Asbestos/Cement Waterline Project No. 1 at the Loop and Southwood, Asbestos/Cement Waterline Project No. 7 on Kurth Drive, Culverhouse Street Reconstruction Project, Chambers Park Bridge Replacement Project, Asbestos/Cement Waterline Project No. 2 on Copeland, Lotus Lane Wetlands Mitigation Project, and the Ellen Trout Zoo entrance project.

City Engineer Keith Wright stated that he would be discussing the front page of the book, which is a spreadsheet and is a summary of the projects. Mr. Wright stated that there are several projects on the chart that are completed and with the permission of

the Council he would like to start removing those projects that are 100% complete so that they would not be on the list in the future.

Mr. Wright went over each of the projects listed. Mr. Wright stated that staff would have to coordinate the downtown improvements, Abney and Angelina because it is a large area that could be affected with the impact of movement of traffic in this area and how the different projects will coordinate with each other. Mr. Wright stated that included in the book is a breakdown of each project including the invoices that have been paid and the amount of the invoices. Mr. Wright stated that in the very back of the book is a General Obligation Capital Project funds report that Mr. Hager put together that was presented to Council in January.

In response to question by Councilmember Gorden, Mr. Wright stated that some aspects of the Lotus Lane project may be contracted out when we get to the viewing areas but as far as moving the dirt work the City did all the work and saved approximately \$100,000 in cost. Mr. Wright stated that the material costs were for rental of large earth moving equipment. Mr. Wright stated that his crews had been given a deadline by the City Arborist in order to plant at a certain period of time so a large amount of dirt had to be moved to meet that deadline. City Manager Maclin stated that Ms. Emrick had used SFA Forestry students for the planting of the materials, so there was no labor cost.

In response to question by Councilmember Gorden, Mr. Wright stated that the project that is over budget the most is the Tulane Drive project, which is the oldest project. Mr. Wright stated that they had to extend a storm sewer project down to Rosedale to handle the run-off from the street and then the sidewalks that staff did not anticipate but had to come back and construct due to promises made to the local residents along the old David Street. Councilmember Gorden stated that this is \$200,000, which may all average out, but he wanted to know if this expense had been addressed in the book. Mr. Wright stated that it had been addressed. Mr. Hager stated that regarding the funding, on page 1 of the General Obligation Bond funds, this is a summary that may be a little easier to read. Mr. Hager stated that in the middle of the page there is a fund summary and it shows the total amount of funds, which in his definition "funds" means all monies that the City has available to them that have been approved by Council or have been earned through interest income. Mr. Hager stated that the City's total funds available at that point (as of December 30, 2001), was approximately \$27 million. Mr. Hager stated that staff has appropriated, which means that the City has budgeted at this point, \$27.7 million and we are over budget by about \$638,000 from just a budget standpoint. Mr. Hager stated that what that means is that we will be watching our interest earnings to try to help cover that and before the 1999 CIP is completed, we may have to either reduce the size of the project or eliminate a project. Mr. Hager stated that staff would come to Council with that information if they have to reduce or eliminate a project. Mr. Hager stated that one of the things that has increased the budget is the Main Street project because Main Street was just an idea when we first talked about the 1999 CIP. Mr. Hager stated that, also, the State came in with Whitehouse, and Council has seen these numbers before and approved them. Mr. Hager stated that at this point staff is in the posture that they will be watching the expenditures very closely. Mr. Hager stated that the Finance Committee is aware, and the rest of the Council may be aware, that we plan to sell bonds and have our Financial Advisor working on an official statement to sell bonds hopefully in March or April. Mr. Hager stated that hopefully staff could get the rating agencies to come down to Lufkin rather than staff going to New York. Mr. Hager stated that the bond sell will include approximately \$7.5 million worth of Certificates of Obligation to cover this Capital Improvements Program, as well as about \$2.2 million of voted General Obligation bonds that were approved in May of this past year. Mr. Wright stated that about 80% of the projects have some type of problem that you run into, and you have to make adjustments to construction in order to continue on under the contract you have with the contractor.

