

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
20TH DAY OF FEBRUARY, 1996 AT 5:00 P. M.**

On the 20th day of February, 1996 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
Don Boyd	Mayor pro tem
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Stephen Abraham	City Planner
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Percy Simond	Councilmember, Ward No. 1
Betty Jones	Councilmember, Ward No. 3

being absent when the following business was transacted.

1. Meeting was opened with prayer by City Manager C. G. Maclin.
2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that the minutes of the Regular Meeting of February 6, 1996 be approved as presented. A unanimous affirmative vote was recorded.

4. **PUBLIC HEARING - SHADY PINE AND LOOP 287 - CROSSOVER CLOSURE**

Mayor Bronaugh opened Public Hearing to consider the closure of the crossing at Shady Pine and Loop 287.

Mayor Bronaugh stated that at the last Council meeting a Public Hearing was held to close the crossover at Paul Avenue and Loop 287.

City Manager Maclin stated that, on the Council table, is a diagram which actually shows all three of the crossings between Atkinson and Lufkin Avenue. City Manager Maclin stated that at the last Council meeting representatives from the Texas Department of Transportation, along with public input, felt that it would provide a greater safety if all of the crossings between those two overpasses were closed. City Manager Maclin stated that the diagram shows where these proposed closings would be if they were all closed between the two overpasses (the first one at Shady Pine and Loop 287; the second one is adjacent to Harper Road across from Southland Health Care Center). City Manager Maclin stated that what staff is proposing tonight for Public Hearing purposes is to take input from the public on both the Shady Pine closing and the Harper Road closing. City Manager Maclin stated that whatever input is received today will be considered and put back on the agenda for Council's consideration at the March 5th meeting for an actual closing.

In response to a question by Mayor Bronaugh, City Manager Maclin stated that staff

is proposing that the Harper Road crossing be included as part of the Public Hearing. Mayor Bronaugh stated that it was not advertised in the newspaper that the Harper Road crossing would be discussed. City Manager Maclin stated that the Council agenda only delineates the closing of the crossing at Shady Pine, and if the City Attorney says that another Public Hearing is needed to consider the Harper Road crossing, then it will be back on the March 5th agenda. City Attorney Flournoy concurred that the Shady Pine crossing would need to be considered at a Public Hearing on the March 5th agenda.

In response to question by Larry Kegler, resident of the Paul Avenue/Loop 287 area, City Manager Maclin stated that the closing of the crossing was deemed to be temporary up until such time as the overpass is complete. City Manager Maclin stated that when the overpass is complete residents will have a new alternative for crossing at Paul via a grade crossing.

In response to question by Larry Kegler, Tina Walker, TxDOT Engineer, stated that as far as the timing as to when TxDOT would get to the construction phase of Paul Avenue and the Loop, it is being ranked this year, looking at a three year construction window. Ms. Walker stated that this crossing is being prioritized for construction in the 1998-'99 time frame, with completion in approximately 15 to 18 months. Ms. Walker stated that the construction phasing is such that they will be building the frontage roads and carrying the traffic on the frontage roads through reduced speed zones during the construction while building the main lanes. Ms. Walker stated that access will be provided at all times to the adjacent property owners during the construction stage.

In response to question by Councilmember Gorden, Ms. Walker stated that TxDOT's interim plans for the Loop is to close the crossover and provide grade separation with Paul Avenue being the last grade separation proposed. Ms. Walker stated that north of Hwy. 103 there is only one or two crossovers before the railroad grade separation, and they will be submitting a project to be evaluated to continue the frontage roads from Hwy. 103 to the railroad grade separation in the future. Ms. Walker stated that their intent is to proceed and close the two crossovers north of Hwy. 103 and provide frontage roads through there at some time in the future. Ms. Walker stated that a U-turn would be provided underneath the railroad embankment.

In response to question by Councilmember Gorden, Ms. Walker stated that by closing the two additional crossovers between Paul Avenue and Lufkin Avenue it will insure the safety and minimize the risk. Ms. Walker stated that the traffic has grown on the East Loop to where it has become increasingly more dangerous.

