MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF JUNE, 1999 AT 5:00 P. M.

On the 15th day of June, 1999 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:

Bob Bowman	Mayor pro tem
Don Boyd	Councilmember, Ward No. 2
Betty Jones	Councilmember, Ward No. 3
Dennis Robertson	Councilmember, Ward No. 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes Martin	City Secretary
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works

being present, and

Louis Bronaugh	Mayor
R. L. Kuykendall	Councilmember, Ward No. 1
Stephen Abraham	Director of Planning

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Robert Bush, Pastor, First Church of the Nazarene.

2. Mayor pro tem Bowman welcomed visitors present.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that the minutes of the Regular Meeting of June 1, 1999, be approved as presented. A unanimous affirmative vote was recorded.

4. **PRESENTATION OF SERVICE AWARD TO TUCKER WEEMS**

Mayor pro tem Bowman stated that this is an opportunity for the City Council to reward a former Councilmember who had done an excellent job. Mayor pro tem Bowman stated that Tucker Weems decided not to run for relection in the last election, and the City Council owes Mr. Weems a debt of graditude. Mayor pro tem Bowman stated that with Mr. Weem's counsel, his wisdom and his experience as a CPA, he had done a wonderful job for the City of Lufkin.

Mayor pro tem Bowman presented a certificate of appreciation to Mr. Weems on behalf of the City Council.

5. **AMENDMENT - APPROVED - SECOND READING - DOWNTOWN PARKING ORDINANCE**

Mayor pro tem Bowman stated that the next item for consideration was an Amendment to the Downtown Parking Ordinance.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the Amendment to the Downtown Parking Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. **ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE TO PLANNED UNIT DEVELOPMENT - OLD UNION ROAD - RPT ASSOCIATES**

Mayor pro tem Bowman stated that the next item for consideration was a request of RPT Associates to change the zoning from Residential Large to a Planned Unit Development on 4.265 acres having approximately 360 feet of frontage on Old Union Road and an average depth of 528 feet and abutting the western boundary line of the Trailwood Townhouses.

City Manager Maclin stated that this request was reviewed and considered by the Planning & Zoning Commission yesterday. Mr. Maclin stated that this was one of those rare times when the Planning & Zoning Commission meeting and the City Council meeting are back-to-back, so the minutes of the Planning & Zoning Commission and the memoramdum of explanation from the Planning Department are on the Council table for Council's consideration. Mr. Maclin stated that this request comes to Council with a unanimous vote from the Planning & Zoning Commission to recommend that the PUD be approved as submitted with one minor amendment requested by the applicant regarding a fence. Mr. Maclin stated that the amendment proposes a six foot tall screening fence made of wood with brick columns along the eastern boundary of the garden homes, and a chain link fence being proposed for the remaining perimeter of the garden homes.

Paul Mayberry stated that recently RPT Associates were able to obtain some choice property in the Trailwood Subdivision with the intention of building some zero lot line garden homes. Mr. Mayberry stated that his partner in this project, Dr. Rhodes, was also present. Mr. Mayberry stated that he has been working with the Planning Department and with Keith Wright, City Engineer, to try to fit ten garden homes on part of this property with a green belt surrounding it to tie into Woodstock Street.

In response to question by Councilmember Robertson, Mr. Mayberry stated that the lots facing on Old Union Road will be Residential Large lots, and theplan is not to do anything with these lots at this time but rather leave it as a buffer for the noise coming off of Old Union Road.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Ordinance to change the zoning from Residential Large to a Planned Unit Development on 4.265 acres having approximately 360 feet of frontage on Old Union Road and an average depth of 528 feet and abutting the western boundary line of the Trailwood Townhouses be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. **RESOLUTION - APPROVED - APPLICATION - HOUSING FINANCE CORPORATIONS ACT - EAST TEXAS HOUSING FINANCE CORPORATION**

Mayor pro tem Bowman stated that the next item for consideration was a Resolution of the City Council of the City of Lufkin, Texas approving the application of the Housing Finance Corporations Act to property within the City; disclaiming all liability relating to bonds to be issued by the East Texas Housing Finance Corporation; and repealing prior Resolutions or orders in conflict herewith.