Councilmember Bowman asked how much money the City would have to spend before we would be faced with a deficient. Mr. Hager stated that the City would have to spend all of the \$27 million. Mr. Hager stated that the City has available to them \$27,148,000 and actually have cash in hand of \$5,111,000, and have spent so far to date \$5,800,000. Mr. Hager stated that part of that has been intentional – these are

projects that have been on going and staff did not want to slow construction, and by the same token the City is not earning very much on its interest right now. Mr. Hager stated that when the City sells the debt they are looking at about 4-4.5% interest costs according to the City's Financial Advisor. Mr. Hager stated that if the City does not sell they are actually avoiding paying that in interest while they are giving up 1.5-2%, so the City is coming out about 2% ahead.

Mr. Wright stated that there are going to be some problems with the downtown project. Mr. Hager stated that he and Mr. Wright had worked together to review the CIP and update it. Mr. Hager stated that what staff talked about at the retreat in 1999 has changed some. Mr. Hager stated that staff has tracked the original and what it looks like now with the additions that Council has approved so that hopefully with this year's retreat staff can go through this and give Council a good feel of where we started and where we are today and then look at the next five year CIP, which will start in 2005. Mr. Wright stated that staff will be proposing some projects that were requested by City Councilmembers and some things that staff has identified, which will be presented to Council to perhaps be added to the new CIP.

Mr. Hager stated that the sheet Mr. Wright reviewed shows projects for which money has been spent and the Capital Projects status report; however, it shows all the projects that are out there whether the City has spent money or not. Mr. Hager stated that they also include Public Safety items and Park items as well. Mr. Hager stated that this report is an accounting of everything staff has in the system.

#### **5. ORDINANCE – APPROVED – SECOND READING – CITY GENERAL ELECTION**

Mayor Bronaugh stated that the next item for consideration was the Second Reading of an Ordinance setting a time and date for the May 4<sup>th</sup> General Election.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Bob Bowman that Ordinance setting a time and date for the May 4<sup>th</sup> General Election be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

#### **6. REQUEST – TABLED – ZONE CHANGE – “RESIDENTIAL LARGE AND RESIDENTIAL MEDIUM” TO “LOCAL BUSINESS” – FAMILY DOLLAR STORES – E. J. MANTOOTH ADDITION – WOODLAND HEIGHTS ADDITION – GEORGE K. DUPUY**

Mayor Bronaugh stated that the next item for consideration was a request of the Family Dollar Stores on behalf of George K. Dupuy to change the zoning classification on property located at the northwest corner of Frank Avenue and North Raquet and being described as Lot 4, Block 5 of the E. J. Mantooth's Addition and also Lot 1, Block 8 of the Woodland Heights Addition from "Residential Large" and "Residential Medium" zoning districts to a "Local Business" zoning district.

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 recommending denial of this zone change request; therefore, it will require six affirmative votes by Council in order to approve the zone change request. Mr. Maclin stated that Attorney Eddie McFarland was present to speak in behalf of the request.

Mr. Robertson stated that he would have to recuse himself from hearing the discussion and voting since his bedroom is 10' within the proposed zone change.

Mr. McFarland stated that he would like to introduce Mr. Dupuy's daughter and ask that she be allowed to speak since it was his understanding that this item will probably be tabled until a later date, but since she came all the way from Montreal, Canada he would like to have her speak to the Council. Mr. McFarland stated that Ms. Dupuy has a power of attorney from her father, since he was unable to be here.

Suzanne Dupuy stated that her father is in a nursing home in Canada. Ms. Dupuy stated that her family has had this property listed for over two years. Ms. Dupuy stated

that they are paying \$200 a month to have the property mowed and the trash cleaned up. Ms. Dupuy stated that, in her opinion, the property needs to be sold to someone who will take care of it, because they cannot from 2,000 miles away. Ms. Dupuy stated that she did not think that anyone would be willing to put a home on this property and so they need a zone change to be able to sell the property. Ms. Dupuy stated that all the corners that intersect with Raguet and Frank are all commercial. Ms. Dupuy stated that the Dollar Store would front on Frank and not on Raguet where the nicer homes are on the backside. Ms. Dupuy stated that it is her understanding that the Family Dollar Store would landscape and keep up the property.

