

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
20th DAY OF JANUARY 2004**

On the 20th day of January 2004 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
R. L. Kuykendall	Councilmember, Ward No. 1
Lynn Torres	Councilmember, Ward No. 3
Don Langston	Councilmember, Ward No. 4
Dennis Robertson	Councilmember, Ward No. 6
C. G. Maclin	City Manager
Atha Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
David Koonce	Director of Human Resources
Kenneth Williams	Director of Public Works
Douglas Wood	Director of Accounting
Stephen Abraham	Director of Planning

being present, and

Rose Faine Boyd	Councilmember, Ward No. 2
Jack Gorden, Jr.	Mayor pro tem

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Eddie Ballard, Pastor, Kelty's First Baptist Church.
2. Mayor Bronaugh welcomed visitors present.
3. **CONSTRUCTION UPDATE PRESENTATION**

City Manager C. G. Maclin stated that as staff has tried to do three or four times a year, they will try to bring Council up to date on the progress of the many projects the City has underway. Mr. Maclin stated that on the Council table is a sheet with a listing of the projects and he would ask City Engineer Keith Wright to come and go over some of the highlights of the construction progress and where we are to date. Mr. Maclin stated that there is also some financial data and Doug Wood, the Director of Accounting, would address that part of the presentation.

Keith Wright and Doug Wood presented the construction update report, which can be seen in its entirety on the City of Lufkin's web site.

4. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of January 6, 2004 were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

5. **ORDINANCE – APPROVED – SECOND READING – SPECIAL USE PERMIT – RECREATIONAL VEHICLE PARK – COMMERCIAL ZONING DISTRICT – RUFUS ONE STOP SUBDIVISION – 5002 LOTUS LANE**

Mayor Bronaugh stated that the next item for consideration was a request of John Urbin to grant a Special Use Permit for a Recreational Vehicle Park within a "Commercial" zoning district on approximately 2.259 acres of land described as Lot 1 of the Rufus One Stop Subdivision and more commonly known as 5002 Lotus Lane.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that Ordinance for a Special Use Permit for a Recreational Vehicle Park within a "Commercial" zoning district on approximately 2.259 acres of land described as Lot 1 of the Rufus One Stop Subdivision and more commonly known as 5002 Lotus Lane as requested by John Urbin with the following conditions: 1. No vehicular access shall be permitted directly from Lotus Lane; 2. That the RV Park shall not be expanded into the 0.563 acre area show as a set aside on the site plan; 3. That the "Tenant Services" structure shown at the northeast section of the subject property shall not be used for dwelling purposes; and 4. No recreational vehicle shall be permitted to remain on site in excess of thirty consecutive day, be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. PARKING ORDINANCE – APPROVED – FIRST READING

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance amending the Parking Ordinance.

City Manager Maclin stated that included in the Council packet is a memo from the Main Street Director that provides some insight into this request along with this Ordinance change. Mr. Maclin stated that basically this is to give the City enforcement capability to prohibit parking in designated streets or locations in the downtown area for special events for a 24-hour period. Mr. Maclin stated that there have been some issues over the years when the City has its festivals and parades and other events where people are parked in an area that blocks or interferes with the ability for the City to conduct these events and technically the City does not have anything on the books that allows us to enforce that as needed. Mr. Maclin stated that what staff is seeking from Council today is First Reading of an Amendment to that Ordinance that would give that authority through the Police Department and the Main Street program to accommodate needs that we have for these special events.

Councilmember Robertson asked how this will be posted downtown when it goes into effect and would there be temporary signs put up. Diana Chatman, Main Street Director, stated that a week or two prior to the event time the downtown businesses and merchants would be notified of the event. Ms. Chatman stated that the Street Department would make signs a week or two before the event which would be posted alerting citizens that their vehicles could be towed.

Councilmember Robertson asked what the amount of the fee would be if a vehicle had to be towed. Chief Larry Brazil stated that is no set rate for towing the vehicle, but he could give an estimate. Chief Brazil stated that there would be a fine up to \$500, but it would be up to the Municipal Court Judge to set the fine.

