

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
21ST DAY OF APRIL, 1998 AT 5:00 P. M.**

On the 21st day of April, 1998 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:

Don Boyd	Mayor pro tem
Percy Simond	Councilmember, Ward No. 2
Betty Jones	Councilmember, Ward No. 3
Jack Gorden, Jr.	Councilmember, Ward No. 5
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Keith Wright	City Engineer
Bob Flournoy	City Attorney
Atha Stokes	City Secretary
Kenneth Williams	Director of Public Works

being present, and

Louis Bronaugh	Mayor
Bob Bowman	Councilmember, Ward No. 4

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Bettye Kennedy, Pastor, Collins Chapel CME Church.
2. Mayor pro tem Boyd welcomed visitors present and recognized LISD government students: Jennifer Brown, Melissa McCoy, Rhonda Smith, Sandy Smith, Pam Powell and Tim Spencer.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that the minutes of the Regular Meeting of April 7, 1998 be approved as presented. A unanimous affirmative vote was recorded.

4. **PUBLIC HEARING - LOCAL LAW ENFORCEMENT BLOCK GRANTS PROGRAM**

Mayor pro tem Boyd opened Public Hearing to consider Local Law Enforcement Block Grants Program for the purposes of reducing crime and improving public safety.

No one present spoke for or against the grant program.

Mayor pro tem Boyd closed Public Hearing.

5. **ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY AND RESIDENTIAL SMALL SINGLE FAMILY TO COMMERCIAL - RHONDA TREVATHAN SURVEY - JOEL HILL SURVEY - N. JOHN REDDITT DRIVE - LOTUS LANE - JEFF CHANCE - EMILY & BILL KISTLER, M. D.**

Mayor pro tem Boyd stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "RL" Residential Large Single Family

and "RS" Residential Small Single Family to "C" Commercial on approximately 8.397 acres of land known as tracts 48, 48-1, 48-2, and 48-2-1, Abstract A-613 of the Rhonda Trevathan Survey and Tract 3, Abstract A-323 of the Joel Hill Survey and generally located at the northwest corner of the intersection of N. John Redditt Drive and Lotus Lane as requested by Jeff Chance on behalf of Emily and Bill Kistler, M. D. et al.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Tucker Weems that Ordinance to change the zoning from "RL" Residential Large Single Family and "RS" Residential Small Single Family to "C" Commercial on approximately 8.397 acres of land known as tracts 48, 48-1, 48-2 and 48-2-1, Abstract A-613 of the Rhonda Trevathan Survey and Tract 3, Abstract A-323 of the Joel Hill Survey and generally located at the northwest corner of the intersection of N. John Redditt Drive and Lotus Lane as requested by Jeff Chance on behalf of Emily and Bill Kistler, M. D., et al be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - SECOND READING - CITY ELECTION CANCELLED - MAY 2, 1998

Mayor pro tem Boyd stated that the next item for consideration was Second Reading of an Ordinance cancelling the City Election of May 2, 1998.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that Ordinance cancelling the City Election of May 2, 1998 be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - SECOND READING - AMENDMENT TO THE POLICE DEPARTMENT CLASSIFICATION PLAN

Mayor pro tem Boyd stated that the next item for consideration was Second Reading of an Ordinance amending the Police Department Classification Plan as recommended by the Civil Service Commission.

Motion was made by Councilmember Betty Jones and seconded by Councilmember Jack Gorden, Jr. that Ordinance amending the Police Department Classification Plan as recommended by the Civil Service Commission be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

8. LOCAL LAW ENFORCEMENT BLOCK GRANTS PROGRAM - APPROVED

Mayor pro tem Boyd stated that the next item for consideration was participation in the Local Law Enforcement Block Grants Program (LLEBG) for the purposes of reducing crime and improving public safety.

City Manager Maclin stated that included in the Council packet is a memo from Sgt. James Nowak outlining the details of the City's 1997 Local Law Enforcement Block Grant application, which comes through the Bureau of Justice Assistance. City Manager Maclin stated that this is an excellent program that allows Federal funds to be allocated and spent for needed equipment on a local level. City Manager Maclin stated that the application approval from the Bureau of Justice Assistance was for \$59,029 with the City providing a 10% match of \$6,559, which was in the Police Department budget. City Manager Maclin stated that the Law Enforcement Block Grant Advisory Board is made up of Lt. Rankin/Lufkin Police Department, Art Bauereiss/Angelina County Asst. District Attorney, Judge Joe Martin/Angelina County Court-At-Law #1, Phyllis Grandgeorge/Executive Director, Deep East Texas ADAC, and Dr. David Sharp/Superintendent of Lufkin ISD. City Manager Maclin stated that the expenditure proposal from the Committee is as follows: \$45,000 for a video imaging system, \$4,588 for a hostage phone, \$6,000 for personnel overtime, and \$10,000 for a remote surveillance camera system for a total of \$65,588.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that authorization be granted for the City to participate in the Local Law Enforcement Block Grants Program as requested. A unanimous affirmative vote was recorded.