City Manager Maclin stated that this relates to a similar action the Council passed in 1995 when there was a request by the East Texas Housing Finance Corporation, which is handled through First Southwest Company. Mr. Maclin stated that basically this is just a Resolution of support. Mr. Maclin stated that Federal law requires that for the Housing Finance Corporation to be offered in our area, or any city over 20,000 population, a Resolution of support is required as part of the application. Mr. Maclin stated that there is no financial involvement or liability to the City. Mr. Maclin stated that this is a program that Councilmembers may have seen on realtors signs that says "low financing for first time homebuyers". Mr. Maclin stated that Gann Realty has utilized some of this financing in recent years, which has been very successful and has been an asset to the homebuyer.

Mr. Maclin stated that this Resolution would allow realtors or bankers or other interested parties to make application to access some of these bond funds through the East Texas Housing Finance Corporation if approved by the Council.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones that Resolution of the City Council of the City of Lufkin, Texas approving the application of the Housing Finance Corporations Act to property within the City; disclaiming all liability relating to bonds to be issued by the East Texas Housing Finance Corporation; and repealing prior Resolutions or orders in conflict herewith be approved as presented. A unanimous affirmative vote was recorded.

8. **TEXAS FOREST SERVICE PUBLIC OUTREACH GRANT - APPROVED**

Mayor pro tem Bowman stated that the next item for consideration was approval for the submission of a Texas Forest Service Public Outreach Grant.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from Rachael Emrick, the City's aborist, giving an explanation about the Texas Forest Service Public Outreach Grant, funds that are available, and the organizational aspect of what is to be included and provided in the brochure.

Ms. Emrick stated that the Texas Forest Service Grant will cover printing of an educational brochure, which will be mailed with the citizen's newsletter. Ms. Emrick stated that the grant will also include a display which will be used at the Texas Forest Festival, and other type events, that will give the City of Lufkin a presence at these events showing that beautification with trees is important to the City. Ms. Emrick stated that a demonstration planting will take place at Kiwansis Park. Ms. Emrick stated that this planting will include some flowering native trees that most people are not familiar with.

Ms. Emrick stated that basically she has been pre-approved for the grant because of left over monies in the Texas Forest Service budget. Ms. Emrick stated that there will not be any out-of-pocket cash expense for the City. Ms. Emrick stated that she has a lot of groups who will participate in the planting at Kiwansis Park to meet the in-kind requirements.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Betty Jones that submission of a Texas Forest Service Public Outreach Grant be approved as presented. A unanimous affirmative vote was recorded.

9. **AMENTMENT - APPROVED - FIRST READING - 1997 STANDARD PLUMBING CODE**

Mayor pro tem Bowman stated that the next item for consideration was a proposed Amendment to the 1997 Standard Plumbing Code.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Director of Inspection Services that delineates what changes will be included in the Amendment. Mr. Maclin stated that the request has been approved by the Construction Board of Adjustment and Appeals and comes to Council with their unanimous recommendation of approval.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that Ordinance to amend the 1997 Standard Plumbing Code be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. **CONTRACTOR'S BOND AND LICENSE - AMENDED - FIRST READING - BUILDING INSPECTION DEPARTMENT**

Mayor pro tem Bowman stated that the next item for consideration was a change to the Contractor's Bond and License as recommended by the Building Inspection Department.

City Manager Maclin stated that included in the Council packet is a memorandum from the Director of Inspection Services that delineates the desire to reinstitute this practice. Mr. Maclin stated that the City used to require bonding in the past and it was dropped, and staff feels that it is appropriate that the bonding be reinstituted. Mr. Maclin stated that Mr. Chapman has visited with the Construction Board of Adjustment and Appeals, and they also approve this bonding requirement. Mr. Maclin stated that the cost for the bond is approximately $50 per year for the $5,000 compliance bond, which would provide some protection to citizens. Mr. Maclin stated that it is staff's recommendation that this policy be approved.

In response to question by Councilmember Gorden, Mr. Chapman stated that he is asking that Council approve an Ordinance requiring a contractor, prior to obtaining a building permit, to secure a $5,000 compliance bond. Mr. Chapman stated that the bond names the City of Lufkin as the obligee. Mr. Chapman stated that a compliance bond allows the City, if for some reason the contractor will not comply with a City Ordinance, to file on his bond. Mr. Chapman stated that one of his main reasons for recommending the bond was to restrict the ability of "fly-by-night" contractors to do business in the City.

