

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF LUFKIN, TEXAS, HELD ON THE  
19TH DAY OF OCTOBER, 1993, AT 5:00 P.M.**

On the 19th day of October, 1993 the City Council of the City of Lufkin, Texas, convened in a Regular Meeting in the Council Chambers of the City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Don Boyd	Mayor pro tem
Percy Simond	Councilman, Ward No. 1
Larry Kegler	Councilman, Ward No. 3
Bob Bowman	Councilman, Ward No. 4
C. G Maclin	City Manager
Darryl Mayfield	Asst. City Manager/Finance
Ron Wesch	Asst. City Manager/Public Works
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Jack Gorden, Jr.	Councilman, Ward No. 5
Tucker Weems	Councilman, Ward No. 6

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. James McPhail, Minister, First United Methodist Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of a Called Meeting on October 14, 1993 and Regular Meeting of October 5, 1993 were approved on a motion by Councilman Don Boyd and seconded by Councilman Larry Kegler. A unanimous affirmative vote was recorded.

4. **PRESENTATION OF CERTIFICATE - TOM BRAZIEL - SAFETY OFFICER/CAPTAIN - FIRE DEPARTMENT**

Mayor Bronaugh presented a Certificate of Appreciation to Safety Officer/Captain Tom Braziel in appreciation of his involvement in the Emergency Management Program.

Mayor Bronaugh read the following letter from the Texas Department of Housing and Community Affairs, which he received by fax shortly before the meeting:

“Dear Mayor: The Texas Department of Housing and Community Affairs in cooperation with the Texas Department of Commerce is pleased to inform you that your community has been selected as one of the ten non-entitlement Enterprise Zone Communities to participate in the Texas Enterprise Zone Economic Empowerment Programs. This program is made available through the Department of Housing and Urban Development and the funds will allow the Texas Department of Housing and Community Affairs and the Texas Department of Commerce to provide technical assistance to existing local economic empowerment programs designed to benefit lower income individuals within the City of Lufkin.”

Mayor Bronaugh stated that the citizens of Lufkin can be proud of being selected as one of the ten cities across the State to receive this designation. Mayor Bronaugh

recognized City staff for their hard work on this project.

City Manager Maclin stated that this application was submitted last August, and was a project that City Planner Stephen Abraham and Main Street Director Dawn Glover spent a lot of time in preparation of the application. City Manager Maclin stated that public meetings had been held for community input and participation. City Manager Maclin stated that the benefits received by participation in the program will be that a team of experts made up of State Department officials including Department of Commerce, Texas Department of Housing and Community Affairs, the Texas Natural Resource Conservation Commission (formerly the Texas Water Commission), and the Texas Department of Agriculture will bring together a resource team of specialists that will come to Lufkin and meet with the Chamber of Commerce, Economic Development groups, and groups that exist within the Enterprise Zone and try to assist us in developing a comprehensive economic development strategy for the Enterprise Zone and Lufkin as a whole. City Manager Maclin stated that the team will attempt to find resources that may exist through State and Federal funds and match up the resources with the needs for the Enterprise Zone in the economic development and marketing strategy approach. City Manager Maclin stated that the other side benefits from this will be the fact that some of these agencies will have a greater knowledge and insight and first hand understanding of the needs of Lufkin and will perhaps have a positive influence for things like Community Development Block Grants in the future.

City Manager Maclin stated that the City is very pleased to have been selected as one of the ten cities across the State of Texas to receive this program at no expense to the City of Lufkin.

**5 ORDINANCE - APPROVED - SECOND READING - GENE CARRIER - EAST TEXAS ASPHALT COMPANY - TAX ABATEMENT/ENTERPRISE ZONE - SPENCE AND LOOP 287**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for a Tax Abatement as requested by Gene Carrier, on behalf of East Texas Asphalt Company, for the purpose of granting a Tax Abatement within the Enterprise Zone on property located at the corner of Spence and Loop 287.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - DR. MERRICK ROCHE - RESIDENTIAL LARGE TO RESTRICTIVE PROFESSIONAL OFFICE - LOOP 287 AND HANKS STREET**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for a Zone Change on approximately 1.072 acres of land located at the southwest corner of John Redditt Drive (Loop 287) and Hanks Street from Residential Large to Restrictive Professional Office as requested by Dr. Merrick Roche.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**7. RESOLUTION - APPROVED - CONDEMNATION OF PROPERTIES - LOOP 287 - FM 58 - WHITE HOUSE DRIVE - WATER LINE EASEMENTS**

Mayor Bronaugh stated that the next item for consideration was a Resolution for authorization of possible condemnation for properties along Loop 287, FM 58, and White House Drive for water line easements.