Ms. Dupuy stated that she had a picture of what a Family Dollar Store looks like and she went to see one and it looked neat. Ms. Dupuy stated that the store would be putting up a privacy fence, and would be generating over \$100,000 in sales tax for the City.

Mr. McFarland stated that it was his understanding that Mr. Kuykendall was not present tonight because of his wife's illness and he would like to request that this item be tabled until Mr. Kuykendall can be present.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that request of Family Dollar Store on behalf of George K. Dupuy to change the zoning classification on property located at the northwest corner of Frank Avenue and North Raguet and being described as Lot 5, Block 5 of the E. J. Mantooth's Addition and also Lot 1, block 8 of the Woodland Heights Addition from "Residential Large" and "Residential Medium" zoning districts to a "Local Business" zoning district be tabled.

Mr. Robertson recused himself from voting.

Motion to table carried with five affirmative votes.

#### **7. AGREEMENT – APPROVED – ANGELINA COUNTY AND CITY OF LUFKIN – REGULATION OF SUBDIVISIONS – EXTRATERRITORIAL JURISDICTION**

Mayor Bronaugh stated that the next item for consideration was an Agreement between Angelina County and the City of Lufkin regarding the regulation of subdivisions within the extraterritorial jurisdiction.

City Manager Maclin stated that included in the Council packet is a copy of an Agreement between the City and the County to provide regulations of subdivisions under Chapter 791 of the Interlocal Cooperation Act. Mr. Maclin stated that this is brought about by legislation that was approved in the last Legislative session in order to minimize the confusion or the duplicity that developers go through to have their plats approved by both the City and the County when it involved the ETJ of the City. Mr. Maclin stated that the State Legislation said that the cities and the counties need to get together and determine one entity to provide this service to oversee the platting of these areas. Mr. Maclin stated that staff met with the County Commissioners Court and they agreed to allow the City to be that designee and to provide that service because the City has the mapping capabilities and the GIS capability that they do not possess, and it would be in everyone's best interest for the City to be the agent of record to provide this service. Mr. Maclin stated that staff is seeking Council's consideration for approval of this agreement today.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Agreement between Angelina County and the City of Lufkin regarding the regulation of subdivisions within the extraterritorial jurisdiction be approved as presented. A unanimous affirmative vote was recorded.

#### **8. PROFESSIONAL SERVICES CONTRACT – APPROVED – LAND DEVELOPMENT CODE – DUNKIN, SEFKO & ASSOCIATES, INC.**

Mayor Bronaugh stated that the next item for consideration was approval of a professional services contract extension with Dunkin, Sefko & Associates, Inc. for the

preparation of a land development code to implement recommendations contained in the Comprehensive Plan.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Director of Planning along with an actual copy of the proposed contract between the City and Dunkin, Sefko & Associates to serve as a planning consultant for the purpose of updating the City's development code and the zoning code. Mr. Maclin stated that this was an item that Council included in the budget for this fiscal year and the total of \$67,500 would be spread out over two fiscal years, and this is the "not to exceed" amount in the contract. Mr. Maclin stated that \$33,750 would be paid out of this year's budget and that same amount out of next year's budget.

City Manager Maclin stated that Dan Sefko is present tonight and is available to answer any specific questions about the Contract.

In response to question by Councilmember Robertson, Mr. Sefko stated that his firm had 11 months to finish the contract. Mr. Maclin stated that staff would hope that this project would be through by February of next year. Mr. Robertson stated that Mr. Sefko has done an excellent job with the Comprehensive Plan and he would support him in this contract.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman to approve the professional services contract extension with Dunkin, Sefko & Associates, Inc. for the preparation of a land development code to implement recommendations contained in the Comprehensive Plan as presented. A unanimous affirmative vote was recorded.

