MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 19TH DAY OF OCTOBER, 1999 AT 5:00 P. M.

On the 19 day of October, 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:

Louis A. Bronaugh	Mayor
Bob Bowman	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward 1
Don Boyd	Councilmember, Ward 2
Lynn Torres	Councilmember, Ward 3
Jack Gorden, Jr.	Councilmember, Ward 5
Dennis Robertson	Councilmember, Ward 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager
Atha Stokes Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works
Stephen Abraham	Director of Planning

Being present when the following business was transacted.

1. Meeting was opened with prayer by Chaplain Sonny Scarborough.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of the regular meeting of October 5, 1999 were approved on a motion by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson. A unanimous affirmative vote was recorded.

4. ORDINANCE – APPROVED – SECOND READING – ZONE CHANGE – RESIDENTIAL LARGE TO COMMERCIAL – RICE R. TURNER SURVEY – TRACTS 1 AND 11 – LOOP 287 BETWEEN SOUTH CHESTNUT STREET AND PONDEROSA DRIVE – SYBIL DRIVE

Mayor Bronaugh stated that the next item for consideration was an Ordinance to change the zoning from Residential Large to Commercial on approximately 8.7 acres of land described as a part of Tracts 1 and 11 of the Rice R. Turner Survey (Abstract No. 718) and located south of Loop 287 between South Chestnut Street and Ponderosa Drive and approximately 400 feet east of Sybil Drive as requested by Alan Wade.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Lynn Torres that Ordinance to change the zoning from "Residential Large" to "Commercial" on approximately 7.34 acres (which includes a 50' buffer and has been reduced from the original request of 8.7 acres) of land described as a part of Tracts 1 and 11 of the Rice R. Turner Survey (Abstract No. 718) and located south of Loop 287 between South Chestnut Street and Ponderosa Drive approximately 400 feet east of Sybil Drive as requested by Alan Wade be approved as presented. The following vote was recorded:

Aye: Councilmembers Boyd, Torres, Gorden, and Mayor Bronaugh
Nay: Councilmembers Bowman, Robertson and Kuykendall

Motion carried with four affirmative votes.

5. **ORDINANCE – APPROVED – SECOND READING - ZONE CHANGE – RESIDENTIAL MEDIUM TO RESTRICTIVE PROFESSIONAL OFFICE – TRACTS 81 AND 82 – J. L. QUINALTY SURVEY (ABSTRACT NO. 40) – SOUTH CHESTNUT STREET AND YORK DRIVE – JAN & B. J. VIET**

Mayor Bronaugh stated that the next item for consideration was the request of Jan and B. J. Viet to change the zoning from "Residential Medium" to "Restrictive Professional Office" on approximately 2.54 acres of land described as Tracts 81 and 82 out of the J. L. Quinalty Survey (Abstract No. 40) and being located at the northwest corner of the intersection of South Chestnut Street and York Drive.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Ordinance to change the zoning from "Residential Medium" to "Restrictive Professional Office" on approximately 2.54 acres of land described as Tracts 81 and 82 of the J. L. Quinalty Survey (Abstract No. 40) and being located at the northwest corner of the intersection of South Chestnut Street and York Drive as requested by Jan and B. J. Viet be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. **ORDINANCE – APPROVED – SECOND READING – SPECIAL USE PERMIT – TELECOMMUNICATIONS TOWER – RESIDENTIAL LARGE ZONING DISTRICT – MOTT STREET - TRACT 133 – J. A. BONTON SURVEY – ABSTRACT NO. 5 – TRACT 191 – J. A. LONGORIA SURVEY (ABSTRACT NO. 24) – U. S. UNWIRED**