City Manager Maclin stated that included in the Councilmember's packet is a proposed Resolution that is necessary for staff to continue in the process of acquisition of property relating to the installation of a new water line on the East Loop. City Manager Maclin stated that this Resolution basically will meet the legal criteria that are necessary, in addition to authorizing and appointing Johnny Frank Medford as negotiator on behalf of the City for the acquisition of these easements.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that Resolution be approved as presented. A unanimous affirmative vote was recorded.

8. **RESOLUTION - APPROVED -- NATIONAL UNFUNDED MANDATES DAY**

Mayor Bronaugh stated that the next item for consideration was a Resolution for the National Unfunded Mandates Day.

City Manager Maclin stated that the City of Lufkin has set aside Wednesday, October 27th, as National Unfunded Mandates Day. City Manager Maclin stated that this is a joint project co-sponsored by the National League of Cities, the National Association of Counties, the National Conference of Mayors, and the International City Management Association. City Manager Maclin stated that the intent of this program is to have a method of bringing attention and raising public awareness level of the problems created by our Federal government when they pass legislation that requires implementation by the City but no funds are provided to the City to assist in meeting these mandates. City Manager Maclin stated that this is something that has impacted every city in the United States and has impacted the City of Lufkin tangibly to the extent that it is estimated that 33% of our water and sewer bill is directly attributable to Federal mandates. City Manager Maclin stated that there will be cities holding press conferences next Wednesday all over the United States proclaiming October 27th as National Unfunded Mandates Day. The City of Lufkin will participate in a local press conference and invite all elected officials on a City and County level to participate in this activity. City Manager Maclin stated that the hopeful result of this participation will be to let the citizens understand where the problem is coming from and to help the City officials and staff to communicate to the elected officials in Washington, D.C. the problems that the Cities are against clean air or clean water acts, but are against the way some of these things are being promulgated and the fact that there is no accountability for the impact financially that it is putting on cities and counties. City Manager Maclin stated that cities want to make sure that in the future there is a cost analysis performed as far as the impact to the cities, and there has been legislature being formulated and introduced into the Congress and the Senate for that purpose.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Resolution be approved as presented. A unanimous affirmative vote was recorded.

9. **GRANT SUBMISSION - APPROVED - ISTEIA (INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT) - DEPARTMENT OF TRANSPORTATION -DOWNTOWN STREET AND SIDEWALK RENOVATIONS**

Mayor Bronaugh stated that the next item for consideration was submission of a Grant to the Department of Transportation for ISTEIA Grant (Intermodal Surface Transportation Efficiency Act) to provide downtown street and sidewalk renovation.

City Manager Maclin stated that included in the Councilmember's packet is a draft of an application for participation in the Transportation Enhancement Program. City Manager Maclin stated that the Program, if funded, will provide needed improvements in the downtown area, including street improvements, sidewalk improvements, lighting improvements and landscaping improvements

in areas off of First Street, Second Street, Lufkin Avenue, all the way down to Burke Street and all the way down to Third Street on the east side. City Manager Maclin stated that this is a unique opportunity in that historically Texas Department of Transportation funding has not lent itself to as much flexibility and as broad of coverage as this particular funding does. City Manager Maclin stated that the ISTEPA Program is a federal funding source that is being allocated through the Texas Department of Transportation and therefore the application for funding is administered through that office. City Manager Maclin stated that staff has received assistance through the local District 11 office in drafting the application, and the Main Street Director, and Bill Moreau, Assistant City Manager of Public Works and others have all participated in this particular process. City Manager Maclin stated that staff feels that this is a unique opportunity to leverage a large amount of State dollars with a few amount of local dollars to see some significant improvements in the downtown area that will be both solving some short-term problems and resolving some long-term implications to the downtown area as well as enhancing the atmosphere and perception of the downtown area through the new sidewalks, landscaping and new lighting. City Manager Maclin stated that the funding is on a 80-20 basis, and for the 20% portion of the City's match. Staff will be seeking other outside sources including funding through the Texas Department of Housing and Community Affairs with a program they have announced specifically for Main Streets, that the City will be eligible to apply for, and if funded will be eligible to use those funds for match for this grant. City Manager Maclin stated that on the table before Councilmembers is a Resolution that staff is seeking Council's consideration for to become a part of the application, which will be submitted within two weeks to Austin. City Manager Maclin stated that staff held a town hall meeting last night to receive public input regarding this grant, and received positive support for the enhancement program application.