In response to question by Councilmember Gorden, Ms. Walker stated that what she and several other engineers at TxDOT would like to do once they cross the railroad grade separation is to go cross country and connect up to the existing Hwy. 59 at Redland. Ms. Walker stated that the intersection at the North Loop and 59 North is constrained by all the railroad overpass and underpass structures and in order to improve the condition with the cloverleaf ramp, there is a project under consideration to try and buy additional right-of-way and improve the cloverleaf. Ms. Walker stated that ultimately what TxDOT would like to do is to do a cut-across, which is about 10 years in the future.

In response to question by Councilmember Gorden, Ms. Walker stated that this particular category of funding is selected on a statewide priority and this project ranks high right now, but at this time they have to continue with developing their schematics and getting the right-of-way, and getting in line for the funding.

In response to question by Mayor Bronaugh, Ms. Walker stated that prior to the advent of I-69 TxDOT's intent was to ultimately make the East Loop a control of access facility either through adding frontage roads or through the process that is already started by putting in median barriers in the auxiliary lanes. Ms. Walker

stated that had the I-69 issue not come up, ultimately TxDOT would have gone in on the existing East bypass and made it look like the area between Chestnut and Tulane, bringing the main lanes together and squeezing in frontage roads.

Mr. Kegler stated that when he was on the Council there was a proposal to put an overpass at Paul Avenue, and he would like to know the status of that proposal. Ms. Walker stated that the way the projects are prioritized and worked through the cycle and get funded has changed, and they had not made enough progress at the point when Mr. Kegler was on the Council to get this project in.

Mayor Bronaugh closed Public Hearing.

4a. **VIDEO - WASTEWATER TREATMENT PLANT - FEAGIN DRIVE**

A video was presented to Council outlining the progress being made on the improvements and expansion at the Wastewater Treatment Plant, as well as a part of the street bond election on Feagin Drive. The video was narrated by Wayne Stolz of EGA.

In response to a question, Mr. Stolz stated that he anticipates completion of the improvements and expansion at the Wastewater Treatment Plant by July 15, and that Feagin Drive will be completed by the end of March, with the curbs being finished by May 6th.

5. **ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY TO NEIGHBORHOOD RETAIL - SOUTHWOOD DRIVE (SOUTHWEST OF THE INTERSECTION OF PERSHING AVENUE AND SOUTHWOOD DRIVE) - WILLIAM D. GRIGGS**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "RL" Residential Large Single Family to "NR" Neighborhood Retail, on approximately a .7919 acre tract of land located on Southwood Drive, just southwest of the intersection of Pershing Avenue and Southwood Drive.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance to change the zoning from "RL" Residential Large Single Family to "NR" Neighborhood Retail, on approximately .7919 acre tract of land located on Southwood Drive, just southwest of the intersection of Pershing Avenue and Southwood Drive be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. **COMPUTER CONSULTANT - APPROVED - ACCORD GROUP**

Mayor Bronaugh stated that the next item for consideration was authorization to hire a computer consultant.

City Manager Maclin stated that included in the Council packet is the staff recommendation and an actual copy of the proposal from the Accord Group to include the estimated fees and expenses. City Manager Maclin stated that also included was other information relating to qualifications. City Manager Maclin stated that staff checked references, conducted personal interviews and performed background investigations on the companies who submitted proposals and narrowed it down to two firms. City Manager Maclin stated that staff is recommending to Council that the City engage the services of the Accord Group from Dallas. City Manager Maclin stated that their fees and expenses range from \$7,800 to \$11,200.

City Manager Maclin stated that this is the first time that the City will have ever purchased a Computer Aided Dispatch System, and the first time the City has ever utilized mobile data terminals in the Police cars where the officers can run their

own license plate checks. City Manager Maclin stated that staff wanted to make sure that the equipment that is bought in terms of the computer hardware will meet the needs of the City in the future and will be able to integrate all aspects of the City's needs including not just public safety, police records and Municipal Court, but also the utility billing department and the Accounting Department.

Councilmember Bowman stated that, in his opinion, this would create a more secure communications system for the Police Department.