Mayor Bronaugh stated that the next item for consideration was an Ordinance for approval of a Special Use Permit for a Telecommunications Tower within a "Residential Large" Zoning District on a 0.230 acre parcel of land located on Mott Street and being a portion of Tract 133 out of the J. A. Bonton Survey (Abstract No. 5) and a portion of Tract 191 out of the J. A. Longoria Survey (Abstract No. 24) as requested by U. S. Unwired.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance for a Special Use Permit for a Telecommunications Tower within a "Residential Large" Zoning District on a 0.230 acre parcel of land located on Mott Street and being a portion of Tract 133 out of the J. A. Bonton Survey (Abstract No. 5) and a portion of Tract 191 out of the J. A. Longoria Survey (Abstract No. 24) as requested by U. S. Unwired be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. **ORDINANCE – APPROVED – SECOND READING – SPECIAL USE PERMIT – TELECOMMUNICATIONS TOWER – CENTRAL BUSINESS ZONING DISTRICT – TRACT 63-3 – J. L. QUINALTY SURVEY (NO. 40) – EAST FRANK STREET – EAST LUFKIN AVENUE – SOUTH FOURTH STREET – U. S. UNWIRED**

Mayor Bronaugh stated that the next item for consideration was an Ordinance for approval of a Special Use Permit for a Telecommunications Tower within a "Central Business" Zoning District on a 0.112 acre portion of Tract 63-3 out of the J. L. Quinalty Survey (Abstract No. 40) and being located between East Frank Street and East Lufkin Avenue approximately 300 feet east of South Fourth Street as requested by U. S. Unwired.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance for a Special Use Permit for a Telecommunications Tower within a "Central Business" Zoning District on a 0.112 acre portion of Tract 63-3 out of the J. L. Quinalty Survey (Abstract No. 40) and being located between East Frank Street and East Lufkin Avenue approximately 300 feet east of South Fourth Street as requested by U. S. Unwired be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT - TELECOMMUNICATIONS TOWER - COMMERICAL ZONING DISTRICT - TRACT 145 - J. A. LONGORIA SURVEY (ABSTRACT NO. 24) - HOLIDAY INN - SOUTH FIRST STREET

Mayor Bronaugh stated that the next item for consideration was an Ordinance for approval of a Special Use Permit for a Telecommunications Tower within a "Commercial" Zoning District on a 0.113 acre portion of Tract 145 out of the J. A. Longoria Survey (Abstract No. 24) and being located behind the Holiday Inn at 4306 South First Street as requested by U. S. Unwired.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance for a Special Use Permit for a Telecommunications Tower within a "Commercial" Zoning District on a 0.113 acre portion of Tract 145 out of the J. A. Longoria Survey (Abstract No. 24) and being located behind the Holiday Inn at 4305 South First Street as requested by U. S. Unwired be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

9. REVIEW OF CITY STREET RECONSTRUCTION PROJECT

Mayor Bronaugh stated that the next item for consideration was a review of the City Street Construction Project.

City Manager Maclin stated that the purpose of this item is to gain Council input relating to the $4 million street reconstruction project that was approved in the 1999-2000 year budget, and will be a multi-year project. Mr. Maclin stated that staff was seeking Council's review of the streets within the Councilmember's Wards. A list was provided to Councilmember's prior to the last Council meeting and several Councilmembers have added some street names and those have been added to the list. Mr. Maclin stated that if, after review of the list of streets, Councilmembers had any additional streets to add to the list they would be included in the request for engineer's estimates and once staff has the engineer's estimates they will come back to Council with a total cost and at that time Council will then prioritize the streets within each Ward so that the $4 million is not exceeded.

Mr. Maclin stated that Mr. Robertson added some streets to the list from his Ward, and Mr. Kuykendall and Mr. Bowman added several streets. Mr. Maclin stated that Councilmembers would be provided with an updated list to include the streets that have been added, which will also include the cost estimates and a brief description of the work to be done.

In response to question by Mr. Robertson, Mr. Maclin stated that once staff comes back to Council with the pricing of the estimates of the costs, they will ask Council to prioritize their respective Wards initially but ultimately there will have to be a consensus of opinion of all the Council for the final list that actually will be the streets to be completed.