**9. BID – APPROVED – PICKUP TRUCK – ANIMAL CONTROL DEPARTMENT – TIPTON FORD**

Mayor Bronaugh stated that the next item for consideration was bids for a pickup truck for the Animal Control Department.

City manager Maclin stated that included in the Council packet is the bid tabulation and staff is recommending the low bid of Tipton Ford in the amount of \$20,947.75. Mr. Maclin stated that this is a budgeted replacement unit.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that bid of Tipton Ford in the amount of \$20,947.75 for a pickup truck to be used in the Animal Control Department be approved as submitted. A unanimous affirmative vote was recorded.

**10. BID – APPROVED – PLAYGROUND EQUIPMENT – PARKS DEPARTMENT - GAME TIME**

Mayor Bronaugh stated that the next item for consideration was bids for playground equipment for the Parks Department.

City Manager Maclin stated that the bid tabulation is attached and staff is recommending the low bid of Game Time in the amount of \$20,240.

In response to question by Councilmember Robertson, Mr. Maclin stated that this equipment has been approved by the Parks Advisory Board and is being installed in Herty and Gulf Parks.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Don Boyd that the bid of Game Time in the amount of \$20,240 for playground equipment for the Parks Department be approved as submitted. A unanimous affirmative vote was recorded.

**11. BID – APPROVED – ASBETOS/CEMENT WATERLINE REPLACEMENT PROJECT NO. 3 – D & J PLUMBING CONTRACTORS**

Mayor Bronaugh stated that the next item for consideration was bids for asbestos/cement waterline replacement project No. 3.

City Manager Maclin stated that included in the Council packet is the bid tabulation and recommendation from engineer Pat Oates with Goodwin-Lassiter recommending the low bid of D & J Plumbing Contractors with the directional boring installation alternate bid for a total of \$664,188.80.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that the bid of D & J Plumbing in the amount of \$664,188.80 for the Asbestos/Cement Waterline Replacement Project No. 3 be approved as submitted. A unanimous affirmative vote was recorded.

## **12. EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 5:52 p.m. Regular Session reconvened at 7:03 p. m. and Mayor Bronaugh stated that legal matters had been discussed and no decisions were made.

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

City Manager Maclin stated that this Thursday evening is the DETDA annual membership banquet at 6:30 p. m. at Crown Colony and the speaker is Kenneth Jastro, the CEO of Temple-Inland.

City Manager Maclin stated that on Wednesday, February 27th there would be a TxDOT reception with the time and place to be announced soon. Mr. Maclin stated the Council is invited to meet with the TxDOT Commissioners who will be in town for a TxDOT meeting to be held here at City Hall on February 18<sup>th</sup> beginning at 9:00 a.m. Mr. Maclin stated that this is the first time in the history of TxDOT that they have met in East Texas. Mr. Maclin stated that the Governor would be attending the reception.

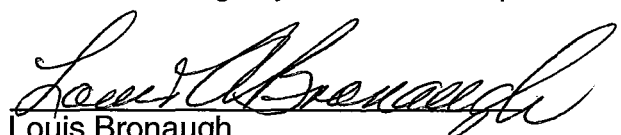
Mr. Maclin stated that on the 28<sup>th</sup> there would be a DETCOG meeting in Crockett.

Mr. Maclin stated that Friday, March 1<sup>st</sup> is the First Friday luncheon and the speaker will be Stacy George Cantu.

Mr. Maclin stated that on Tuesday, March 5<sup>th</sup> the Tourism Convention Bureau will have a planning retreat and the Lufkin Board of Development has been invited along with the hotel/motel operators to discuss the long range plans for the future as it relates to tourism.

Mr. Maclin stated that on the long-range calendar on Friday, April 26<sup>th</sup> is the State Arbor Day celebration that will be hosted by the City of Lufkin.

14. There being no further business for consideration, meeting adjourned at 7:10 p.m.

  
Louis Bronaugh  
Mayor

ATTEST:

  
Atha Stokes Martin - City Secretary