In response to question by Councilmember Weems, City Manager Maclin stated that funds were not specifically earmarked for consulting, but feels that staff can utilize funds that were budgeted both for the Police Department and the utility billing Department and still be able to stay in budget.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. authorizing the hiring of the Accord Group as a computer consultant to the City at an amount not to exceed \$11,200. A unanimous affirmative vote was recorded.

7. WEAPONS POLICY - REPEALED - EMPLOYEE'S PERSONNEL HANDBOOK

Mayor Bronaugh stated that the next item was consideration of the weapons policy for the Employee's Personnel handbook.

City Manager Maclin stated that staff recommendation is to rescind that portion of the employee handbook relating to the weapons policy that was approved by the City Council on January 2nd. City Manager Maclin stated that it is staffs opinion that if this policy is rescinded it will take away any doubts, considerations or concerns specifically relating to the policy and would allow time for the City's liability insurance carrier to further research the policy. City Manager Maclin stated that it would allow for some Court interpretation and perhaps a precedent to be established regarding this new State law on the concealed weapons act. City Manager Maclin stated that the City has a public safety issue, but there are rights and concerns on both sides of the issue - rights of the individual who goes to the trouble to get a concealed weapons license combined with the rights of the City to provide a safe work environment. City Manager Maclin stated that he had talked with the lead attorney for the Texas Municipal League Risk Pool and they feel that it is a little premature to guess what the Courts might do.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that the weapons policy for the Employee's Personnel handbook be repealed. A unanimous affirmative vote was recorded.

8. ORDINANCES - APPROVED - FIRST READING - AMENDMENTS TO THE ZONING ORDINANCE - FEE CHANGES - SUBDIVISION ORDINANCE - FILING FEES

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinances amending the Zoning Ordinance relating to fees for changes and amendments and amending the Subdivision Ordinance relating to filing fees.

City Manager Maclin stated that this item was discussed at a previous meeting in January, and this is the formal process of placing the increase of fees into an Ordinance format to replace existing Ordinances.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinances amending the Zoning Ordinance relating to fees for changes and amendments and amending the Subdivision Ordinance relating to filing fees be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. PRELIMINARY PLAT - APPROVED - CROWN COLONY SUBDIVISION - SECTION VIII-A - CROWN COLONY DRIVE - CHAMPIONS DRIVE - SABINE INVESTMENT COMPANY - GOODWIN-LASITER, INC.

Mayor Bronaugh stated that the next item for consideration was the request of Goodwin-Lasiter, Inc. on behalf of Sabine Investment Company of Texas for approval of the preliminary plat of Crown Colony Subdivision Section VIII-A located at the southeast corner of Crown Colony Drive and Champions Drive.

City Manager Maclin stated that included in the Council packet is a memorandum from the Planning Department and a recommendation from the Planning & Zoning Commission by unanimous vote that the proposed Preliminary Plat be approved as submitted. City Manager Maclin stated that also included is a copy of the plat, a letter from Sabine Investments and a proposed annexation schedule.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that request of Goodwin-Lasiter, Inc. on behalf of Sabine Investment Company of Texas for approval of the preliminary plat of Crown Colony Subdivision Section VIII-A located at the southeast corner of Crown Colony Drive and Champions Drive be approved as presented. A unanimous affirmative vote was recorded.

10. PAYMENT OF MATCHING FUNDS - TABLED - PURCHASE OF ADDITIONAL RIGHT-OF-WAY - TxDOT - U S 69 AND LOOP 287

Mayor Bronaugh stated that the next item for consideration was payment of matching funds to TxDOT to purchase additional right-of-way for overpass at U S 69 and Loop 287.

City Manager Maclin stated that included in the Council packet is a letter from James Blackburn, the right-of-way administrator for District 11 of the Texas Department of Transportation, indicating that the City is being requested to provide additional monies for a 10% share of the purchase cost for right-of-way estimated at \$45,000. City Manager Maclin stated that in previous budgets over the last two years the City has paid in \$48,934 towards this project.

City Manager Maclin stated that Cheryl Flood and Tina Walker, TxDOT Engineers, were present to address any questions or comments by Council.