In response to question by Mr. Bowman, Mr. Maclin stated that staff will provide a recommendation of the streets to be completed, but the ultimate final approval will come from Council. Mr. Maclin stated that he would like to reiterate that what will be taken into account are those streets that have water lines underneath them that will be replaced under the A/C line replacement program. Mr. Maclin stated that the water line replacements will be done before the street work will be done.

In response to question by Mr. Robertson, Mr. Wright stated that water line repair and replacement other than the A/C line replacement will also be taken into consideration before the streets are repaired. Mr. Wright stated that he is in the process at this time of making an assessment of the streets that will need water line replacement.

In response to question by Mayor Bronaugh, Mr. Wright stated that staff is looking at several areas where storm sewers would be extended, and also will give Council options on curb and gutter on some of the streets.

In response to question by Mayor Bronaugh, Mr. Wright stated that it will be eight to ten weeks before the streets are presented for final review.

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Bob Bowman that staff be authorized to seek engineer's estimates on the streets included in the City's Street Reconstruction Program. A unanimous affirmative vote was recorded.

10. **ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE AND COMMERCIAL TO COMMERCIAL - A. VARILLA SURVEY (ABSTRACT No. 49) - 2120 NORTH RAQUET STREET**

Mayor Bronaugh stated that the next item for consideration was the request of Vannoy & Associates, Inc. on behalf of Kevin Henry to change the zoning from "Residential Large and Commercial" to a "Commercial" Zoning District on approximately 2.176 acres of land described as Tracts 624 through 628 out of the A. Varilla Survey (Abstract No. 49) and more commonly known as 2120 North Raguet Street.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation for this request. Mr. Maclin stated that this could be considered a "housekeeping" issue in that this site has been used as a trucking terminal for many years, and the applicant is requesting that the entire tract be appropriately zoned. Mr. Maclin stated that the request comes to Council with a unanimous vote of approval by the Planning & Zoning Commission.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that Ordinance to change the zoning from "Residential Large and Commercial" to a "Commercial" Zoning District on approximately 2.176 acres of land described as Tracts 624 through 628 out of the A. Varilla Survey (Abstract No. 49) and more commonly known as 2120 North Raguet Street be approved on First Reading as presented. A unanimous affirmative vote was recorded.

11. **ORDINANCE - APPROVED - FIRST READING - AMENDMENT - SOLID WASTE RATES**

Mayor Bronaugh stated that the next item for consideration was an Ordinance amending the Solid Waste rates.

City Manger Maclin stated that he wanted to clarify that this request is not a change in rates so much as it is in structure. Mr. Maclin stated that the purpose of the change is to improve and enhance efficiencies of operation of the Solid Waste Department as well as provide methodology for billing in an automated fashion through the City's new billing software. Mr. Maclin stated that included in the Council packet is a memo of explanation from Assistant City Manager James Hager, and a copy of the proposed Ordinance.

James Hager, Assistant City Manager, stated that he would like to explain what the City does currently with it's commercial sanitation rates. Mr. Hager stated that the rate changes and redesign have to do strictly and only with the City's commercial rates. Mr. Hager stated that the City has primarily four types of commercial rates that actually are effected, and approximately 1,700 commercial customers. Mr. Hager stated that the first commercial customer is a container customer, which is the two yard, three yard, four year, six yard, or eight yard container boxes that are presently located at various commercial sites. Mr. Hager stated that the second commercial group is the roll-off container group and this Ordinance merely reflects what Council adopted during September. Mr. Hager stated that there are no changes to the roll-off rate with the exception that staff would try to encourage a regular route pickup for that service. Mr. Hager stated that the third rate has to do with the commercial customers who have 90 gallon plastic containers as their container, and these are very much like the residential 65 gallon containers, and the 90 is obviously just larger. Mr. Hager stated that the City has approximately 900 customers that fall into that category. Mr. Hager stated that the fourth category is the recycling customer, which has a very economical rate and it encourages recycling, and can save money for the commercial customer if he wants to sort out the recyclable materials.