In response to question by Councilmember Gorden, Mr. Chapman stated that there are some exceptions, and that is the homeowner who is doing work on his place of abode and he is exempted from the bond requirement. Mr. Chapman stated that the other exception is on projects less than $5,000. Mr. Chapman stated that if a Contractor does not have a compliance bond he will not be able to obtain a building permit.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that Ordinance to change the Contractor's Bond and License as recommended by the Building Inspection Department be approved on First Reading as presented. A unanimous affirmative vote was recorded.

11. **WATER LINE EXTENSION - APPROVED - FM 819 - CRAWFORD CONSTRUCTION**

Mayor pro tem Bowman stated that the next item for consideration was approval of a water line extension on FM 819.

City Manager Maclin stated that the need for this particular item arose a few days ago when there was a failure of a single line that provides the source to the former Burke Water System. Mr. Maclin stated that there was an area where the line was laid adjacent to a creek and the washout due to rain in the creek caused the line to blow out. Mr. Maclin stated that when the line blew out we lost pressure in the Burke system which required the City to issue boiled water notices to those customers. Mr. Maclin stated that an additional method is needed in providing City source to the Burke system, and this particular line in question does need to be replaced. Mr. Maclin stated that the replacement of this line was already a part of the improvements the City planned to make to the Burke system.

Keith Wright, City Engineer, stated that he considered this to be an emergency item. Mr. Wright stated that anytime there is a potential for public health effects that may or may not exist, and that when pressure is lost in a water system it allows for contaminates to come back into the system. Mr. Wright stated that this line is currently leaking again. It is a ductile iron pipe that has been exposed to the atmosphere, the creek crossing, and some of the erosion that has occurred is pitting and deterioation. Mr. Wright stated that he had discussed this problem with the City Attorney and the need to move forward on the replacement of the line in order to prevent this situation from occurring again. Mr. Wright stated that the Burke Water System replaced part of this line during the construction of FM 819 and this is extending the line down and tying it into the Lufkin water system near Crown Colony's back entrance on FM 819. Mr. Wright stated that the cost will be $39,413.

In response to question by Councilmember Robertson, Mr. Wright stated that this will include seven fire hydrants. Mr. Wright stated that any time the City installs line in an area where there is no existing fire protection, the City purchases the pipe that meets the fire requirements for fire insurance and puts the correct increments of footage in fire hydrants.

In response to question by Councilmember Gorden, Mr. Flournoy stated that the reserves received by the City when they took over the Burke Water System were used to pay off some debt. Mr. Hager stated that the City estimated that Burke would have approximately $300,000 in reserves, and when the books were finally closed the City received $75,000 in cash after paying off the loans.

In response to question by Mayor pro tem Bowman, Mr. Hager stated that a portion of that cash could be used to pay for this water line replacement.

In response to question by Councilmember Jones, Mr. Wright stated that the City asked Mr. Crawford for a quote because he was available and could start work the next day. Mr. Wright stated that based on the bids the City received on Morningside for water line construction, Mr. Crawford's quote was a dollar cheaper per foot.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones that the extension of a water line by Crawford Construction on FM 819 in the amount of $39,413 be approved as presented. A unanimous affirmative vote was recorded.

12. **BID - APPROVED - CAULKING AND SEALING - CIVIC CENTER - WESTERN WATERPROOFING COMPANY**

Mayor pro tem Bowman stated that the next item for consideration was caulking and sealing at the Civic Center.