9. TAXI CAB FRANCHISE REQUEST - TABLED - RANDY FURRA - CITY CAB

Mayor pro tem Boyd stated that the next item for consideration was the request of Randy Furra for a taxi cab franchise.

City Manager Maclin stated that included in the Council packet is an application for a taxi cab franchise from Mr. Furra, his statement regarding the vehicles, application of title and proof of insurance.

Mr. Furra stated that he wanted the opportunity to serve people in the way they needed to be served. Mr. Furra stated that his company, City Cab, operates 24 hours a day, seven days a week. Mr. Furra stated that he operates cabs in the City of Nacogdoches and would like to have the cars permitted so that they could operate in either City. Mr. Furra stated that he presently has nine cars and would be utilizing four cars in Lufkin.

In response to question by Mayor pro tem Boyd, Mr. Furra stated that he has already made arrangements to rent a building in Lufkin and has applied for telephone service.

In response to question by Councilmember Gorden, Mr. Furra stated that his building will be located at 809 Hammond Street.

In response to question by Mayor pro tem Boyd, Mr. Furra stated that even though there are two taxi cab companies in Lufkin he receives calls from people in Lufkin who say they are unable to get in touch with a cab company at night. Mr. Furra stated that since he is not permitted in the City of Lufkin he tells these people that he cannot pick them up. Mr. Furra stated that he does contract work for the government and for a Lufkin hospital.

Mayor pro tem Boyd asked how often Mr. Furra received calls from people in Lufkin for a cab. Mr. Furra replied that he receives three or four calls a week. Mr. Furra stated that he spent one hour soliciting for signatures on a petition for cab service and got 27 names, which included people at the airport.

In response to question by Mayor pro tem Boyd, Mr. Furra stated that, while he had worked with competition in Nacogdoches, he was now the only cab company in the City. Mr. Furra stated that his philosophy is that competition makes everybody work harder.

Mayor pro tem Boyd asked Mr. Furra if he would spend the money he makes in Lufkin in Lufkin or in Nacogdoches. Mr. Furra stated that he would be spending money in Lufkin paying two drivers he already has lined up to work for him.

Mayor pro tem Boyd asked Mr. Furra if he was aware of the rules and regulations outlined in the City's Taxi Cab Ordinance. Mr. Furra stated that he has received a copy of the Ordinance. Mayor pro tem Boyd stated that there are two cab companies in Lufkin doing a good job, and he did not see the need for another one, but that was up to the Council.

In response to question by Councilmember Gorden, Mr. Furra stated that he had been operating a cab company since 1992. Mr. Furra stated that all of his drivers are checked out with the Nacogdoches Police Department, and his drivers try to work in a professional manner. Mr. Furra stated that if he felt he was wasting his time he would never have made an application for the franchise. Mr. Furra stated that

he has received a number of phone calls from people in Lufkin who say they are not able to get a response from the local companies.

In response to question by Councilmember Gorden, Mr. Furra stated that his company will be named City Cab of Lufkin.

In response to question by Mayor pro tem Boyd, City Secretary Atha Stokes stated that there have been complaints received about availability of service.

In response to question by Councilmember Weems as to how long the franchise is far and whether it could be revoked, City Manager Maclin stated that the City has a Taxi Cab Committee that reviews the operations of the cab companies and addresses complaints, and they would recommend to Council for discontinuation of the franchise if they thought that was appropriate.

Mayor pro tem Boyd stated that one of the owners of the cab companies had closed down because of religious beliefs over the weekend, but the cab company is now owned by another individual. Mr. Furra stated that three people called him during Easter weekend.

Julie Hughes, the owner of UBC Cab Company, stated that she also receives calls from Nacogdoches for cab service. Ms. Hughes stated that there are probably times when people cannot get a cab when they wish, but most of the time they have a cab within 15 to 30 minutes from the time they call. Ms. Hughes stated that she did not see a need for another cab company, and believes it would be disastrous to franchise another cab company. Ms. Hughes stated that sometimes people will call both cab companies and when they show up at the same time, one company has to leave and take a loss.

