

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
2ND DAY OF APRIL, 1996 AT 5:00 P.M.**

On the 2nd day of April, 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:

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| Louis A. Bronaugh | Mayor |
| Don Boyd | Mayor pro tem |
| Percy Simond | Councilmember, Ward No. 1 |
| 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 | Director of Planning |
| Bob Flournoy | City Attorney |
| Atha Stokes | City Secretary |

being present, and

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| Betty Jones | Councilmember, Ward No. 3 |
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Dr. Nolan Duck, Minister, First Baptist Church.
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 March 19, 1996 be approved as presented. A unanimous affirmative vote was recorded.

4. **PROCLAMATION - FAIR HOUSING MONTH**

Mayor Bronaugh stated that included in this packet is a Proclamation declaring April as Fair Housing Month.

City Manager Maclin stated that the Proclamation is a part of the annual procedure that the City has adopted for the past four years recognizing April as Fair Housing Month and having this as part of the City's participation in the Texas Community Block Grant Program.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that Proclamation be approved as presented. A unanimous affirmative vote was recorded.

5. **PUBLIC HEARING - ANNEXATION - SABINE INVESTMENT COMPANY - CROWN COLONY COUNTRY CLUB - CHAMPION DRIVE**

Mayor Bronaugh opened Public Hearing to consider the request of Sabine Investment Company and Crown Colony Country Club to initiate annexation proceedings on approximately 117.677 acres of land south of, and between the two current termination points, of Champion Drive.

There was no one present for or against the annexation.

Mayor Bronaugh closed Public hearing.

6. ORDINANCE - APPROVED - FIRST READING - STREET CLOSURE - MAXWELL STREET - VIRGINIA AND DON LYMBERY

Mayor Bronaugh stated that the next item for consideration was request of Virginia and Don Lymbery for approval of the street closure of approximately 254.3 feet at the end of Maxwell Street.

Virginia Lymbery stated that this has never been a street, but only an easement, and she and her husband would like to purchase it as part of their property.

City Manager Maclin stated that included in the Council packet is a memo of explanation from the Planning Department stating that the street right-of-way is only fifteen feet wide in this area and in its current state does not meet City street standards. City Manager Maclin stated that the City will retain a utility easement where a 6" sewer line and a 2" water line are located along Maxwell Street.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that request of Virginia and Don Lymbery for approval of the street closure of approximately 254.3 feet at the end of Maxwell Street be approved as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL SMALL TO LOCAL BUSINESS - HIGHLAND AVENUE - PINE STREET - WILLIE SWINDLE

Mayor Bronaugh stated that the next item for consideration was request of Willie Swindle to change the zoning from "RS" Residential Small to "LB" Local Business on approximately a .48 acre tract of land located at the southeast corner of Highland Avenue and Pine Street.

City Manager Maclin stated that included in the Council packet is an explanation by the Planning Department along with a recommendation from the Planning & Zoning Commission. City Manager Maclin stated that the recommendation from the Planning & Zoning Commission is for a unanimous approval along with a recommendation from the Planning Commission that the Comprehensive Plan be amended to include the following area for Commercial Use: Starting at the corner of Kurth Drive and Lakeview Drive and extending south along Lakeview to North Avenue, then west along North Avenue to Pine Street, then north along Pine Street to the point at the intersection with the existing commercial designation of the Comprehensive Plan.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that request of Willie Swindle to change the zoning from "RS" Residential Small to "LB" Local Business on approximately a .48 acre tract of land located at the southeast corner of Highland Avenue and Pine Street be approved as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY TO LOCAL BUSINESS - TULANE DRIVE - GRADY LOWERY

Mayor Bronaugh stated that the next item for consideration was a request by Grady Lowery to change the zoning from "RL" Residential Large Single Family to "LB" Local Business, on approximately a 9.445 acre tract of land located on Tulane Drive, northwest of the intersection of Tulane Drive and Card Drive.

City Manager Maclin stated that included in the Council packet is an explanation

from the Planning Department regarding this request and a unanimous vote of recommendation from the Planning and Zoning Commission that this request be approved.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that request of Grady Lowery to change the zoning from "RL" Residential Large Single Family to "LB" Local Business, on approximately a 9.445 acre tract of land located on Tulane Drive, northwest of the intersection of Tulane Drive and Card Drive be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - LIGHT MANUFACTURING TO SINGLE MIXED USE - SPENCE STREET - JOSEPH WHITE

Mayor Bronaugh stated that the next item for consideration was request of Joseph White to change the zoning from "LM" Light Manufacturing to "SF/MX" Single Mixed Use, on approximately a 3 acre tract of land located at 2108 Spence Street.