City Manager Maclin stated that funds were budgeted in this years budget for caulking and sealing the Civic Center. Mr. Maclin stated that the low bid is from Western Waterproofing Company in the amount of $17,251. Mr. Maclin stated that this company also offered an additional bid for the cleaning and sealing of the facility. Mr. Maclin stated that letters regarding the cleaning and sealing of the building from the Civic Center Manager, Architect Jerry Hill, and the Building Inspection Director state that this was a good opportunity for the City in that if we went back to bid on the sealing part it would probably run about $3,000 more due to the fact that we would be taking advantage of the scaffolding and labor that would already be set up to do the caulking. Mr. Maclin stated that basically what staff is proposing is to award a total bid of $26,571 that includes both the low bid for the caulking and $9,320 for the cleaning and sealing. Mr. Maclin stated that the architect indicated that the repairs to the exterior of the building would give another twenty-five years of service. Mr. Maclin stated that staff is asking Council approval of the low bid of Western Waterproofing Company in a total amount of $26,571, and the balance of funds not included in this years budget could come from the Contingency Fund in the Hotel/Motel Tax Fund. Mr. Maclin stated that the current balance in this fund is $350,000.

In response to question by Councilmember Gorden, Mr. Flournoy stated that he did not realize that the sealing was not a part of the bid request. Mr. Wright stated that he drew up the specifications for this project and sealing was not part of the bid request. Mr. Flournoy stated that, in his opinion, Council would have to get bids for the sealing. Mr. Maclin stated that staff will now recommend that Council approve the $17,251 for caulking and rebid the sealing part and bring it back to Council at a future date. Mr. Wright stated that if the amount of the work to be done is under $10,000, the City could get three quotes according to City policy and this item would not have to be brought back to the City Council.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones that bid of Western Waterproofing Company in the amount of $17,251 for caulking of the Civic Center be approved as submitted, and that staff be authorized to seek three quotes for the sealing of the building. A unanimous affirmative vote was recorded.

City Manager Maclin stated that if the quotes come in over $10,000, this item will be brought back for Council consideration.

13. **REPLACEMENT OF OPERABLE WALLS - APPROVED - PITSER GARRISON CIVIC CENTER**

Mayor pro tem Bowman stated that the next item for consideration was replacement of operable walls at the Pitser Garrison Civic Center.

City Manager Maclin stated that included in the Council packet is a letter from the Civic Center manager discussing this problem and some potential alternatives, and a letter from RPR Construction Company regarding a temporary solution. Mr. Maclin stated that staff is concerned that the walls are what separate the Civic Center to make it into different sizes - closing the walls for small meetings and opening the walls for larger meetings. Mr. Maclin stated that these walls are 23 years old and reaching a point where they are almost impossible to move due to the tracking system they hang on is almost worn out. Mr. Maclin stated that the concern is that there are groups and individuals who made reservations months ago who may or may not be able to have the building in the manner they made the reservation for if these walls discontinue to operate. Mr. Maclin stated that there are two considerations at this point, what to do for the short term to insure appropriate operation and rental of the Civic Center, and what do we have to do for the long term to allievate this problem permanently to repair the operable walls. Mr. Maclin stated that the considerations are: (1) to utilize a company on a per hour basis, RPR Construction Company, to do a temporary repair, and (2) to move the budget process up six weeks and ask Council in essence to consider a Decision Package for the Civic Center for next year. Mr. Maclin stated that to get new walls may take as long as six months because they have to be custom manufactured. Mr. Maclin stated that if we were to go six to nine months without the walls it would definitely have a negative impact on the City. Mr. Maclin stated that if Council were to authorize this as being part of the budget, then we would be able to begin the process now of drawing the specifications and going out to bid. Mr. Maclin stated that no payment would be due until we were well into the new budget. Mr. Maclin stated that staff could bring new options to Council in the budget as to how the walls would be paid for. Considerations would be Hotel/Motel fund, general fund, lease purchase to be paid out over two or three years to minimize the cash impact to the City budget. Mr. Maclin stated that Council would be given options, but in essence staff would be assured that this item would be budgeted in the new budget if Council were to approve the second part of the request. Mr. Maclin stated that the first part of the request is to allow City Engineer and Civic Center staff to work with the RPR Company out of Tyler who specializes on these types of walls to come in on an hourly basis and within a day or two would be able to tell staff that they can make a temporary repair that will meet our needs for the time frame it takes to make a new installation, or that they could not. Mr. Maclin stated that staff had placed a conference call to Tim Richardson of RPR Company, and he gave hope that within two days the City would know if he can or cannot make the repairs.