City Manager Maclin stated that it is his understanding that this request has to do with additional right-of-way based on the design for that area. City Manager Maclin stated that some of the purchases that the City has participated in were on a more southerly end of the project back towards Hwy. 103 and Cherry's Grocery on Raguet. City Manager Maclin stated that staff was not aware that this request would be coming to the City back in the summer when the budget was prepared, so staff will also be seeking authorization to utilize contingency funds to make this \$45,000 contribution as the City's share of the match. City Manager Maclin stated that currently the General Fund has a contingency balance of \$117,583.

Ms. Walker stated that the funds put forth by the City previously were advance purchase and was a protective buy situation when TxDOT obtained Joe Kwiatkowski's property (Lufkin Fasteners). Ms. Walker stated that TxDOT has been leasing the property back to Mr. Kwiatkowski so he can continue operation. Ms. Walker stated that Mr. Kwiatkowski's lease will be up in August. Ms. Walker stated that TxDOT has owned the land for two years with the advance purchase money they were able to obtain to be able to protect that corridor from further development and keep property areas and further expansion from coming in. Ms. Walker stated that the right-of-way maps have recently been completed and this is for the other parcels on the north and east side of the area and up U S 69 on either side north of the West Loop.

Councilmember Boyd stated that by purchasing the property from Lufkin Fasteners and leasing it back to them, TxDOT had made money off of the City's money. Ms. Walker stated that TxDOT had prevented the property owner from further development. Ms. Walker stated that there is a small amount of money involved and she would be glad to check into this and bring the information back to Council.

In response to question by Councilmember Weems, Ms. Walker stated that this project has been funded by the State and is scheduled for letting in the summer of 1997. Ms. Walker stated that this project has been accelerated on the schedule.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that payment of matching funds to TxDOT to purchase additional right-of-way for overpass at U S 69 and Loop 287 be tabled until the next meeting on March 5. A unanimous affirmative vote was recorded.

11. CONTRACT - APPROVED - AERIAL MAPPING SERVICES - UNITED AERIAL MAPPING, INC.

Mayor Bronaugh stated that the next item for consideration was a Contract for provision of aerial mapping services for the City of Lufkin.

City Manager Maclin stated that included in the Council packet is a letter from Kenneth Vann of the Engineering Department giving an executive summary of what the needs and what the projection is in terms of cost. Also, included is a proposed contract from United Aerial Mapping, Inc. City Manager Maclin stated that the maps the City is using now are approximately 20 years old. City Manager Maclin stated that what staff is seeking from Council tonight is consideration to approve a contract included in the packet. City Manager Maclin stated that \$13,555 is already allocated in this year's budget through a Decision Package approved by Council last summer.

Kenneth Vann stated that interest was first expressed in the aerial mapping when the staff began talking about the drainage studies. Mr. Vann stated that funds have been set aside for the next three years to provide updating on the existing mapping for the City. Mr. Vann stated that the City's present mapping program is out of date for the City's needs today. Mr. Vann stated that after it was determined that some of the same work would be duplicated through the drainage study, staff felt it would be advantageous to proceed with the funds allocated in the next three years budget and put it with the drainage study and do some of the mapping. Mr. Vann stated that some of the things that will be duplicated will be some of the control work in the field, the aerial photography, and some of the mapping itself that will be sent to FEMA. Mr. Vann passed around a copy of an aerial map of the City of Lufkin for Councilmembers to view.

Mr. Vann stated that the mapping program, if it is approved, can be utilized by most City Departments (Community Development, Planning & Zoning, Engineering, Water & Sewer, the FEMA flood maps, permitting departments and the Solid Waste Department). Mr. Vann stated that the topographic maps that will be produced in this aerial mapping will be utilized in the flood studies.

In response to question by Councilmember Weems as to Temple making area maps of Angelina County, City Manager Maclin stated that he was not aware of their maps, and if they were made, they were not made available to the City.

Scott Fair, draftsman in the Engineering Department, gave a demonstration of the computerized aerial mapping system.

Mr. Vann stated that this system will be able to locate houses that are actually in the flood plain.