Mr. Hager stated that the City has regular routes for the commercial customers but there are also a majority of customers who call in today for next day pickup. Mr. Hager stated that the pickup for the containers is from one time a week to six times per week and they are billed on a monthly basis. Mr. Hager stated that with the container customers staff looks at the frequency of pickup, the size of the container, and for those customers who call in staff plans a route for the next day for the commercial drivers to follow so that garbage is picked up. Mr. Hager stated that what staff is trying to do with this change is not change the rate for these people, but change the method in which the City picks up the garbage and does their business. Mr. Hager stated that staff wants to persuade these people to get on a regular route so that the City can eliminate several items to gain some efficiencies. Mr. Hager stated that one is that the drivers currently carry a log with them and at the end of their route each day they fill out the log which means they are not driving their truck and picking up garbage, they are doing paperwork. Mr. Hager stated that with the City's new system and an alteration in the way the City bills, this can be eliminated, which means that the driver and truck will be more productive.

Mr. Hager stated that, secondly, at the end of the month, the secretary has to take that information from the log and input it into the current utility billing system and then it gets billed. Mr. Hager stated that this means that with the elimination of this process it will free up approximately 30% of her time to do other more productive things. Mr. Hager stated that it literally takes the "hands on" responsibilities out of that process.

Mr. Hager stated that a third benefit is that if he is a driver and has a real good memory he probably won't make too many mistakes, but in all likelihood, being human, he will miss some. Mr. Hager stated that if there is a rate for the various sizes and times of pickup for these regular routes, it takes the human error out of it and it becomes an automatic billing process, and the customer has the opportunity to select the size container and the number of pickups per week that he is required. Mr. Hager stated that will be an efficiency to the whole department and will certainly be a benefit to the customer and a benefit to the operations of the sanitation department.

Mr. Hager stated that (A) 2 of the proposed Ordinance shows the single open top container rates, and it is presented as sort of a rate matrix. Mr. Hager stated that this varies from weekly. Mr. Hager stated that the City will provide a one time per week for two yard, four yard, six yard and eight yard, then beyond that there would be a once per week pickup and each of the numbers represents a rate that staff would input into our system and that customer would be automatically billed and eliminate the need for hands-on by the driver or by the secretary. Mr. Hager stated that the next page 2 (b) is for multiple open top containers. Mr. Hager stated that there are no customers that have only once per month pick up with multiple containers, consequently that is not a rate or a service the City would offer. Mr. Hager stated that staff would try to size their need with one container once a month or multiple times per month pickup. Mr. Hager stated that these rates are slightly lower because it eliminates part of the run time and saves work on the City's drivers in the variable cost of fuel for truck operation.

Mr. Hager stated that a customer can ask for an additional pickup as long as that driver is on his regular route at his location. Mr. Hager stated that a commercial customer requiring garbage pickup other than his/her regularly scheduled route pickup may call the Solid Waste Department for an unscheduled pickup. The charge for this service is a $50 transportation charge plus $5.94 per cubic yard. Mr. Hager stated that call in service is a premium service, and most cities do not provide this service. Mr. Hager stated that an alternative can be provided that is cheaper to the customer, and hopefully that would be a benefit to him and certainly would be to the City.

Mr. Hager stated that the roll-off container service is the big 40 yard containers that are rolled off and dropped at various commercial sites. Mr. Hager stated that the rates for this service have not changed.