In response to question by Councilmember Gorden, Mr. Maclin stated that reserve funds in the Hotel/Motel tax fund have come from revenues exceeding budget expectations and money that was budgeted but was not spent on the expense side. Mr. Maclin stated that the $350,000 reserve fund has been accumulated over the past seven years.

In response to question by Councilmember Jones, Mr. Maclin stated that staff's recommendation for the payment of the operable walls would be a combination of using half of the money from Hotel/Motel funds and a portion of general fund, which may be prorated over two or three years. Mrs. Jones stated that she would be hesitate to approve this expense before the budget is finalized because Council does not know what the other options to be considered are at this time.

Mr. Maclin stated that he is asking Council to make a commitment today that this request will be a part of the new budget and Council will have the final say on how the money is allocated - how much from the Hotel/Motel fund and how much from the general fund. Mr. Maclin stated that it is staff's opinion that waiting until the budget process is over in September, and the walls are down, it will be a real disadvantage to those people who have rented the facility, or who want to rent the facility. Mrs. Jones stated that on the other hand if estimates for repairs are good, that is another option, and Council could commit to that much and consider the rest in the regular budget process. Mr. Maclin stated that staff was concerned that the repairs would not meet our needs, and therefore, we will get further behind and put the citizenry at a disadvantage in terms of rental of the Civic Center.

Mr. Wright stated that the manufacturer of the existing doors is no longer in business and the parts for these doors will have to be fabricated, which is very expensive. Mr. Wright stated that these walls, as they go out of adjustment, cause a domino effect, and because they are so tall and weigh so much any repairs that are made will be short term. Mr. Wright stated that staff's concern is that for the operation of the Civic Center it is critical for the walls to operate. Mr. Wright stated that at this time the walls are being forced open and shut, and the more this happens, the worse the problem gets. Mr. Wright stated there are numerous trolleys on each panel and some of them are broke, but additional ones may break the next day.

Mr. Maclin stated that staff can meet with RPR and then get back with Council at the next Council meeting concerning the second part. Mr. Maclin stated that the downside is that we will be four weeks behind in taking care of the problem.

Mr. Wright stated that staff had also talked to the RPR Company representative about maintenance of the walls on a periodic time frame. Mr. Wright stated that a maintenance plan will be put in place once the repairs/replacement is completed.

Councilmember Gorden stated that there is more than one company the City could get bids from, and he would like to have them come as quickly as possible to look at the walls. Mr. Wright stated that staff can go ahead and write the specifications and bid the job and have the company guarantee the bid for 90 days to give Council time to decide what they want to do.

Mr. Flournoy stated that, in his opinion, staff would be limited to just repairs in this fiscal year unless they are prepared to pay for the other during this fiscal year. Mr. Flournoy stated that he was not sure that this would qualify for a lease purchase. Mr. Flournoy stated that, in his opinion, the repairs would have to be done, which the City could afford to pay for, and then go out for bids and budget the amount for the replacement walls in the next fiscal year.

Mayor pro tem Bowman stated that since the existing walls were manufactured, technology has changed significantly and he would suggest looking for a lighter weight wall. Councilmember Robertson stated that he would like for staff to look and see if there are some better designs that would work better than the existing walls.

Motion was made by Councilmember Betty Jones and seconded by Councilmember Jack Gorden, Jr. that request for temporary repairs in the range of $15,000 - $18,000 to the operable walls at the Pitser Garrison Civic Center be approved as requested and that the City Engineer be authorized to seek bids for the permanent repairs for inclusion of payment in next year's budget to be determined by Council. A unanimous affirmative vote was recorded.

14. **COMMENTS**

Mr. Maclin reminded Councilmembers of a called meeting on Monday, June 21 at 11:30 a.m. to further discuss the CIP.

Mr. Maclin reminded Councilmembers of a Tax Abatement Seminar and fish fry to be held Thursday, June 17th at Pine Island.

Mayor pro tem Bowman stated that there will be a Region I water meeting at Angelina College at 6:30 p.m. tonight to discuss the recreational aspects of water.

15. There being no further business for consideration, meeting adjourned at 6:00 p.m.

Bob Bowman
Mayor pro tem

ATTEST:

Atha Stokes Martin - City Secretary