Motion was made by Councilmember Don Langston and seconded by Councilmember R. L. Kuykendall that the Amendment to the Parking Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE – APPROVED – FIRST READING – CLOSURE OF ALLEY – ANGELINA TO FIRST STREET PARALLEL TO TOWNSEND AND BURKE

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for closure of alley from Angelina to First Street parallel to Townsend and Burke.

City Manager Maclin stated that this is in the area where the Brazos Transit will be building their headquarter facility and parking garage. Mr. Maclin stated that it came to staff's attention that we had perhaps not completed the official closure of this alley so we are seeking Council's authorization through First Reading of this Ordinance. Mr. Maclin stated that the City hopes to have parking garage built on this site this summer.

In response to question by Mayor Bronaugh, Mr. Maclin stated that the City owned the Naranjo property, but he did not think that the City owned the entire block, which included the Byrd property or the property at Angelina and Townsend.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember R. L. Kuykendall that Ordinance for closure of alley from Angelina to First Street parallel to Townsend and Burke be approved on First Reading a presented. A unanimous affirmative vote was recorded.

8. RESOLUTION – APPROVED – TEMPORARY CLOSURE – FIRST AND FRANK STREET – MAIN STREET HOEDOWN

Mayor Bronaugh stated that the next item for consideration was a Resolution for temporary closure of First and Frank Streets in conjunction with the HoeDown.

City Manager Maclin stated that this is our annual routine request from Main Street to accommodate the HoeDown festival at First Street and Frank Street. Mr. Maclin stated that staff would seek Council's approval again in preparation of the April event.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that Resolution for temporary closure of First and Frank Streets in conjunction with the HoeDown be approved as presented. A unanimous affirmative vote was recorded.

9. FORFEITED FUNDS BUDGET – APPROVED – POLICE DEPARTMENT – FISCAL YEAR 2003 - 2004

Mayor Bronaugh stated that the next item for consideration was the Police Department's forfeited funds budget for fiscal year 2003 – 2004.

City Manager Maclin stated that included in the Council packet is a memo of explanation from Chief Brazil. Mr. Maclin stated that the City is required under Texas Code to provide a proposed budget for consideration of utilization for forfeited funds and Chief Brazil has four items included in this proposal.

Chief Brazil stated that the Department has no specific items for the list but listed some items that will allow the Department to purchase them should the need arise. Chief Brazil stated that the training that may be given would be on our migration on the CAD 4 to CAD 5, and the training would cost around \$ 10,000. Chief Brazil stated that he would try and pay half of that out of the forfeited funds and the other half out of a block grant. Chief Brazil stated that this may or may not happen, but he wanted to include it they do need the money.

City Manager Maclin stated that the CAD 5 Chief Brazil referred to is an upgrade in the ComputerAidedDispatch , where the dispatchers communicate with the patrolmen through their laptops in the field. Chief Brazil stated that the software itself is paid through the Maintenance Program, but the training is paid for out of the Department's budget and they didn't budget anything for it this year, and that is why it is included in the forfeited budget.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Don Langston that the Police Department's forfeited funds budget for fiscal year 2003 – 2004 be approved as presented. A unanimous affirmative vote was recorded.

10. CHANGE OF REGULAR MEETING DATE – APPROVED – FIRST MEETING IN FEBRUARY

Mayor Bronaugh stated that the next item for consideration was a change of the first regular meeting date in February.

City Manager Maclin stated that included in the Council packet is consideration for the change in the meeting date due to the Mayor having a conflict with some transportation meetings in Washington, but more importantly there is a City election on February 7th and without moving our meeting we would probably need a called meeting that week to canvass the election results. Mr. Maclin stated that there is a review that needs to be done by the Tax Assessor/Collector's office under new provisional voting criteria, otherwise we would need to call a special meeting for that week following the election to complete that task. Mr. Maclin stated that basically by delaying from February 3rd to the week of February 10th, we would be able to accomplish two things that are giving us a reason for relocation of that meeting.

Motion was made by Councilmember Don Langston and seconded by Councilmember Lynn Torres that the first City Council meeting date in February be moved to February 10th. A unanimous affirmative vote was recorded.