City Manager Maclin stated that included in the Council packet is an explanation that goes through some of the considerations relating to this request. City Manager Maclin stated that the current area is zoned Light Manufacturing, but the recommendation by the Planning & Zoning Department by unanimous vote is to recommend the zone change as submitted.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that request of Joseph White to change the zoning from "LM" Light Manufacturing to "SF/MX" Single Mixed Use, on approximately a 3 acre tract of land located at 2108 Spence Street be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. RESOLUTION - APPROVED - COMMUNITY DEVELOPMENT COORDINATOR - ASSISTANT CITY MANAGER/PUBLIC WORKS - TEXAS COMMUNITY DEVELOPMENT PROGRAM - WEBBER STREET PROJECT

Mayor Bronaugh stated that the next item for consideration was a Resolution designating the Assistant City Manager/Public Works as the Community Development Coordinator for the City of Lufkins' Texas Community Development Program (Webber Street Project).

City Manager Maclin stated that included in the Council packet is a Resolution which specifically applies to the Texas Capital Fund Grant on Webber Street. City Manager Maclin stated that grant rules require that someone be designated to handle citizen complaints and serve as the Coordinator with the consultant as well as the State agency. City Manager Maclin stated staff is requesting that Ron Wesch be designated as that individual since his Department will primarily be responsible for the street and utility improvements to be made on Webber Street.

Motion was made by Councilmember Percy Simond and seconded by Councilmember Bob Bowman that Resolution designating Assistant City Manager/Public Works Ron Wesch as the Community Development Coordinator for the City of Lufkins' Texas Community Development Program (Webber Street Project) be approved as presented. A unanimous affirmative vote was recorded.

11. RESOLUTION - APPROVED - 1996 TEXAS COMMUNITY DEVELOPMENT PROGRAM APPLICATION - WATER LINE REPLACEMENT - CEDAR GROVE

Mayor Bronaugh stated that the next item for consideration was a Resolution authorizing submission of a 1996 Texas Community Development Program application for waterline replacement for service to Cedar Grove.

City Manager Maclin stated that included in the Council packet is the Resolution

relating to this project summary with the activities basically being replacement of an 8" water line, installation of 7,800 linear feet of 8" C-900 PVC water main, 4,200 linear feet of 6" inch line along with valves, air release assembly, fire hydrants, etc. City Manager Maclin stated that also included are budget estimates for the project from the engineer, and a map showing the proposed location. City Manager Maclin stated that it is hoped that this will be the City's second successful attempt in receiving a TCDB block grant. City Manager Maclin stated that this line is in excess of 30 years old and needs to be replaced. City Manager Maclin stated that without the grant funds the City will have to fund this project solely from the Utility Fund. City Manager Maclin stated that staff is working with Raymond Vann in preparation of the grant application. City Manager Maclin stated that the matching grant required by the City would be \$58,000 and would be budgeted in next year's Utility Fund budget and part of the 1996-'97 approval process.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that Resolution authorizing submission of a 1996 Texas Community Development Program application for waterline replacement for service to Cedar Grove be approved as presented. A unanimous affirmative vote was recorded.

12. RESOLUTION - APPROVED - ISTE A APPLICATION - DOWNTOWN IMPROVEMENTS

Mayor Bronaugh stated that the next item for consideration was a Resolution in support of an ISTE A application for downtown improvements.

City Manager Maclin stated that the Council has seen this application on two previous occasions, and modifications made to this application include 1) that the improvements be limited to the First Street area as opposed to side streets, and 2) landscaping, brick pavers on the sidewalks, installation of period lighting, some transit stop locations and a few other things that will enhance the point total for this application. City Manager Maclin stated that ultimately the ISTE A grant will be awarded through the Texas Department of Transportation, which will take place at the end of summer, maybe as late as October. City Manager Maclin stated that this grant is an 80/20 match and staff is seeking approval from Council for the Resolution. City Manager Maclin stated that the grant award could be just under \$4 million, with the City's portion of match being approximately \$740,000. City Manager Maclin stated that staff is of the opinion that a portion of that \$740,000 could be accomplished with City force accounts. City Manager Maclin stated that there is the possibility of some discretionary funds from the District Engineers Office that can be used towards the expense of storm sewer installation. City Manager Maclin stated that staff will be applying to other foundations and private and public sector sources. City Manager Maclin stated that in the end staff estimates that the \$740,000 will be less than \$400,000 of actual cash that will be needed by the City. City Manager Maclin stated that he wanted to assure Council that the City can change the scope of the project predicated on what Council thinks the City can afford. City Manager Maclin stated that in the past the project has primarily been from Frank Street down to Burke Street; this particular application will provide the detailed improvements as shown on the graph from Laurel Street on the north end all the way down to Denman Avenue on the south end. City Manager Maclin stated that this would be a tremendous enhancement to the downtown area. City Manager Maclin stated that the downtown area has made tremendous strides of progress in recent years with occupancy rate from the mid-40's to the low-90's at this point and continues to progress.