Mr. Hager stated that the commercial can service is the service utilizing the 90 gallon can service and is picked up much like the residential service. Mr. Hager stated that the difference is that a customer can have one, two, three, four, five or six of these 90 gallon containers. The City currently picks these up for $23.75 per month, one time a week. Mr. Hager stated that the City is providing more service to the customers in this category than we are receiving in payment. Mr. Hager stated that staff has attempted to adjust these rates in order to more effectively recognize, and allow the customer to recognize and pay for the service he is actually getting. Mr. Hager stated that staff proposes for the container customers, the commercial can customers, that the monthly charge be as the schedule reflects. For one container staff is recommending $20, for two containers $25, for three containers $38, for four containers $50, for five containers $66 and for six containers $73. Mr. Hager stated that this rate is based on some operating costs for picking these up as well as the amount of cubic yardage that would be contained in the containers. Mr. Hager stated that they are cost based to the greatest extent that can be made at this time with the data available.

Mr. Hager stated that the 3, 4, 5 and 6 containers category will be more expensive than the customer has been paying, but he would re-emphasize that they are underpaying for the service that is provided. Mr. Hager stated that staff is trying to recognize and correct that with this approach.

Mr. Hager stated that obviously there are some customers whose locations are not conducive to placing a large container and having a large front load truck come in and dump the container in a normal fashion. Mr. Hager stated for those customers staff is trying to price our service based upon cost and for those customers who could not swap and start using a container, then staff would recommend the charge of $42 for four containers, $54 for five containers and $65 for six containers. Mr. Hager stated that this is less expensive than what the monthly charge is in 4 (A). Mr. Hager stated that staff would like to encourage those people that have the can service transition to the container service where it will be a little cheaper, and more efficient for our routes and route drivers.

Mr. Hager stated that next is the commercial recycling service. Mr. Hager stated that currently the City provides four and eight yard containers. Mr. Hager stated what that staff is proposing is basically the same rate that we have but staff is putting it in a form where it is entered into the system and it is made an automatic billing rather than a hand billed process. Mr. Hager stated that the City has one time per month service, two times per month service and one through five times per week service. Mr. Hager stated staff believes that these customers can be put on this schedule and some of the commercial can customers can be persuaded to utilize recycling as a means of reducing their garbage rate while doing a good thing through recycling. Mr. Hager stated that staff's attempt will be to try during the next several weeks to meet with several customers and explain what we are attempting to do to gain the efficiencies and try to keep rates down as much as possible.

Mr. Maclin stated that another thing that would be appropriate for staff to do, particularly the Recycling Coordinator Paula Metzinger, is to take advantage of this opportunity when we make this change to go to some of those customers who do different frequencies and may have an increase or higher cost consideration and try to encourage them to participate in the City's recycling program.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Dennis Robertson that Ordinance to amend the Solid Waste rates be approved on First Reading as presented. A unanimous affirmative vote was recorded.

12. ORDINANCE - APPROVED - FIRST READING - AMENDMENT - WATER CONNECTION FEES

Mayor Bronaugh stated that the next item for consideration was Ordinance amending the Water Connection fees.

City Manager Maclin stated that included in the Council packet is a memo from the Assistant City Manager along with a survey of what other cities charge for similar service, both during regular hours and after hours for reconnect. Mr. Maclin stated that several years ago the Council passed an Ordinance for a rate structure for reconnect that was an excelerating fee based on multiple frequency of being cut off. Mr. Maclin stated that the fee started at $10 then went to $20, $30 and by the 10th time a customer was reconnected the fee was up to $100. Mr. Maclin stated that it is very difficult to maintain the records in terms of the new computer automation, and is very time consuming. Mr. Maclin stated that staff is recommending that the City goes to a $30 fee for reconnection with a $20 additional fee for after hours. Mr. Maclin stated that staff feels that this will serve the citizens better and it would serve the billing software we now have in a more efficient manner.

Councilmember Boyd stated that he is concerned about the customers on a fixed income. Mr. Boyd stated that $30 might be more than a senior citizen could pay and they would have to let some other bill go to pay the $30 to have their water turned back on. Mr. Kuykendall asked if there could be a special consideration for the people on a fixed income. Mr. Maclin stated that staff would have to seek legal counsel regarding this. Mr. Maclin stated that it would be easier to do a "65 and over" classification like we do on the homestead exemption for senior citizens for taxes. Mr. Bowman stated that he would like to see this taken under consideration.