11. BID – APPROVED – POLICE VEHICLES – POLICE DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was bids for Police vehicles.

City Manager Maclin stated that if Council remembers back at the Council retreat the Chief indicated his desire to help balance our budget this year by purchasing the mid-size vehicle as opposed to our Crown Victoria Cruiser. Mr. Maclin stated that included in the Council packet is the bid tabulation, and staff is recommending the State Contract bid which is through Lawrence Marshal Chevrolet. Mr. Maclin stated that this bid would be for 10 Malibus and the cost for each is \$12,330 per vehicle, a total of ten for \$120,300.

Mr. Maclin stated that this is a substantial savings not only in the operational cost once they are on line but also because they are smaller vehicles they are more economical. Mr. Maclin stated that typically the City has paid closer to \$18-20,000 per vehicle. Mr. Maclin stated that these vehicles will be placed in use for CID and supervisors, where as in the past they have gotten cars that have been rotated after being on the front line in patrol for a year and have 75,000 plus miles on them. Mr. Maclin stated that in the long run this is an excellent program that Chief Brazil is implementing.

Mr. Maclin stated that staff is recommending in addition to acceptance of the low bid through the State contract for lease purchase financing through BancOne Leasing in the amount of 2.73% for three years. Mr. Maclin stated that since the City started the program in 1992, our plan has been to have basically 30 vehicles in the fleet and rotate 10 out per year so that within three years you have rotated out all 30 of them.

In response to question by Councilmember Langston, Mr. Maclin stated that the City has been financing the vehicles since 1993. Mr. Maclin stated that we do not have a Depreciation Fund in the General Fund. Mr. Maclin stated that in the Solid Waste Fund we pay cash for the vehicles because we have a Depreciation Fund.

Councilmember Torres stated that she would like to commend the Chief for being innovative in looking for new ways to save money.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that the bid of Lawrence Marshall Chevrolet in the amount of \$12,300 per vehicle for ten (10) vehicles be approved as presented, and that the interest rate of 2.73%

through BancOne Financing be approved as submitted. A unanimous affirmative vote was recorded.

12. BID – APPROVED – TRUCK AND TRAILER – RECYCLING CENTER – DETCOG GRANT – LAWRENCE MARSHAL CHEVROLET – DEMPSTER INDUSTRIES

Mayor Bronaugh stated that the next item for consideration was bids for a truck and trailer to be used at the Recycling Center.

City Manager Maclin stated that staff is recommending the low bid from Lawrence Marshal for the truck in the amount of \$18,681 and the low bid for the trailer from Dempster Industries in the amount of \$16,705. Mr. Maclin stated that the funding for these items comes through the DETCOG grant that will allow the City to have a recycling program throughout the area by taking a multi-bin trailer to place in Huntington, Zavalla, Diboll and Hudson to help them provide a way to easily recycle their materials that come back to the City's Recycling Center.

Motion was made by Councilmember and seconded by Councilmember that the bid of A unanimous affirmative vote was recorded.

13. FINANCE COMMITTEE REPORT

City Manager Maclin stated that Mr. Kuykendall and Mr. Robertson met at 3:00 p.m. today with the City's financial consultant, Valley View Consulting, and went over the City's investments and some other financial issues.

Councilmember Robertson stated that the Committee had met with Dick Long and he went over the City's portfolio and the market information so that the Committee members can see what is happening in the world. Councilmember Robertson stated that the interest rates have been historically low for a while and that hasn't changed much. Councilmember Robertson stated that the Federal Reserve is probably going to hold interest rates according to Mr. Long's best assumptions, and so the interest that we earn on our portfolio of approximately \$37 million for the year to date is about \$212,000. Councilmember Robertson stated that the money market pool with TexPool and TexStar is where we have about 61% of the City's money, and 39% in the other agency firms.

Councilmember Robertson stated that Mr. Long is investing about \$1 million at a time as a roll over and we will be looking at the possibility of putting those in increments of \$2 million blocks.

14. LETTER OF RESIGNATION FROM CITY MANAGER C. G. MACLIN

Mayor Bronaugh stated that the next item for consideration is the resignation letter from City Manager C. G. Maclin.