Richard Rolle, the owner of Checkerboard Taxi, stated that he has worked for Checkerboard for 10 years. Mr. Rolle stated that he would reiterate the same concerns that Ms. Hughes voiced. Mr. Rolle stated that he has gone to Nacogdoches many times and charged \$20 for making the trip.

Councilmember Jones asked if the law of supply and demand would rule here, and would it be up to the Council to say that two companies are enough and another is not needed, or would it be up to the people using the service.

City Attorney Flournoy stated that the franchise is issued based on the necessity of need.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Betty Jones that the request of Randy Furra for a taxi cab franchise be referred to the Taxi Cab Committee for a recommendation to City Council. A unanimous affirmative vote was recorded.

10. DONATION OF CULVERTS - DENIED - HABITAT FOR HUMANITY - LOTUS LANE PROJECT

Mayor pro tem Boyd stated that the next item for consideration was the request of Habitat for Humanity for the City to donate culverts for their current project on Lotus Lane.

City Manager Maclin stated that included in the Council packet is a letter of request from Judy Temple, the Administrative Director of Habitat for Humanity. City Manager Maclin stated that Ms. Temple is present tonight along with Mike Ecker, a member of the Board of Directors. City Manager Maclin stated that he will probably seek input from the City Attorney as far as precedent measures on this as consideration for Council.

Judy Temple, the Administrative Director of Habitat, stated that most of the

information about the request is in the Council packet. Ms. Temple stated that she does have a plat of the property showing exactly where the lots are located on Lotus Lane. Ms. Temple stated that the ditch where the culverts will be placed is 11' in diameter and 3 1/2' deep on lot 11 and continues down to 5' deep on lot 6. Ms. Temple stated that the ditch is large enough to be a safety hazard to vehicles and children.

Mr. Smith, representing Habitat, stated that there are a total of six lots. Mayor pro tem Boyd asked if Habitat was asking for six culverts. Ms. Temple stated that their plan was to have one continuous culvert so the ditch would be totally filled in and the lot would go out to the street.

Councilmember Weems asked if there was flooding in this area. Mike Ecker stated that there is a blockage in the ditch at this time where it had been filled in, but it is now beginning to wash out. Mr. Ecker stated that the problem they see is with the growth of vegetation because the banks of the ditch are so steep it will be very hard to maintain.

In response to question by Councilmember Gorden, Mr. Ecker stated that Habitat has already built one house on Lotus Lane, but it is further down closer to town. In response to question by Councilmember Gorden, Mr. Ecker stated that Habitat had purchased the lots.

In response to question by Councilmember Gorden, City Manager Maclin stated that the City has provided \$5,000 down payment assistance through the HOME Program, provided free building permits, and free water and sewer taps for the homes that have been constructed. Mr. Ecker stated that one of their members paid the building fee permit on the house under construction. City Manager Maclin stated that the City will reimburse Habitat for the amount that was paid for the building permit.

Mayor pro tem Boyd stated that he was aware of other areas in the City that also had deep ditches in the front of their property and if the City started buying culverts for Habitat they would have to buy them for other property owners as well. Mayor pro tem Boyd stated that the City would be setting a precedent by purchasing the culverts for Habitat.

In response to question by Mayor pro tem Boyd, Mr. Flournoy stated that he had the same concern about setting a precedent. Mr. Flournoy stated that Habitat does a wonderful job, but what about the Salvation Army, Hospice, the Blood Center, etc. Mr. Flournoy stated that the City has a policy that they will provide the labor for putting in the culvert after the individual has purchased it. Mr. Flournoy stated that the City, in his opinion, is already pretty far out on a limb in providing the things they are already providing unless they change the policy that says that the City will provide these things for any and all non-profit organizations.

Mr. Ecker stated that Habitat does appreciate all the help the City provides for them.

Motion was made by Councilmember Betty Jones and seconded by Councilmember Tucker Weems that the request of Habitat for Humanity for the City to donate culverts for their current project on Lotus Lane be denied. A unanimous affirmative vote was recorded.

11. BID - APPROVED - WATER MAIN IMPROVEMENTS - MORNINGSIDE DRIVE - J & D CONSTRUCTION

Mayor pro tem Boyd stated that the next item for consideration was award of bid for water main improvements on Morningside Drive.