Mr. Hager stated that that raises a lot of questions when you start giving breaks through utilities, one is how you determine a customers age and how do you confirm the age. Mr. Hager stated that secondly, is it the user of the water or the owner of the house. Mr. Hager stated that there are a lot of problems in trying to fit a rate to a social issue, in that staff would be for that but it would be very difficult to administer. Mr. Hager stated that staff would have to set down some guidelines as to what the Council's intention is. Mr. Hager stated that he understood that Council would like to make an exception for "fixed income, over 65", but there are a lot of wealthy over 65 people and Council would have to decide if they are to be included.

In response to question by Mr. Bowman, Mr. Maclin stated that staff can do some research and come back to Council with some alternatives for customers over 65 on Second Reading of the Ordinance.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance to amend the Water Connection fees be approved on First Reading, with the understanding that staff will present some alternatives for customers over 65 for Second Reading. A unanimous affirmative vote was recorded.

13. RESOLUTION - APPROVED - DELINQUENT TAX PENALTY

Mayor Bronaugh stated that the next item for consideration was a Resolution authorizing an additional penalty on delinquent taxes under Section 33.08 of the Tax Code.

City Manager Maclin stated that included in the Council packet is a letter of request for consideration from Bill Shanklin, Tax Assessor/Collector for Angelina County, and a letter from Duane Force, partner for the firm of Linebarger Heard Goggan Blair Graham Pena & Sampson. Mr. Maclin stated that they are referencing State House Bill 3549 which was approved in recent Legislature that allows for some changes.

Mr. Shanklin stated that basically this is a "housekeeping" situation. Mr. Shanklin stated that the County normally sends the original tax statement on September 30th for an October 1st receipt. Mr. Shanklin stated that a courtesy second notice is sent in February for those who have not paid. Mr. Shanklin stated that in May he is required by law to send "the May notice" that is required more than 30 days and no more than 60 days prior to July 1 when a 15% attorney collection fee is automatically added to every delinquent tax account. Mr. Shanklin stated that the law specifically states that the May notice must be sent to every delinquent tax payer, and the problem is that if you are over 65 and take advantage of a new law that came into being three or four years ago where you can opt to pay your homestead property taxes in four equal installments. Mr. Shanklin stated that those installments have to be made by January 31, before April 1, before June 1 and before August 1. Mr. Shanklin stated that on July 1st the automatic 15% penalty goes into effect and those people who have opted to pay their taxes like that are not delinquent so they do not get a May notice. Mr. Shanklin stated that the reason this is a "housekeeping" item, is that it is possible that the over 65 person may not make their fourth installment and to make this legal he needs to be able to add that 15%. Mr. Shanklin stated that he has to have every jurisdictions approval by Resolution in order to do that.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Lynn Torres that Resolution authorizing an additional penalty on delinquent taxes under Section 33.08 of the Tax Code be approved as presented. A unanimous affirmative vote was recorded.

14. **RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION**

Mayor Bronaugh stated that the next item for consideration was all matters incident and related to approving and authorizing publication of notice of intention to issue Certificates of Obligation, including the adoption of a Resolution pertaining thereto.

City Manager Maclin stated that included in the Council packet is a memorandum that explains this item. Mr. Maclin stated that this is the first step in the process of issuing debt relating to the Capital Improvements Plan approved by the Council in the recent budget. Mr. Maclin stated that those items include the new Public Works facility, the Police Department communications system, fire pumper and ambulances, construction of Hurricane Creek Detention Pond, asbestos/cement water line replacement projects, etc. Mr. Maclin stated that the first issue would be approximately $2.7 million. Mr. Maclin stated that staff is seeking Council's approval of this Resolution prepared by the City's bond counsel attorney to begin the process of issuing the debt and implementation of the Capital Improvement Program.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Resolution approving and authorizing publication of notice of intention to issue Certificates of Obligation and all matters incident and related to be approved as presented. A unanimous affirmative vote was recorded.