Mayor Bronaugh stated that he had received a telephone call from Melita McCall, who is Chairman of the Mayor's Committee on Disabled Citizens, stating her support of the program. (Mrs. McCall was not able to attend the meeting due to an illness.)

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that submission of grant application be approved as presented. A unanimous affirmative vote was recorded.

**10. RESOLUTION - APPROVED - GRANT APPLICATION - TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS - HOME PROGRAM**

Mayor Bronaugh stated that the next item for consideration was a Resolution for submission of a grant application to the Texas Department of Housing and Community Affairs HOME Program.

City Manager Maclin stated that staff is currently in the process of working on the 1992 HOME Program, which was funded through the Texas Department of Housing and Community Affairs. City Manager Maclin stated that now is the time to apply for funds that will be available for next year.

Raymond Vann, Grant Consultant, stated that he is proposing that Council consider a Resolution that would authorize submission of an application for \$200,000 with a \$22,000 match. Mr. Vann stated that this application would provide for a minimum of 20 homes to be rehabilitated in an area that is very similar to the target area of the City's Community Development Project. Mr. Vann stated that the reason this target area was selected is because there is a need, as determined by a survey. Mr. Vann stated that out of the 245 housing units in this area 41% are in need of some repair. Mr. Vann stated that the area being considered is described as: the northern boundary is Kurth Drive, the west boundary is Sayers Street, the southern boundary is Abney and the east boundary is the Southern Pacific. Mr. Vann stated that in the rehabilitation process, if the project is approved by the Texas Department of Housing and Community Affairs, it will be incorporated into the City's existing

program, using the same committees, and basically carry out the same program.

In response to question by Councilman Boyd, Mr. Vann stated that to be eligible to participate in the program the applicant must be a homeowner and must own a wood frame house. Mr. Vann stated that this could not necessarily be considered as a grant, but a deferred loan with 20% of the loan being forgiven for each year the homeowner lives in the home for a period of five years, at which time the entire amount would be forgiven.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Resolution be approved as presented. A unanimous affirmative vote was recorded.

#### **11. INTERLOCAL AGREEMENT - APPROVED - TML - GROUP BENEFITS RISK POOL**

Mayor Bronaugh stated that the next item for consideration was an Interlocal Agreement with TML for participation in their Group Benefits Risk Pool.

City Manager Maclin stated that the City of Lufkin contracted with the TML Group Benefits Risk Pool last January with a 20 month contract that will extend through the current fiscal year. City Manager Maclin stated that as part of TML's standard operating procedure all cities participating in the Risk Pool received a letter for renewal of the interlocal agreement. City Manager Maclin stated that staff is extremely pleased in that there will not be a rate increase in this fiscal year.

Motion was made by Councilman Bob Bowman and seconded by Councilman Don Boyd that the Interlocal Agreement with TML be approved as presented. A unanimous affirmative vote was recorded.

#### **12. WELLNESS AND HEALTH INCENTIVE REWARDS PROGRAM**

Mayor Bronaugh stated that the next item for consideration was a wellness and health incentive rewards program for City employees.

City Manager Maclin stated that this is a program he has been investigating for over a year and a half, trying to be as innovative as possible in trying to encourage healthy lifestyles for the participants in the City's health insurance program (employees and their dependents).

City Manager Maclin stated that there are three phases to the program he is proposing for Council's consideration: (1) A draft of a policy to give employees some incentives to participate in a health screen, and if they pass the health screen they would be eligible for \$300 credit on their deductible (since 1990 the City's deductible has been \$500). In order to qualify for the healthy lifestyle screen \$300 credit on their deductible, they would go through a health screen the City would provide at no expense to the employee that checks glucose levels, cholesterol levels, blood pressure, height/weight chart and the commitment by the employee not to use any tobacco products. City Manager Maclin stated that if the employee passes the screens at the levels stated for each phase, they would be credited as of January 1, 1994 with a \$300 credit on their deductible. City Manager Maclin stated that the screening will take place between now and January 1. City Manager Maclin stated that there will be some employees who will not quite meet one or more of the screen checks, and the second phase of the program would be proposed. (2) To offer health club memberships at the local health clubs at a reduced rate. Both of the two larger health clubs in town have offered excellent corporate rates, which will enable the City to pay for approximately half of the costs through the Health Trust Fund (approximately \$10 per month per employee). City Manager Maclin stated that the employee would be responsible for the balance of the costs which would be between \$10 and \$12 depending upon which health club they selected. City Manager Maclin stated that spouse and dependents would be eligible if they are on the City's health