Mr. Maclin stated that this retirement is effective March 31 and will allow him to pursue a second career. Mr. Maclin stated that he has a new opportunity that he is very excited about and thinks that it will be something that will have eternal value aspects in his second career that he had hoped for. Mr. Maclin stated that certainly the 13 years and 20 days now that he has spent with the City of Lufkin have been fantastic with a great Council and a great Administrative Staff and great City employees to work with. Mr. Maclin stated that anything that has been accomplished in the past 13 years has been a collective effort and directly the result of all the employee's efforts and diligent day to day meeting the needs of our citizens. Mr. Maclin stated that we established a mission statement in 1994 and our mission statement was to "meet the needs of our citizens", and the employees working together in a team approach have been successful in doing that and that the City of Lufkin will

certainly have the employees, equipment and manpower to continue that well into the next 10 years. Mr. Maclin stated that he felt blessed that he has had the opportunity to spend 13 years here and the fact that his predecessor Harvey Westerholm was here 22 years means that the City has only had two City Managers in the last 35 years and that is quite a record and shows great political stability on Council's part.

Mayor Bronaugh stated that it has certainly been a privilege working with C. G. for 13 years and it is an experience he will never forget.

Councilmember Kuykendall stated that he had enjoyed his six years of working with Mr. Maclin and appreciated working with him.

Councilmember Langston stated that he has worked the shortest time with C. G. since he is the newest person on the Council and his instruction, his advice, his willingness to put up with some of his questions and some of his thoughts, and his thoroughness in investigating any issue he brought before him, and his thoroughness in reporting information to him that he thought was critical to represent his constituents was always met – every obligation that I put before him was met 100% with great integrity and openness. Councilmember Langston stated that it will be very difficult to find another person who will step in where C. G. has left off with this City. Councilmember Langston stated that as we are all excited with his new ministry, we are also excited for the City to go to the next level. Councilmember Langston stated that C. G. has left the City a good legacy and he appreciates it.

Councilmember Robertson stated that the record speaks for itself in terms of the City's financial condition as compared to what he has heard. Councilmember Robertson stated that C. G. has put the City on a very sound financial basis and that is going to be one of the legacies that he will leave. Councilmember Robertson stated that his wish is that the Lord bless him in his new ministry.

15. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:00 p. m. to enter into Executive Session. Regular Session reconvened at 6:43 p.m. and Mayor Bronaugh stated that Council had discussed personnel and Attorney/Client matters.

16. CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER

City Manager Maclin stated that tomorrow morning at 8:00 a.m. early voting begins for the Economic Development Sales Tax election.

City Manager Maclin stated that on Thursday, January 22nd, the DETCOG meeting is in San Augustine.

City Manager Maclin stated that on Thursday evening at 6:30 p.m. is the Chamber of Commerce Banquet at the Civic Center.

City Manager Maclin stated that Friday, January 23rd is the Arbor Day Celebration at 9:00 a.m. at Brookhollow School.

City Manager Maclin stated that Wednesday, January 28th is Lufkin/Nacogdoches Day in Austin.

City Manager Maclin stated that Sunday, February 1st at 1:00 p.m. is the NASA Memorial Dedication Service in the Spirit of America Garden in City Hall Park.

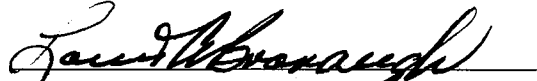
City Manager Maclin stated that on Saturday, February 7th, is the election day for the Economic Sales Tax from 7:00 a.m. to 7:00 p.m.

City Manager Maclin stated that on Tuesday, February 10th, will be our first meeting in February for the City Council.

City Manager Maclin stated that on Thursday, February 19th is the Deep East Texas Development Association annual meeting and banquet at Crown Colony that starts at 6:30 p.m. and the speaker is Susan Coombs, the State Agriculture Commissioner.

Mayor Bronaugh stated that there will be a TxDOT meeting on the Turnpike Authority in Room 202 on January 21st.

17. There being no further business for consideration, meeting adjourned at 6:47 p.m.


Louis A. Bronaugh – Mayor

ATTEST:

Atha Martin – City Secretary