In response to question by Councilmember Simond, City Manager Maclin stated that the City's match would be \$740,000, but that this is not a firm commitment on the part of Council. City Manager Maclin stated that there will be multiple opportunities to seek funding from other sources, and that Council can always come back and narrow the scope of the project by decreasing the length thereby decreasing the amount of the City's match.

Councilmember Simond stated that, in his opinion, the City could not justify spending \$800,000 for this kind of project, when there are so many other pressing projects. Councilmember Simond stated that he would be hard pressed to vote to take \$800,000 to build up downtown. City Manager Maclin stated that he wanted to clarify that the Council is not committing \$800,000 today, but will have the opportunity to come back and reduce that \$740,000, and will still have the final say as to what the City's match is. City Manager Maclin stated that the final commitment cannot come until after the City is awarded the grant, if the City is awarded the grant, and then Council will have another opportunity at that time predicated on all the other factors that were mentioned for additional funds, to have a real dollar to determine if it is in the City's best interest to spend \$740,000 or \$400,000.

City Manager Maclin stated that the City will be receiving 80 cents for every 20 cents that is spent.

Councilmember Bowman stated that he would like to see staff approach some of the downtown businesses to be a part of this. Mayor Bronaugh stated that the downtown businesses have already been doing most of this on their own for the past five years. City Manager Maclin stated that there has been discussion in the Main Street meetings about purchasing a brick with a citizens name on it as a tool for fundraising.

Dawn Glover, Main Street Director, asked that the following people who were in attendance be recognized: Jerry Adams of Surety Bank, Lee and Martha Schwartz of Lee's Jewelers, Jerry Moore of Moore Bros., Charles Stone of the Central Appraisal District, and Perry and Donna Evans who own two downtown businesses.

Councilmember Simond stated that he could support this effort if it were scaled down.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Don Boyd that Resolution in support of an ISTEPA application for downtown improvements be approved as presented. A unanimous affirmative vote was recorded.

13. AUTHORIZATION - APPROVED - ADDITIONAL REPAIRS - WATER WELL #11

Mayor Bronaugh stated that the next item for consideration was authorization for additional repairs to Water Well #11.

City Manager Maclin stated that included in the Council packet is a letter from the Asst. City Manager of Public Works delineating the change of events relating to this need. City Manager Maclin stated that also included was a letter regarding the bid opening, a letter from the engineer, Mike Walker of Goodwin-Lasiter showing a breakout of the cost for complete rehabilitation of the water well as bid by Alsay, Inc.

City Manager Maclin stated that staff recommendation is to award the contract expenditure of \$84,260 to Alsay, Inc. for repairs and rehabilitation of Water Well #11. There is \$85,000 allocated in the Utility Fund budget for this project.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that authorization be granted for additional repairs to Water Well #11, and awarding the bid of Alsay, Inc. in the amount of \$84,260. A unanimous affirmative vote was recorded.

In response to question by Councilmember Gorden, Mr. Walker stated that this is a 90-day contract.

14. AUTHORIZATION - APPROVED - PURCHASE - CAB AND CHASSIS - WATER AND SEWER UTILITIES DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was authorization to purchase a new cab and chassis for the Water and Sewer Utilities Department.

City Manager Maclin stated that included in the Council packet is a letter from Mr. Wesch, a copy of the accident report, a value from the Purchasing Department, a repair estimate and photographs of the vehicle.

Ron Wesch, Asst. City Manager/Public Works, stated that on February 15 one of the Water and Sewer units was involved in a major accident at the corner of Kurth Drive and Martin Luther King. Mr. Wesch stated that the results of the accident was a total of \$5,500 in damages to the unit. Mr. Wesch stated that according to the NADA book, a unit with 102,000 thousand miles on it has an approximate value of \$7,825. Mr. Wesch stated that the Police report does not indicate fault on either party, although there is a witness that says that the City vehicle had a green light. Mr. Wesch stated that Mr. Cochran is pursuing the other parties insurance company in an effort to get the City's \$5,500 reimbursed. Mr. Wesch stated that, in his opinion, it would be in the City's best interest to simply replace the unit. Mr. Wesch stated that he is requesting that Council authorize the purchase of a new unit at approximately \$21,000. Mr. Wesch stated that the utility bed will be removed from the wrecked unit and placed on the new unit.