insurance coverage - the City could also provide an additional \$10 per month towards their club membership. City Manager Maclin stated that phase (3) would be to encourage an employee to get on a regular exercise plan. City Manager Maclin stated that an employee completing the exercise program would be eligible to receive a reward provided by the City; the rewards to be chosen by a committee of City employees. City employees would make recommendations on what the prizes would be within acceptable price ranges. Participation in the exercise program would mean three times a week either in an aerobics class or physical fitness training program. City Manager Maclin stated that participation in the program will be optional.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that wellness and health incentive rewards program be approved as presented. A unanimous affirmative vote was recorded.

**13. EMS DELINQUENT ACCOUNT WRITE-OFFS - APPROVED - SECOND AND THIRD QUARTERS**

Mayor Bronaugh stated that the next item for consideration was EMS delinquent accounts for the second and third quarters of this fiscal year.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that EMS delinquent account write-offs in the amount of \$93,572.47 for the second and third quarters of this fiscal year be approved as presented. A unanimous affirmative vote was recorded.

**14. BID - APPROVED - WATER LINE MATERIALS - LOOP 287 - SOUTHWESTERN UNDERGROUND OF IRVING, TEXAS**

Mayor Bronaugh stated that the next item for consideration was award of bids for water line materials and installation along Loop 287.

City Manager Maclin stated that there are two parts to this item that need to be handled separately, and the first one for consideration would be installation of the water line. City Manager Maclin stated that staff recommendation is to award the low bid of Blackshear & Sons in the amount of \$369,840.80 and \$450,060 respectively for portions of the water line on the East Loop for the new water distribution line.

Motion was made by Councilman Larry Kegler and seconded by Councilman Don Boyd that bid of Blackshear & Sons in the amount of \$369,840.80 and \$450,060 be approved as submitted. A unanimous affirmative vote was recorded.

City Manager Maclin stated that the second part of this item would be for the materials, specifically the pipe and connections, and staff recommendation is to award the bid of Southwestern Underground of Irving, Texas in the amount of \$414,294.

Allen Baker of Golden Triangle Pipe stated that his firm is an employee-owned company. Mr. Baker stated that his company sells Capco pipe and it is the only PVC manufacturing facility left in the United States that is 100% American owned. Mr. Baker stated that the Council had two bids before them for consideration - one from Southwestern Underground of Irving, Texas, and the other from Golden Triangle Pipe of Lufkin with a difference of \$2,400 between the two bids (Golden Triangle Pipe's bid was the higher bid). Mr. Baker stated that equates on \$414,000 to less than 1% , or 1/2 of 1%. Mr. Baker stated that there is a unique set of circumstances in this bid by the City paying the contractor to install the pipe on his merit, and buying the pipe and taking full responsibility of it. Mr. Baker stated that in return for this the City is saving a substantial amount of money. Mr. Baker stated that there are some problems with the City buying the pipe separately in that if there is a problem, whether it is with the pipe installation or with the pipe itself, there will be a lot of "finger pointing" if there is a problem. Mr. Baker related a situation in

Nacogdoches where there was a problem with bad pipe. Mr. Baker stated that, in his opinion, it would be in the City's best interest to consider all the alternatives--if there is a problem with this pipe, a local supplier could be on the job site within 10 minutes. Mr. Baker stated that he feels that in case a problem does arise, his firm could save the City time and money.

Bill Robinson of Capco Company stated that if the City bought the pipe from Golden Triangle Pipe Company, it would be beneficial to the City's economy. Mr. Robinson stated that there is a clause in the bid contract that states the City may award the bid to whoever they deem to be of the best interest of the City of Lufkin and the citizens of Lufkin. Mr. Robinson stated that he hoped the City would award the bid to Golden Triangle Pipe Company.

Kelly Kracht of Diamond Pipe stated that he had sent in a bid to the City with the most competitive price for the best pipe on the market. Mr. Kracht stated that Diamond Pipe is made the same as Capco Pipe. Mr. Kracht stated that he would be able to save the City approximately \$4,000 by contracting with J M Pipe Company.

City Manager Maclin stated that staff had seriously investigated J M Pipe Company as a potential bidder, however, their current method of gasket manufacturing does not meet our specifications. City Manager Maclin stated that the City has had problems in the past with J M Pipe.