15. **CONTRACT - APPROVED - U. S. UNWIRED**

Mayor Bronaugh stated that the next item for consideration was approval of a contract with U. S. Unwired for telecommunications towers within the City of Lufkin.

City Manager Maclin stated that included in the Council packet is a document that the City Attorney has worked on with the attorneys of the Meretel Limited Partnership. Mr. Maclin stated that at last meeting Council approved First Reading of a Special Use Permit for telecommunications towers to be located on City property that is adjacent to the 14 acre site of the proposed Public Works facility, located off of Mott Lane and northwest of Grace Dunn Richardson Park.

Mr. Maclin stated that the City Attorney has done an excellent job of negotiating on behalf of the City to provide us with the best benefits possible from this lease.

Mr. Flournoy stated that the consideration is based on $1,000 a month to be adjusted annually according to the CPI. Mr. Flournoy stated that in addition the City reserves for itself the right and license to place some of the City's communication equipment on the tower, which will have to be done in conjunction with what U. S. Unwired is doing. Mr. Flournoy stated that this is a 10 year lease with two 10 year options, so it could conceivably go for 30 years. Mr. Flournoy stated that because of the time involved Council could understand the concern with not placing the tower on park property.

In response to question by Councilmember Gorden, Mr. Flournoy stated that basically the City has immunity from most of the things that would happen, and then we have limited liability in the Texas Torts Claims Act that would limit the liability to where this should be more than adequate insurance coverage.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that contract with U. S. Unwired for telecommunications towers within the City of Lufkin be approved as presented. A unanimous affirmative vote was recorded.

16. **AGREEMENT RENEWAL - APPROVED - CITY OF HUDSON - ANIMAL SERVICES**

Mayor Bronaugh stated that the next item for consideration was the renewal of an agreement with the City of Hudson for animal services.

City Manager Maclin stated that included in the Council packet is a copy of a renewal agreement with the fees that Council recently approved for services that have been provided to the City of Hudson in recent years. Mr. Maclin stated that staff is seeking Council's authorization for renewal of this agreement with the City of Hudson.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that agreement renewal with the City of Hudson for animal services be approved as presented. A unanimous affirmative vote was recorded.

17. **REQUEST - APPROVED - FIREWORKS DISPLAY - ABE MARTIN STADIUM - BAND BOOSTER'S CLUB**

Mayor Bronaugh stated that the next item for consideration was a request of the Band Booster's Club for fireworks display at Abe Martin Stadium.

City Manager Maclin stated that included in the Council packet is a letter of request from Ron Hufford who serves as chairman of the Honor America night for the Band Boosters. Mr. Maclin stated that also included in the packet is a copy of their insurance certificate. Mr. Maclin stated that they are seeking Council's authorization to conduct their fireworks display as part of their Honor America night at Abe Martin Stadium.

Mr. Robertson asked if this was an annual event and could Council approve this for multiple years. Mr. Flournoy stated that as long as the City knows about the event and has the right to say "no" it can be done automatically. Mr. Maclin stated that the school will have to be in touch with the Fire Marshal's office to confirm they are in State compliance.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that request of the Band Booster's Club for a fireworks display at the Abe Martin Stadium be approved for all future events with the proviso that the School contact the City Administration and the Fire Marshal's office prior to the event on a yearly basis. A unanimous affirmative vote was recorded.

18. **BID - APPROVED - WATER LINE REPLACEMENT - THIRD STREET - OSCAR CRAWFORD CONSTRUCTION COMPANY**

Mayor Bronaugh stated that the next item for consideration was award of bid for water line replacement on Third Street.

City Manager Maclin stated that included in the Council packet is the bid tabulation for this project and the staff recommendation is to award the low bid of Oscar Crawford Construction in the amount of $89,007.50.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that bid of Oscar Crawford Construction Company in the amount of $89,007.50 be approved as submitted. A unanimous affirmative vote was recorded.