In response to question by Mayor Bronaugh, Mr. Wesch stated that the funds will be taken from the Insurance Loss Fund or from the Water and Sewer Contingency Fund.

In response to question by Councilmember Gorden, Mr. Wesch stated that this vehicle would have been replaced in next years budget.

In response to question by Councilmember Gorden, City Manager Maclin stated that interest earnings have been added to the Insurance Loss Fund. City Manager Maclin stated that the audit reflects that the interest earnings have made it possible for the Insurance Loss Fund to break even.

Councilmember Gorden stated that he was opposed to using Insurance Loss Funds for replacement of this vehicle. City Manager Maclin stated that in last years budget workshop multiple amounts were suggested for placing in the Insurance Loss Fund but that they did not rank high enough on the priority ranking sheets. Councilmember Gorden stated that this should not be competing with other projects for priority ranking. City Manager Maclin stated that this is a Council decision.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that authorization be granted to purchase a new cab and chassis for the Water and Sewer Utilities Department, and that the funds be taken from the Water and Sewer Contingency Fund. A unanimous affirmative vote was recorded.

15a. BID - APPROVED - CAB AND CHASSIS - JET MACHINE - WATER AND SEWER UTILITIES DEPARTMENT - LONE STAR TRUCK CENTER

Mayor Bronaugh stated that the next item for consideration was bids for a cab and chassis for the jet machine to be used in the Water and Sewer Utilities Department.

City Manager Maclin stated that staff is recommending the best bid from Lone Star Truck Center in the amount of \$36,331. City Manager Maclin stated that the actual lowest bid is from Pegues Hurst Motor Company in Longview, approximately \$1,300 lower.

David Cochran, Purchasing Director, stated that the cab and chassis purchased from Pegues would have to be serviced out of Longview or Beaumont, and the truck from Lone Star is a GMC and could be serviced locally. Mr. Cochran stated that there are two asterisks on the bid sheet for Lone Star indicating a reduction of \$200 for early payment, and the addition of \$575 for an extended service contract for a 5-year warranty.

Councilmember Simond stated that he felt very strongly about buying locally.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that the low bid of Lone Star Truck Center in the amount of \$36,331.00 for a cab and chassis for the jet machine to be used in the Water and Sewer Utilities Department be approved as submitted. A unanimous affirmative vote was recorded.

15b. BID - APPROVED - DUMP TRUCK - WATER AND SEWER UTILITIES - LONE STAR TRUCK CENTER

Mayor Bronaugh stated that the next item for consideration was bids for a dump truck to be used in the Water and Sewer Utilities Department.

City Manager Maclin stated that staff recommendation is to award the low bid of Lone Star Truck Center in the amount of \$68,783.80.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that bid of Lone Star Truck Center in the amount of \$68,783.80 be approved as submitted. A unanimous affirmative vote was recorded.

15c. BID - APPROVED - UTILITY RELOCATION - PAUL AVENUE - CRAWFORD CONSTRUCTION COMPANY

Mayor Bronaugh stated that the next item for consideration was bids for utility relocation on Paul Avenue.

City Manager Maclin stated that this is another one of the four street in the bond election, and staff recommendation is to award the low bid of Crawford Construction Company in the amount of \$302,484. City Manager Maclin stated that there were five bidders for this project.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that bid of Crawford Construction Company in the amount of \$302,484 for relocation of utility lines on Paul Avenue be approved as submitted. A unanimous affirmative vote was recorded.

16. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:59 p. m. to enter into Executive Session. Regular Session reconvened at 6:47 p. m. and Mayor Bronaugh announced that attorney/clients matters and real estate had been discussed.

17. COMMENTS

Councilmember Boyd stated that he had placed a copy of the report from the Public Safety Committee meeting he had recently attended in Austin at each Councilmember's place.

City Manager Maclin stated that a copy of the Lufkin Letter will be mailed out tomorrow.

City Manager Maclin reminded Councilmembers of the Employees Award Banquet

which will be held on Thursday, April 18th at the Civic Center.

18. There being no further business for consideration, meeting adjourned at 6:48 p.m.



Louis A. Bronaugh - Mayor

ATTEST:



Atha Stokes - City Secretary