David Dallas, representing United Aerial Mapping, stated that there will a 2'

contour interval, which will be twice as accurate as FEMA requires. Mr. Dallas stated that his proposal is being presented in phases with Phase I consisting of aerial photography of the City of Lufkin and the ETJ for a cost of \$13,555. Phase II will consist of aerial triangulation, digital planimetric mapping, digital topographic mapping and digital orthophoto of the Cedar Creek watershed for a cost of \$53,655. Mr. Dallas stated that his firm would not go into Phase III, IV and V until the City issues a letter to proceed. Phase III will be the Hurricane Creek watershed, Phase IV will be the remainder of the City limits of the City, and Phase V will be the City's ETJ. Mr. Dallas stated that tonight staff is asking for approval of Phases I and II because in three weeks the leaves will come out on the trees making it more difficult to photograph. Mr. Dallas explained the standards for mapping accuracy as shown on page 3 of his proposal.

In response to question by Mayor Bronaugh, Mr. Dallas stated that the type of program his firm will put together for the City will last for 5 to 10 years depending upon the growth of the City.

In response to question by Councilmember Gorden, Mr. Vann stated that for the next three years there is a commitment from the Council for budgeting of \$21,000 to update the existing map system.

Councilmember Gorden stated that, in his opinion, staff and Council need to move forward on this and spend some time and money on some areas that have needed attention for some time.

City Manager Maclin stated that staff is optimistic that the Texas Water Development Board funds that the City will be applying for for the drainage system will be able to assist in some of these costs. City Manager Maclin stated that Keith Wright has received a copy of the grant application. The Texas Water Development Board will start accepting applications after April and will make a determination by July.

Mayor Bronaugh commended Kenneth Vann and Scott Fair on an excellent presentation.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Contract with United Aerial Mapping, Inc. in the amount of \$13,555 for Phase I and \$53,655 for Phase II (to be paid on October 15, 1996) of the mapping for the City of Lufkin be approved as presented. The following vote was recorded:

Aye: Councilmembers Boyd, Gorden, Bowman, and Mayor Bronaugh
Nay: Councilmember Weems

Motion carried with four affirmative votes.

12. COMMENTS

Councilmember Weems stated that the Investment Committee had met last week and had received a good report from Dick Long, the City's investment counselor. Councilmember Weems stated that the report had been included in the Council packet.

Councilmember Gorden stated that the Committee is well pleased with the quarterly review of the investments and feels that it is progressing well.

City Manager Maclin stated that since the City's Investment Policy does require a quarterly review, he would like to point out that starting with page 2 of the FYI section of the packet there is a presentation of the Portfolio Review for the fourth quarter of 1995. City Manager Maclin stated that the review is in compliance with the City of Lufkin's Investment Policy as well as the Public Funds Investment Act

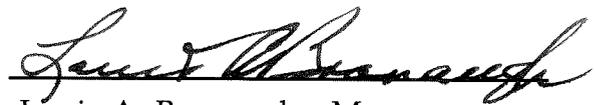
as passed by the State legislature. City Manager Maclin stated that the report plus a signature page had been included in the Portfolio Review.

Mayor Bronaugh stated that on February 22 DETCOG will be meeting in Crockett with Dennis Webster presenting a program on Solid Waste/Recycling.

Mayor Bronaugh stated that Senator Gramm will be in Diboll Friday afternoon at 5:30 p.m. to meet with the Temple Inland Corporation at the Fiber Board Plant and will make some announcements regarding the I-69 project that will have a great impact on this area, and Temple Inland as well.

In response to a question by Mayor Bronaugh, Asst. City Manager Wesch stated that loading zones can be used by anyone loading or unloading for a period of 30 minutes. Mr. Wesch stated that the City has had a lot of requests for loading zones, but have diligently tried to limit them to where they would best fit the majority of people in the downtown area who have the need for a loading/unloading zone. Mr. Wesch stated that the City has been very "stingy" with these zones because they eliminate a parking space that someone could use for a three-hour period. Mr. Wesch stated that he is of the opinion that there are only three or four loading zones in the downtown area. Mr. Wesch stated that the Public Works Department will continue their policy because of the problem with eliminating parking spaces for potential customers for the downtown area.

13. There being no further business for consideration, meeting adjourned at 6:25 p.m.


Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes - City Secretary