19. **ENGINEER SELECTION - APPROVED - ASBESTOS CEMENT PIPE REPLACEMENT**

Mayor Bronaugh stated that the next item for consideration was the selection of an engineer for the asbestos cement pipe replacement.

City Manager Maclin stated that in accordance with the Texas Water Development Board procedures that staff advertise and conduct interviews for prospective engineering consultants to begin the asbestos/cement water line replacement project, there is a memorandum in the Council packet from the City Engineer along with the tabulation from the interview process from the seven firms who submitted qualifications. Mr. Maclin stated that staff has selected four firms based on the scoring.

Councilmember Bowman recused himself since his company does business with two of the firms.

In response to question by Mayor Bronaugh, Mr. Maclin stated that BarWin Consultants has an additional benefit from the standpoint of Texas Water Development Board's rules and procedures in that they qualify as a minority contractor and that is an issue of request/compliance with TWDB that a percentage of the contracts involved designate minority business enterprise contractors, and BarWinn qualifies.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that the selection of engineering firms of Goodwin-Lasiter, Schaumburg & Polk, BarWin Consultants, and Everitt Griffith & Associates for the asbestos/cement water line replacement project be approved as presented.

Motion carried with six affirmative votes.

20. **SALE OF PROPERTY - FRANK AND LUFKIN AVENUE**

Mayor Bronaugh stated that the next item for consideration was the sale of property located at the intersection of Frank and Lufkin Avenue.

City Manager Maclin stated that included in the Council packet is a letter of appraisal based on a recent appraisal that the City paid Jake Lyons for on the property where Eckerd's is located at Frank and Bynum. This property was appraised at $3 per foot. Mr. Maclin stated that the City Attorney has been working as a result of a request for the City to sell a small portion of the 2.4 acres of property at Lufkin Avenue and Frank, approximately 1,000 ft., at the east end. Mr. Maclin stated that the City does not have a need for this property situated at the east end. Mr. Maclin stated that staff is recommending that the property be sold at $3 per foot based on the appraisal by Jake Lyons some months ago.

Mr. Flournoy stated that the old Lufkin Avenue actually goes across this property and Council will have to close the street. Mr. Flournoy stated that the building next to this property sits partially on the property the City owns. Mr. Flournoy stated that the person requesting to purchase this property is Oma Lea Williams.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that sale of property located at the intersection of Frank and Lufkin Avenue be approved as presented. A unanimous affirmative vote was recorded.

21. **COMMENTS**

Councilmember Gorden stated that the Finance Committee met at noon today with the City's financial advisor. Mr. Gorden stated that Mr. Long had reviewed the City's policy and pointed out some recent law changes that needed some housekeeping. Mr. Gorden stated that the Committee is recommending to Administration that the Financial Policy be placed on the next Agenda for Council review and consideration.

Councilmember Bowman reminded Councilmembers of the Donohoe reception at Crown Colony at 6 p.m. tonight.

City Manager Maclin stated that the DETDA meeting is tomorrow morning at 10:00 a.m. at the Civic Center with guest speaker Jeff Moseley, Director of the Texas Department of Economic Development.

City Manager Maclin stated that Thursday morning at 11:00 a.m. at the Chamber of Commerce there will be a commuter air study and a consultant from TxDOT will be present, and Councilmembers are invited to attend.

City Manager Maclin stated that next Tuesday, October 26th, at 7:00 p.m. is the annual City Employee Awards and Recognition Banquet at the Civic Center.

Mayor Bronaugh stated that on Thursday, November 11, the City Councilmembers have been volunteered to serve as waiters/waitresses for a dinner sponsored by the Stubblefield Learning Center at the Lufkin Civic Center.

22. There being no further business for consideration, meeting adjourned at 6:10 p. m.

Louis A. Bronaugh

Louis A. Bronaugh
Mayor

ATTEST:

Atha Stokes Martin

Atha Stokes Martin
City Secretary