City Manager Maclin stated that included in the Council packet is the bid tabulation and the staff recommendation is to award the contract for the low bid of J & D

Construction in the amount of \$27,710.20.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that the bid of J & D Construction in the amount of \$27,710.20 for water main improvements on Morningside Drive be approved as submitted. A unanimous affirmative vote was recorded.

12. BID - APPROVED - WATER MAIN IMPROVEMENTS - SAYERS STREET - CRAWFORD CONSTRUCTION

Mayor pro tem Boyd stated that the next item for consideration was award of bid for Sayers Street for water main improvements.

City Manager Maclin stated that included in the Council packet is the bid tabulation and the staff recommendation is the low bid of Crawford Construction in the amount of \$41,643.

In response to question by Mayor pro tem Boyd, City Manager Maclin stated that this is an extension for the new apartment complex of an 8" line from the Loop.

In response to question by Councilmember Gorden, City Manager Maclin stated that there is an allocation of funds within the Utility Department for new connections and extensions.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones that the bid of Crawford Construction in the amount of \$41,643 for water main improvements on Sayers Street be approved as submitted. A unanimous affirmative vote was recorded.

13. RENEWAL OF LITTER CONTRACT - APPROVED - GOODWILL INDUSTRIES

Mayor pro tem Boyd stated that the next item for consideration was authorization to renew the litter contract with Goodwill Industries.

City Manager Maclin stated that included in the Council packet is a memo from David Cochran, Purchasing Agent, noting the authority of the City under Human Resources Code Chapter 122 for granting of contracts for purchases or services from blind and severely disabled persons. City Manager Maclin stated that Goodwill's bid is identical to last year's bid, therefore, staff recommendation is renewal of the litter contract for removal of litter from City parks.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones that staff be authorized to renew the litter contract with Goodwill Industries in the amount of \$12,129.60. A unanimous affirmative vote was recorded.

14. BID - APPROVED - ANIMAL CONTROL FACILITY - TIMBERLINE CONTRACTORS

Mayor pro tem Boyd stated that the next item for consideration was approval of award of bid for the Animal Control facility.

City Manager Maclin stated that included in the Council packet is a memo from the project architect, Malcolm McKinley, providing his recommendation along with the bid tabulation sheet. City Manager Maclin stated that staff is recommending the low bid of Timberline Construction including the base bid plus Alternate No. 1 for a total of \$786,500. City Manager Maclin stated that Alternate No. 1 is a galvanized door frame which is a \$500 add.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that bid of Timberline Construction Company in

the amount of \$786,500 for the Animal Control facility be approved as submitted. A unanimous affirmative vote was recorded.

15. EXECUTIVE SESSION

Mayor pro tem Boyd recessed Regular Session at 5:47 p. m. to enter into Executive Session. Mayor pro tem Boyd reconvened Regular Session at 6:24 p. m., and stated that demolition of dilapidated houses and appointments to the Planning & Zoning Commission was discussed.

City Attorney Flournoy recommended that a house located at 1706 Higgins be demolished and that a mobile home on Houston Street that is so dilapidated that it is beyond repair also be demolished.

Motion was made by Councilmember Percy Simond and seconded by Councilmember Jack Gorden, Jr. that the recommendation of the City Attorney for demolition of a house at 1706 Higgins and a mobile home on Houston Street be approved as presented. A unanimous affirmative vote was recorded.

16. APPOINTMENTS - APPROVED - CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS - JERRY PAYNE - IRVIN McWILLIAMS - RICK AINSWORTH - GENE TOGIO - LANE PITTMAN

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Betty Jones that Jerry Payne, Irvin McWilliams, Lane Pittman, Rick Ainsworth and Gene Togio be reappointed to the Construction Board of Adjustment and Appeals. A unanimous affirmative vote was recorded.

17. COMMENTS

Councilmember Gorden stated that the Investment Committee had met for their quarterly meeting at 3:00 p.m. today and received their 90 day activity report. Councilmember Gorden stated that everything looked good.

Councilmembers expressed their best wishes to Councilmember Percy Simond and their appreciation for his long years of tenure on the Council.

City Manager Maclin stated that the Council Retreat at Pine Island has been scheduled for Tuesday, May 12, at 11:30 a.m.

City Manager Maclin stated that the DETCOG meeting will be held in Center on April 23.

18. There being no further business for consideration, meeting adjourned at 6:33 p.m.



Louis A. Bronaugh
Mayor

ATTEST



Atha Stokes - City Secretary