Councilman Simond stated that he had called Austin and talked to someone about the bid situation and gave the argument about accepting bids from local firms. Councilman Simond stated that he was told that they sympathized but this was not a good argument. Councilman Simond stated that Mr. Baker did make a statement concerning the excessability to the work place that the person he talked to in Austin said was a good argument. Councilman Simond stated that Golden Triangle Pipe supports the Lufkin economy, they pay sales tax, property tax, water and sewer, school tax, they buy cars and food. Councilman Simond stated that these things should be taken into consideration when awarding bids.

Councilman Kegler stated that he concurred with Councilman Simond and that Mr. Baker made a good argument with the easy access to the supplier.

In response to question by Councilman Bowman, Mr. Flournoy stated that a decision to take the local bid rather than the actual low bid could be challenged by a citizen or by a party who has made the bid. Mr. Flournoy stated that the over all total price is not that significant a difference and there certainly are some valid reasons for accepting a higher bid than the low bid.

City Manager Maclin stated that staff feels very comfortable with Capco Pipe because it has a long track record and has had a lot of experience in using Capco Pipe.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler to accept the bid of Golden Triangle Pipe in the amount of \$416,694 as submitted. A unanimous affirmative vote was recorded.

#### 15. CITY CHARTER REVISION WORKSHOP - DATE SET

Mayor Bronaugh stated that the next item for consideration was setting the date for a Workshop for discussion of the City Charter Revision. Mayor Bronaugh stated that Councilmembers had agreed to postpone discussion of the City Charter revisions until the budget workshops were completed. Mayor Bronaugh stated that the Charter had not been revised since 1966.

Councilman Simond read the following statement: "As to workshops, I have been reliably informed that Lufkin City's workshops have no legal basis-in-fact, and such meetings are instruments of the Mayor. And for that reason, the Mayor has autocratic control over who will speak, and for how long. But conversely, unless

there are written rules, approved by the City Council, as to who can speak, and for how long, on a subject, the Mayor, nor anyone else, can limit the time a duly elected City Councilman can speak. For this reason I will not participate in further workshops."

Mayor Bronaugh stated that this item was put on the agenda for tonight's meeting at Councilman Simond's request.

Councilman Bowman stated that he would like to oppose Councilman Simond's statement in that in all the years he has served on the Council he could not remember one time that the Mayor ever limiting debate or discussion in a meeting.

Mayor Bronaugh stated that he was willing to do whatever Councilman Simond wanted to do in order to work on the Charter revisions. Councilman Simond stated that he would not participate in any more workshops.

It was the consensus of opinion that the regularly scheduled Council meeting on November 2nd begin at 4:00 p.m. to provide adequate time for this item to be discussed.

Councilman Bowman stated that there needs to be some kind of a format so that each Councilman can have input in the revisions. City Manager Maclin stated that staff has taken the Charter and put it on the wordprocessor so that it will be easier to read and make changes. Mayor Bronaugh requested that staff go through the Charter and make the obvious changes such as the Single Member Districts, elections, etc. City Manager Maclin stated that he had spoken with Susan Horton of TML earlier in the day and she stated that any and all changes, no matter how small, had to be put on the ballot for approval by the public.

#### 16. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:15 p.m. to enter into Executive Session. Regular Session reconvened at 6:45 p.m. and Mayor Bronaugh stated that Council had discussed real estate, legal matters and appointments to Boards.

#### 17. APPOINTMENT - APPROVED - ZONING BOARD OF ADJUSTMENT & APPEALS - DON DUREN

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that Don Duren be appointed as an alternate member of the Zoning Board of Adjustment & Appeals. A unanimous affirmative vote was recorded.

#### 18. EXPENSES - TABLED - RELOCATION OF WATER & SEWER LINES - DAVIS ST.

Mayor Bronaugh stated that this item had been tabled.

#### 19. COMMENTS

Mayor Bronaugh stated that he had received a telephone call from Danny Roper extending an invitation to City Councilmembers to attend "A Night At The Zoo" on October 23rd.

Councilman Kegler expressed his appreciation to Mr. Wesch for the information on street overlays that was included in the FYI section of the packet. Mr. Wesch stated that since the list was prepared he has added another 10-12 streets for overlay.

City Manager Maclin reminded Councilmembers of the DETCOG meeting in Newton on Thursday, October 29th.



20. There being no further business for consideration, meeting adjourned at 6:50 p.m.



Louis A. Bronaugh - Mayor

ATTEST:



Atha Stokes - City Secretary